

Book Review

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Book Review

Court Records of Prince George's County, Maryland, 1696-1699.

Edited by Joseph W. Smith and Philip A. Crowl. Pp. 617.

Messers Smith and Crowl have edited a book which should be of interest to historians studying colonial history and to certain families in Prince George's County. An extensive introduction of 116 pages contains not only the views of two experts in the field of interpreting matters of this type, but much historical matter of a general nature. The authors devote considerable space to a discussion of the tobacco market, its fluctuations and its effect upon the commercial community. The authors also discuss the relationship between the Governor and Council, and the Provincial Court and the several County Courts. It is interesting to note that the initial session of the Prince George's County Court was held in St. Paul's Church at Charlestown. The County seat was a few years later removed to the town of Upper Marlboro; the Court House was there established not far from the present Court House, where it was maintained for many years. The judges of the court were paid at the rate of 80 pounds of tobacco per day for "expenses" while attending court. The court began at eight o'clock in the morning and presumably continued until the day's assignment was concluded. On many occasions there was a midday recess, with the court continuing its session into the afternoon.

The authors also discuss the duties of the justices, clerk of court, clerk of indictments, crier, sheriff, coroner and constables. Their comment is interesting with respect to the lack of law enforcement, and they seem to feel that attempts to raise the moral standard of the colony were something less than adequate. Corporal punishment ranged from 20 lashes to 40 lashes upon a woman convicted in a bastardy case, and it may be noted that 30 lashes for a third offender demonstrates that in this class of cases, corporal punishment was about as ineffectual as modern methods to deal with the same problems. Many cases involving contempt of court usually had to do with drunken conduct. Whipping was confined to the servant class. Also the defendant in a criminal case, even if completely acquitted, was required to pay costs chargeable against him, which might well have been substantial. The sheriff was directed by the court to erect a cage, pillory, whipping post and stocks, and the use of these implements of physical punishment was frequently provided for in sentences.

The main part of the book is a transcript of the original docket entries of the proceedings of the County Court of Prince George's

County for the years 1696–1699. This court consisted of eight Justices of the Peace, sometimes referred to as Commissioners, any four of whom would constitute a quorum provided that one of them be one of the four persons who were especially designated for that purpose. The entries carefully disclose the names of the judges who “sat”.

The volume is a faithful documentation of the proceedings of the court. The nature of the plaintiff's claim in a civil action is usually set out in great detail. The archaic spelling is preserved in the transcript, and there are many obsolete words; however, the sense of the document can usually be readily determined.

Except for the Governor and his Council and the jurisdiction exercised by the Provincial Court which met in Annapolis, the County Courts in Maryland exercised the powers and functions of local government. Accordingly, in addition to ordinary civil and criminal litigation, the Prince George's County Court also dealt with the relationship between master and servant, administrative laws concerning taxation, maintenance of roads and other public services, and was also responsible for probate matters and the affairs of orphans. It also had the responsibility for charity cases and, on petition, would allow an annual stipend of, say, 500 pounds of tobacco. This tobacco was not intended for consumption but as a grant to permit the recipient to purchase the necessities of life with this form of legal tender.

The docket entries are replete with instances in which the litigants were represented by members of the Bar, and in several entries the court ordered that certain persons be admitted to practice at the Bar of the Court. There is nothing to indicate the preparation or qualifications necessary to justify the admission of an applicant to the Bar.

Litigation was quite expensive when the case was fully tried. In one instance the losing defendant was charged with costs of 720 lbs. of tobacco, and it is apparent that there was no conversion table for converting pounds sterling into pounds of tobacco. In another instance a judgment was entered for 400 pounds of tobacco and costs of 2,494 pounds of tobacco. There was an allowance of 30 pounds of tobacco for each day's attendance by each witness. On page 607 there is an innovation where, on motion of one party, an auditor was appointed to audit the accounts which were presented as claims of the respective parties, and the report of that auditor was the basis for the judgment. It is interesting to note that the auditor was appointed at the morning session and reported that afternoon.

While there is much of general historical interest to be found in the work, it is suggested that its chief interest will be to the historian pursuing Colonial history in depth, or to persons concerned with particular persons or families then resident in the County. Their pursuit of these subjects will be vastly aided by the carefully prepared and voluminous proper-name index. It is suggested that while the volume contains a wealth of information for the student of the affairs of early Prince George's County and for a person interested in early legal systems, the volume will be found tedious going by the general reader. The docket

entries of the court are very complete and posterity is indebted to the judges of the court and especially to Mr. William Cooper, who as the initial clerk apparently set the pattern for his successors, for providing such a full and lucid record of the proceedings.

Judge John B. Gray, Jr.