

Lambarde said in his preface, of furthering somewhat "the good endeavor of such gentlemen as be not trained up in the continued study of the law." Dalton's *Country Justice*, published in 1618,¹ ran through many subsequent editions, and justices in Maryland were required by statute to have copies of it, or of other like work, along with the British statutes, in their courts.² In 1669, the chancery court, in ruling on a demurrer, quoted from the book of rules of the Chancery Court in England:

The defend^t upon serving of a Subpoena to appear and answer may putt in a plea, answer or demurrer and that the same shall stand good as if he had putt in answer according to the practice of the chancery court in England, where the Rules of that Court were as to that particular read.³

Until recently there was in the Maryland State Library one of the seventeenth century books on chancery practice, bearing the autograph of Philip Calvert, chancellor from 1661 to 1689, but it disappeared before the title was noted.

More important than the provision of books and the common knowledge of law and practice, was the training of actual experience gained by the provincial judges as the province grew older. Some of the men who sat on cases the proceedings in which are here recorded had previously dispensed justice in the courts throughout periods of twenty years; and that would seem to have been an apprenticeship the products of which could hardly have been inferior to those of the Inns of Court of the time. It was, indeed, a training similar to that of by far the larger part of the bench and bar in America before the recent widespread development of law schools; and even now, not all the equipment of a satisfactory judge, and perhaps not the greater part of it, is to be acquired from teachers or from books.

But the courts were not confined to the learning and skill of the justices. There were trained lawyers to argue cases, and it was, moreover, the practice of the justices to call upon members of the bar not engaged before the court to give their opinions on questions of difficulty, a practice illustrated by opinions given by the younger Daniel Dulany and a few others, printed in the first four reports of Maryland decisions.⁴ When the Court of Appeals was being organized under the royal government the governor and council similarly called for the opinions of all the lawyers, and there is no indication of novelty in the proceeding. The House of Lords, prototype of this Maryland court of final appeals, called upon the judges of the common law courts for guidance. "All the justices of England and Barons of the Exchequer of the Coif," said Sir Matthew Hale, "are assistants to the Lords, to inform

¹ Michael Dalton, *The Country Justice*; Holdsworth, *op. cit.*, IV, 119; *cf.* also *Mass. Col. Rec.*, II, 212.

² Acts 1678, ch. 7, *Archives*, VII, 71; 1715, ch. 41, *ibid.*, XXX, 239.

³ *Ibid.*, LI [in press]; 1 Bland, *Chancery Reports*, 18 n.

⁴ 1 Harris & McHenry, 189, 270, 352, 437, 551 *et seq.*; 2 *ibid.*, 341 *et seq.*; 4 *ibid.*, 117 *et seq.*