

## INTRODUCTION

In the short period covered by this volume LXVII, from June 19, 1677, to June 18, 1678 (*post*, p. 431), or possibly to August 30, 1678, no changes were made in the jurisdiction of the Provincial Court. Important cases had to originate there, whether they were civil or criminal. If the criminal case concerned life or limb, or if the civil case involved as much as three thousand pounds of tobacco, it must arise in the Provincial Court. Small cases were supposed to originate in the county court but the higher court often heard and decided very small cases, even when no important principle of law was concerned. Although the Provincial Court had been separated from the Court of Chancery in 1669 (*Archives of Maryland* LI, pp. xxxviii, 1), the same judges served in both, and the Provincial Court did not hesitate to hear and decide chancery cases (*post*, pp. 140, 286). To be sure, most of the chancery cases heard in Provincial Court concerned land claims (*post*, p. 103, 131, 232, 236, 245, 370, 371, 451). Sometimes a case begun in the Court of Chancery appears later in the Provincial Court. *Sprigg v. Trueman* was decided in Chancery in 1677 (*Archives* LI, 488-496). Yet the amount of damages to be paid was a matter of common law, which was heard by a jury and decided in the Provincial Court some months later (*post*, p. 416).

In 1677-1678, as earlier and later, the justices of the Provincial Court were also members of the Upper House of Assembly, members of the Council, justices of the Chancery Court and of the Probate Court. Sometimes it is hard to tell which of his offices a justice was filling especially if the Court clerk, being no perfectionist, put into the proceedings here something that the justice was doing, say, as a member of the Council (*post*, pp. 152, 248). All of the justices were holders of thousands of acres of land, and many of them had well-paid offices not connected with the Court. Thomas Notley, who became governor and chief justice in 1676 (*Archives* XV, pp. 105-118) continued to serve until his death in April 1679. He was succeeded by Charles, third Lord Baltimore, who was in the Province. Philip Calvert, uncle of the Proprietary, continued in his offices of chancellor and commissary general until he too died, in 1682. William Calvert, cousin of the Proprietary, continued to be principal secretary until his death from drowning in May 1682. Baker Brooke, surveyor general of the Province, died in office in March 1678/9. Benjamin Rozer, who had been appointed to the Court only on April 18, 1677 (*Archives* LXVI, p. 424), was no longer sheriff of Charles County or agent and receiver-general of the Proprietary, but he was faithful in his attendance upon the Court, and also busy as an attorney practicing before it. Colonel Thomas Tailor, of Dorchester County, who had been a justice of the Court at the same time that he was sheriff of his county, and who, perhaps because he was sheriff of an Eastern Shore county, had been lax in his attendance upon the Court, now began to come a little more often, though he continued to be sheriff until March