

August 1697 court and Josias Towgood at the October 1699 court.<sup>20</sup> The bulk of the civil litigation was handled by Cecil, Stone and Meriton.

The court, at its June 25, 1696 sitting, upon application of the attorneys ordered that they be allowed the same fees as they usually had in Calvert County Court. No schedule of Calvert County Court fees has been found; some fragmentary information appears in actions by attorneys for fees arising from litigation in Calvert County. The attorneys apparently practised under such conditions until October 1699 when the court ordered that attorneys receive fees on a sliding scale from 100 to 400 pounds of tobacco, based upon the amount of the debt and damages, and 100 pounds of tobacco in case of non-suits. Since attorneys filled "a place or office of profit", they were required by law to pay 200 pounds of tobacco annually for the use of the public.<sup>21</sup>

Only two instances occur of disciplinary action by the court with respect to attorneys practising before it. At the September 1696 court William Stone was fined two shillings for cursing in open court. At the September 1699 court Cecil and Stone were each fined 100 pounds of tobacco "for their foule pleading" but upon submission the fines were remitted.<sup>22</sup>

In one instance Governor Nicholson in August 1697 ordered James Cranford disbarred from practising as an attorney in any new causes in all the courts of the province for having dealt very disingenuously and dishonestly with the estate of John Abington, then depending in the Commissary General's office. However, the court of Prince Georges County, being of the opinion that Cranford had not appeared to be in any way "misfeasant" in his practice before it, merely noted that it would take all those methods the law provided if it thereafter appeared to the court that Cranford had done anything contrary to his duty.<sup>23</sup> Apparently this defiance did not come to the attention of Nicholson. However, in Calvert County when the justices refused to yield obedience to the order, the governor sought an opinion from the law officers as to the royal prerogative in the matter. The opinion found the justices in contempt and that the governor might dismiss or suspend any person from practising law in the province upon sufficient cause shown.<sup>24</sup>

Upon receipt of the opinion Nicholson summoned the judges and lawyers of the Provincial Court, read the report of the law officers and told them that:<sup>25</sup>

[H]e does take and hold it to be the King's Prerogative to approve what persons shall practice the Law. And that as the Law is an Honorable profession, he would accordingly endeavour to make it so in this Province, and not suffer every Ignorant Person (upon a motion) to be presently a Practitioner, who are perhaps not capable to draw a Declaration; therefore does recommend that they would take care to admitt of none to plead in that Court but what were by some Examination, found capable and approved off; and that he would see to give some such Orders to the severall County Courts to the same effect.

We have seen no such orders to the county courts. As to the Calvert County justices, they were summoned before the Governor and Council where they pleaded ignorance and acknowledged their error; the offense was thereupon remitted. On March 16, 1697/8 Cranford made a motion before the Governor and Council to

20. *Infra* 7, 64, 242, 547.

21. *Infra* 8, 615; 38 *MA* 50.

22. *Infra* 42, 560.

23. *Infra* 221-22; 23 *MA* 200. For details of Cranford's conduct see 23 *id.* 263-64.

24. 23 *id.* 223-24.

25. 23 *id.* 253-54.