

land and copies of Dalton's "Country Justice,"²⁹ or such other useful book of like sort as the justices should think proper. And the clerks of their courts were usually young lawyers. In addition, the necessities of the situation gave the professional lawyers a participation in the administration of justice greater than was usual in England; it became a common practice for the judges, or for counsel, to refer questions to the bar or to one or more members, for their opinions. This will be considered more at length later, in reviewing the period during which the practice was more frequently resorted to.

There may have been some advantage in the necessity that the law should be expounded and more or less justified to non-professional men, but even in the seventeenth century a need of professional training on the bench was felt. For there is a skill in administering justice, even a skill in fairness; and although they were generally satisfactory, the justices sometimes seemed wanting. In 1696, Charles Carroll, the first of that name in the province, and a lawyer of evident ability, added to an opinion asked of him by the Governor and Council,³⁰

And I am further of opinion, (though it be somewhat beside the quaere) that in this country there ought to be a greater latitude allowed in assigning of errors, and the merits of the cause to be more inquired into by the judges before whom an appeal or writ of error is brought, than in England; because

29. Archives, Proc. Assembly, 1678 to 1683, 70. Act 1715, ch. 41. Dalton, *Country Justice*, first published in 1618 and republished in new editions until 1742. It was designed to assist those especially who were obliged to act without expert advice. There were several other books on the subject. 4 Holdsworth, 117 to 119.

30. Archives, Proc. Council, 1693 to 1697, 439.