

offenses were handled at the Provincial Court level. The various acts of Assembly leave ambiguous the appellate jurisdiction of the Provincial Court in criminal matters; it was not referred to in the several commissions. Several acts of Assembly providing for jurisdiction over certain informations or actions on penal statutes in the county courts specifically provided that the offender was not to have any appeal or writ of error but that the judgment of the county court was to be definitive.¹⁰ Perhaps, in acts lacking such prohibition, it was assumed that the Provincial Court would exercise appellate jurisdiction.

Both the Provincial Court and the county courts as a matter of common practice heard and determined complaints of masters and servants by way of petition. This practice was legislatively sanctioned by a March 1697/8 act which authorized appeals or writs of error in such cases from the county court to the Provincial Court and from the latter to the Governor and Council.¹¹

At the third level of the judicial hierarchy were the county courts. At the time Prince Georges County was established county courts already existed in St. Marys, Kent, Anne Arundel, Calvert, Charles, Baltimore, Talbot, Somerset, Dorchester and Cecil Counties. These courts had no jurisdiction in real actions; their jurisdiction, concurrent and exclusive, in personal actions, has been noted in connection with the Provincial Court. In addition, the county courts were deprived of jurisdiction in small debt cases wherein the demand (later changed to "real debt or damages") did not exceed 200 pounds of tobacco or 12 shillings sterling (later raised to 16s., 8d. sterling); sole jurisdiction over such actions was vested in single justices of the peace.¹² As noted above, most of the jurisdiction of the county courts in criminal matters was concurrent with that of the Provincial Court. However, in some areas of law enforcement, noted below, the county courts were granted exclusive jurisdiction by statute.

Several acts of Assembly refer to the county courts and "other inferior courts" or "other inferior Courts of Record in the Province." What courts were intended by such reference is obscure. Reference may have been intended to the Mayor's Court authorized by charter at St. Marys or the commissioners at Annapolis.¹³ Manor courts and hundred courts would have been courts of record to the extent they exercised leet jurisdiction but such courts were long extinct in the province. Reference may also have been intended to the various special courts established from time to time. In December 1696, a special court, comparable to a county court, was commissioned to sit in Charles County to try certain causes involving matter of trade before the tobacco fleet sailed for England.¹⁴ In May 1699 a similar special court was authorized in Somerset upon the petition of the factor of Sir John Rogers of Plymouth, "a considerable trader in this Province."¹⁵ A special

10. See 38 *MA* 114; 22 *id.* 503.

11. 38 *id.* 117.

12. 38 *id.* 25, 93, 100; 22 *id.* 500. *Cf.* the 1692 proposal that all actions under 400 pounds of tobacco be heard before one or two justices in each county (13 *id.* 356) and the 1694 proposal that "noe action be brought in any County Court within this province not Exceeding the summe of 400 pounds of Tobacco and that all Under the said Summe may be decided by any private Justice of peace, or otherwise as it shall be thought Necessary" (19 *id.* 37).

13. 38 *id.* 44.

14. 20 *id.* 583. *Cf.* the report of the law officers on the petition requesting the commission that it "stands very well with the Rules of Law." 20 *id.* 550-51. For complaint against the governor made to the Privy Council concerning this commission see 23 *id.* 376. For an earlier special commission comparable in nature see 20 *id.* 222-23; however, the court so authorized did not sit. 20 *id.* 231, 234.

15. 25 *id.* 74.