

INTRODUCTION

The last six volumes of the *Archives of Maryland*, from volume LXV to the present volume LXX, have all been devoted to the records of the Provincial Court. For that reason, much that was said in those past introductions need not be repeated here, and the eager reader is urged to go back to them. The Court was the highest common-law court in the Province: it was composed of judges or justices appointed by the Proprietary to serve at his pleasure. The judges were also members of the Council, of the Court of Chancery and also of the Orphans' Court. In addition to their service on the Court, most of the judges held other offices in the Provincial government, and these offices were well paid in fees. Still more, many of the judges were relatives of the Proprietary, and held thousands of acres of land. Sometimes the Proprietary, who was in the Province now, read into the proceedings of one body business that related more to the work of one of the others.

"The first and last day of this Provinciaall Court his L^{dsp} hath appointed to sitt in Councill at the City of St Maries to heare and receive all addresses to him made concerning Lands, whereof all persons concerned are to take cognizance soe as to be there personally present themselves or have their Attorney there ready to state their Case . . . the 27th Day of ffebruary . . . Annoq Dmi. 1681[2]" (*Archives* XVII, 74).

In this period twelve different men served on the court, though in no case were more than four or five of them present at any one time. It took four men to constitute a court, of whom at least one must be of the quorum. Of course it is possible that an absent justice was away on public business; sometimes it is certain that this is the case. Sometimes, too, an Eastern Shore man on the court could not get across the Bay. Several new justices were sworn in now. William Burges of Anne Arundel County was sworn in October 12, 1682, and John Darnall of Anne Arundel County and Nicholas Sewall of St. Mary's County both were inducted June 26, 1683 (*post*, 289, 295). Thomas Truman, who had been a justice earlier, was chosen for a second time on March 28, 1683 (*post*, 371). In his earlier service Truman had shown an uncommon sense of judicial propriety. When the case of Jubar's Administrator *v* Gant came up in court, "Thomas Truman Esqr one of the justices of this Court being an evidence in this cause refused to sitt as a judge who was afterwards admitted by the Court whereupon it is considered by the Court here that a new Venire issue to the Sheriff returnable next Court." (*Archives* LXV, 634). Because he had had to testify, he would have no part in the judging.

The Court continues to sit every three months except in midsummer, and except on Sunday and Monday (*Archives* III, 546). The time a session began was always rather clear: the formula for the opening varied not at all. The adjournment was more casual: Sometimes there was no talk of adjournment, and the closing of a case would be followed, not by the ending of the