

the Liberty of the Subject & have as it were a Negative in the Executive part of the Government.

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14 The Judges of the provincial Court being Eight in Number are appointed by Commission from the Governor under the Great seal to continue during pleasure, They are Gentlemen of good Estates, of as unexceptionable Characters as any in the Province, One of them is a Member of the Council who for many Years practiced in the Courts of Law, four of them have no Offices whatever under the Proprietary & two of them are Clerks of Counties or Keepers of the County Records, the Business of which Offices however is entirely transacted by their Deputies, so that there is not any great Impropriety in their sitting in a superiour Court with six other Judges, nor are they treated with the less Respect on Account of the Offices they hold in their Counties. Were there indeed handsome Sallaries settled on the Judges of this Court some of the most eminent Lawyers may probably be from time to time induced to quit their Practice & go on the Bench but as these Judges are at this time allowed Nothing for their Attendance & Trouble except about Eight Shillings sterling a Day for the Time the Courts sit or sixteen pounds a Year (payable at the pleasure of the General Assembly perhaps once in seven Years) no Gentleman that has any practice as a Lawyer will choose to qualify as a Judge nor is it without some Difficulty that other Gentlemen of Capacity are prevailed on to act; These Judges are likewise under the Tye of a similar Oath with that taken by the Justices, & as all Matters of fact in this Court also are tried by Juries chose by Ballot out of Persons that are summoned from the several Counties it is not probable that any Partiality should in this Court be shewn the Proprietary, his Lieutenant Governor or any of the Council nor can the Author of the Queries mention a single Instance of such Partiality

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15. As the Governor in most if not all the Crown Governments is Chancellor so is the Proprietary's Governor in Maryland; if he pleases he might call to his Assistance any Gentlemen of the Law who do not practice in that Court & he generally does so, & as many Decrees have been given by the present Judge of that Court & only One appealed from in the Course of more than Ten Years, it must be presumed that the Parties were satisfied his Determinations have been agreeable to Justice Equity & good Conscience.

16 In Case of Appeal from either the Provincial or Chancery Court the Appeal is made to a Court composed of the Governor & Council but if the Appeal is from the Court of Chancery in such Case the Governor does not sit as a Judge in the Court of Appeals, & if the Appeal is from the provincial Court then the Councillor who sat there as one of the Judges never makes One of the Court of Appeals; if either of the Parties concerned in the Cause are dissatisfied with the Determination of the Court of Appeals they have a dernier Resort & may carry the Matter home by Appeal or peti-

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