

INTRODUCTION

The history of the Provincial Court from its establishment soon after the founding of the Province down to its abolishing in 1805 has been told so often, in introductions to former volumes of the *Archives of Maryland* and in the books of Bozman, Thomas, Steiner, Newbold and Judge Carroll T. Bond, that no good purpose would be served by repeating it here. The jurisdiction of the Court continued to be what it had been. All felonies punishable by loss of life or of limb, and all civil cases involving 3000 pounds of tobacco or more must originate there, and smaller cases could originate there if the judges wanted to consider them. Daniel Jenifer, innholder, lawyer and one-time clerk of the Court, claimed Lodowick Martin owed him 308 pounds of tobacco, and the Provincial Court heard and decided his case. With tobacco at a penny a pound, we have the Court interesting itself in something worth not much more than a pound sterling (*post*, pp. 364-365). Cases originating in the county courts could be and were appealed to the Provincial Court, even when the sum of the debt involved was much less than the stipulated 3000 pounds of tobacco.

In the years from 1671/2 to 1675, as in earlier times, the justices of the Provincial Court were the same men who were members of the Governor's Council, of the Upper House of Assembly, of the Court of Chancery and of the Orphans Court, though it is sometimes not clear in which capacity they were acting. Beside their multiplicity of joint duties, the justices held other offices individually and personally. Almost every justice had some independent office, usually an exceedingly well-paid one, and all of them were, in addition, large landholders. Governor Charles Calvert was the son of the Proprietary, and he came in the fulness of time, to be the third Lord Baltimore and the second Proprietary. Philip Calvert, uncle of the Governor, was Chancellor and Commissary General. Sir William Talbot was secretary of the Province and chief judge for the probate of wills, until June 1673, when his commission was revoked by the Proprietary and his place was taken by William Calvert (*post*, 118, 234). Baker Brooke was surveyor general. New members were presumably always sworn in, either as Council members or as justices of the Court, but the swearing-in is not always recorded. Edward Fitzherbert was sworn in on January 19, 1670/1 (*Archives*, V, p. 82), but for Jesse Wharton, who appears in court for the first time on December 10, 1672, there is no record of a commission or of an oath-taking. Baker Brooke, the surveyor general, had been a member since 1658, longer than anyone else. Samuel Chew and William Calvert joined the Court on December 14, 1669 (*Archives*, LVII, p. 481). Henry Coursey, who had been a member from 1660 to 1670, and who became one again in 1676, was not on the court for the period to which this volume relates.

The Court sat generally every three months except in midsummer: there were no sessions from April or May until October or November. All the sessions at this time were held at St. Mary's City. From February 1670/1 to April 1673 the business of the court was exclusively criminal, and the record