

INTRODUCTION TO THE LEGAL PROCEDURE.

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Sufficient explanations of the proceedings here recorded are to be had by reference to the law and practice in England at the time. Departures and modifications in adaptation to the needs of the colonists were relatively slight, and it remains substantially correct to say that proceedings in the provincial Chancery were identical in form with proceedings of the home country. The fact will be made apparent in the present record, not only by a comparison of proceedings, but also by explicit declarations of the court. The rules of the Court of Chancery in England were kept at hand and referred to for correct practice, the Register was ordered to take fees "in this Court as the officers of this Court in England," for scandalous matter a bill was ordered taken from the files, and the attorney who filed it was mulcted in costs in accordance with the rules and practice of the High Court of Chancery in England, and a limitation upon the jurisdiction in England was cited in a controversy on jurisdiction of the court of the province.

It has sometimes been supposed that in the early years of the English settlements in America there must have been in them a reign of crude, untechnical law. It seemed reasonable to assume that the pioneers would not have trained lawyers in their midst, and would themselves have no considerable knowledge of formal justice under the law, and that therefore the highly developed jurisprudence of the home country would be reproduced among them only at a much later stage, when increased litigation would provide an attractive field for the lawyers. But the early judicial records now being published in the older states seem to contradict that supposition. Close adherence to the law and practice in English courts is a striking characteristic of the proceedings entered in most of them, and this is especially true in the present volume. Punctilious adherence will be found here. Many things will declare the truth that they change their sky but not themselves who cross the sea.

The book has always been designated as the first Chancery record of the Province, and properly so, it would seem. The judges whose sessions are reported in it did, indeed, hold sessions for both the Chancery Court and the Provincial Court jointly, a combination of functions not practiced in England but familiar in the courts of modern Maryland and in those of the United States government, but with only a few exceptions the entries included in this book were confined to proceedings and documents such as belonged to the Chancery Court or the Chancery Office in England. There were four other volumes filled with Provincial Court proceedings of the time.

Not all the entries here are of judicial proceedings. There are writs of election, or formal orders for the holding of elections of members of the legislative