

became justices as their fortunes advanced. But, generally, the justices were men of no school training in the law; they had been trained in practice, with such study as they could make by themselves for the better protection of their own interests and for equipping themselves for the judicial duties to which they might be called.

It is a mistake to suppose that lack of special professional training left the lay justices lacking in all skill for judicial work, or that their proceedings were inartificial, and not judicial in nature. To begin with, there was at that time among educated men generally a familiarity with the law and its administration that is not ordinarily found among laymen now. Skill in the law had not yet been so far abandoned to professional lawyers, and just as laymen could be found who merely had skill in physic, for example, John Winthrop, Jr., in America, and Sir Francis Drake, in England, so there were non-professionals who had skill in the law. This had been true in England in the fifteenth century, when, as it has been said, "every man who had property to protect, if not every well-educated woman also, was perfectly well versed in the ordinary forms of legal processes."¹ "I advise you," wrote Agnes Paston to her son Edmund, "to think once of the day of your father's counsel to learn the law, for he said many times that whosoever should dwell at Paston should have need to know to defend himself."² In the sixteenth century, Will Darrell, the litigious hero of Hubert Hall's work, is described as a man intimately versed in the law of real property although not a lawyer. "Every man in those days," says Hall, "was up to a certain point his own lawyer; that is, he was well versed in all the technical forms and procedure."³ Among the items in the inventory of the estate of a Thomas Adams, who died in Maryland in 1641, and who was not a lawyer, there is one of a "book of presidents," using the old spelling of precedents;⁴ and in the provincial court records of 1663, Luke Barber, a layman, is found arguing a case of his own with quotations from Sheppard's *Abridgement*, then recently published.⁵

For the instruction of laymen who might act as justices, or for other reasons should have need to know the law, there was an ample supply of books explaining details of practice with some explanation of principles to be applied. Lambarde's book,⁶ the first of a succession of such works, was published in the last quarter of the sixteenth century, with the purpose, as

The names in this Register include those of Caecilius, Leonard, and Benedict Calvert, and a number of names borne by prominent planters in the province, but it has not been possible to establish identity of the students and planters.

¹ Holdsworth, *op. cit.*, II, 416, 556; cf. also J. F. Baldwin, "Litigation in English Society," *Vassar Mediæval Studies* (New Haven, 1923), pp. 151-182.

² *Paston Letters* (London, 1900), no. 46.

³ Hubert Hall, *Society in the Elizabethan Age* (London, 1887), pp. 141, 144.

⁴ *Archives*, IV, 99.

⁵ *Ibid.*, XLIX, 116. Sheppard's *Abridgement* was published in 1656.

⁶ William Lambarde, *Eirenarcha*, first published in 1581; Holdsworth, *op. cit.*, IV, 117.