

after Queen Mary had died. In 1707, the royal governor, John Seymour, reported that "Wee heare not from England in Seaven eight or nine Months during this Warr."¹ It was the time when Sir John Holt was lord chief justice of the king's bench, and probably when Comyns was writing his digest in law French.

4. THE COURTS OF JUSTICE AND THEIR RECORDS

The tendency to view the colonial history of a state in the light of all that has followed, and to see in it an aspect of the completed development, is in great degree checked in an examination of early legal records, for in those the colony exhibits itself rather as the offspring and image of the parent; or so it is in the early Maryland records, at least. Here is to be seen English local government working in a new environment, adapting itself in some respects, varying for no clear reason in others, but still essentially English. Some of the powers and functions which in England had passed to the central government, but which under the charter, or of necessity, had to be exercised in the new country at the site, were exercised through local institutions or reproductions of central institutions; but, in the main, the government of provincial Maryland in its earlier and simpler years was that of an English shire.

St. Mary's was as early as 1638 denominated a county, and as the settlement spread, and other local organizations were required, additional counties were erected. The counties, in turn, were divided into hundreds, and manors were established during the seventeenth century. About sixty manors existed in 1676, some of them of an area of about 2,000 acres, some of them of more than 10,000. After 1676 few more were granted.² The parish did not become a unit of civil government for there was no established church until 1692, and there was then no need for another institution in county government.

Courts came into being in all these earlier local divisions, and, withdrawn as the settlers were from the field of the central courts of common law at home and the influences that had been effecting the gradual supersession of local institutions by the centralized judicial system, the familiar local forms naturally acquired fresh vigor and serviceableness and were in some instances adapted to new uses. Hundred courts and manorial courts existed in the early years of the settlement; ³ charters for the two towns of St. Mary's and Annapolis provided mayors' courts and recorders' courts, and courts of hustings and piepowder; ⁴ special courts of oyer and terminer were organized from time to time; and county courts arose to take over sooner or later

¹ *Archives*, XXV, 264.

² Kilty, *op. cit.*, pp. 91 *et seq.*

³ *Archives*, III, 70, 89.

⁴ *Ibid.*, LI, [in press]; Elihu S. Riley, *The Ancient City* (Annapolis, 1887), p. 87; *Archives*, XXVII, 358.