

Provincial Court in this respect since the county was the basic administrative unit. In governing the relations of master and servant, they again exceeded the Provincial Court in the volume and importance of their activities.

From the standpoint of procedure, the practice of the county courts, taking Prince Georges as fairly representative, admittedly did not measure up to the standards of Westminster Hall. Yet the procedure found in the *Liber*, and in other county court records for the period, in no way supports any theory of a "reign of crude, untechnical law."¹ For a court on the third level of the judicial hierarchy, the procedural law displayed in Prince Georges, in our opinion, would compare favorably with many of the local courts of England. In some areas there is little difference apparent between the procedural standards of the county courts and those of the Provincial Court. Some of the arguments appearing on motions in arrest of judgment or on demurrers in the county courts compare favorably with the reasons of appeal found in the records of the Provincial Court. Substantially the same English law books were ransacked for precedents in point.

Obviously the judges of the Provincial Court, in general, were better qualified to exercise judicial functions than the justices of the county courts, drawn from the ranks of the planter-merchant-trader classes. While the bar of these courts has been characterized as "usually inferior", we believe that in most counties there was a small core of competent counsel, handling most of the litigation, who were only a cut below the bar of the Provincial Court.² In Prince Georges, for example, Cecil, Stone, Meriton and Bladen would constitute the core. (They were all admitted to the Provincial Court bar.) These attorneys had familiarity with English law books; the uniformity of pleadings indicates the keeping of manuscript precedent books. No attempt appears to encourage handling of suits by litigants *in propria persona*.³ Obviously decorum was frequently lacking at sessions of the county courts, as evidenced by Governor Nicholson's attempts to tighten up and dignify the administration of justice, yet this should not be taken to mean that a species of "frontier jurisprudence" had thrust aside all semblance of orderly procedures derived from English practice.

As in most American colonies at the time much of both procedure and substantive law derived from the statutes of the province. Yet the lack of any collected printed laws prior to 1700 was undoubtedly a handicap to the efficient administration of justice in Maryland. As stated in the foreword to the Maryland compiled laws of 1700 (*A Complete Body of the Laws of Maryland*):

[V]ery few Gentlemen of this Province, nay not all the Justices of the Provincial and County Courts have yet had the Body of Laws by them so as to read, meditate and digest them, without which it is impossible rightly to know them, for indeed they were

1. See Bond, *Introduction to the Legal Procedure in Proceedings of the Court of Chancery of Maryland, 1669-1679*, 51 *MA* xxii.

2. As to the "inferior" characterization see *PMCA* xxvii.

3. In this connection note the following rule and order of Baltimore County Court: "Ordered that the Clerk of this Court doe not any time Presume eyther of himselfe or at the Instance or request of any person whatsoever to draw any declaration or Plea upon any Action brought or appeared to in Propria persona but that both Plaintiff and Defendant Soe Appearing By themselves doe File his or their Declaration or Plea upon which they will stand Tryall According to Rules of Court in Point of time which said Declaration or Plea shall be signed by such Plaintiff or Defendant before any File shall be thereof made And in Case the said Clerk Shall Act or doe anything Contrary to this Rule or Suffer any File to be made of any Declaration or Plea not Signed as aforesaid he shall forfeit all such Fees to him Accrewing by means of any Judgment or Non Suite that such Plaintiff or Defendant shall Obtain to the Party or Parties against whome such Judgment or Non Suit shall be given as aforesaid." *BCCP, Liber G, No. 1, 553*.