

Council. The organization of the jurisdiction in 1694 appears to have been a revival.

This record will be seen to include full transcriptions of proceedings in the courts from which the cases were removed for review, together with narrations of proceedings in the reviewing court; and it contains a few records of decisions of the Privy Council in England as the final tribunal at home. In addition, there are notes of admissions of attorneys to practice before this court; votes of judges are recorded in some instances; and a few remarks from the bench are preserved. The book is not, however, a law report, of the nature of those that form so large a part of the equipment of modern lawyers in English-speaking countries, and it cannot serve the purposes of a report, for often the grounds of decision are not made known. The practice of delivering explanatory opinions or judgments had not yet come into being.<sup>1</sup> Eight of the cases in this book were reported by the first reporters of Maryland decisions,<sup>2</sup> but the arguments and explanations needed for the reporting were gleaned from notebooks left by attorneys who took part in the litigation.<sup>3</sup>

### 1. THE PROVINCIAL CHARTER

It was the obvious design of the charter granted to Lord Baltimore to erect in the province another great franchise, with the large measure of autonomy vested in the county palatine of Durham before 1536, when, by act of parliament, the ancient privileges of the bishop had been abridged.<sup>4</sup> Such was the grant:

All, and singular such, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Immunities, and royal Rights, and temporal Franchises whatsoever, as well by Sea as by Land . . . to be had, exercised, used, and enjoyed, as any Bishop of Durham, within the Bishoprick or County Palatine of Durham, in our Kingdom of England, ever heretofore hath had, held, used, or enjoyed, or of Right could, or ought to have, hold, use, or enjoy.<sup>5</sup>

thereafter, described the court as "in the Council Chamber," as did the old form of writ in parliament: *in camera consilii vocata le council chamber. Placita Latine Rediviva* (1661), p. 314.

<sup>1</sup> Blackstone, *Commentaries*, I, 71; *Law Quarterly Review*, XLIII, 482; Jones *v. Roe*, 3 Durn. & East (1789), 96.

<sup>2</sup> Hicks *v. Lecompt*, or Seward, *post*, p. 449, 1 Harris & McHenry, 22; Digges' Lessee *v. Beale*, *post*, p. 583, *ibid.*, pp. 26 and 67; Gresham *v. Gassaway*, *post*, p. 384, *ibid.*, 34; His Lordship *v. Cockshutt*, *post*, p. 288, *ibid.*, p. 40; Bush *v. Robins' Lessee*, *post*, p. 410, *ibid.*, p. 50; Carroll *v. Tyler's Lessee*, *post*, p. 549, *ibid.*, p. 78; Lloyd *v. Robinson*, *post*, p. 621, *ibid.*, p. 78; Bryon *v. Smallwood*, *post*, p. 538; 4 H. & McH., 483. Thomas Harris and John McHenry published in 1809 a collection of cases in the provincial court and the court of chancery prior to 1776, and noted the results of appeals to the governor and council. Reports of additional cases of that period were appended by them to their fourth volume (1818).

<sup>3</sup> 1 Harris & McHenry, 59, 63.

<sup>4</sup> Lapsley, *op. cit.*, p. 196.

<sup>5</sup> John Leeds Bozman, *History of Maryland* (Baltimore, 1837), II, 9; T. Bacon, editor, *Laws of Maryland at Large* (Annapolis, 1765), Preface.