

some of our judges and some of our juries (which for want of knowing and more conscientious men must of necessity be made use of) do oftentimes judge according to the affection or disaffection they have for the person plaintiff or defendant, and not according to the merit of the cause or the law that arises upon the pleadings thereof. This I should not have the confidence to aver, had I not been an eye witness and a hearer of matters which make it evident.

And the experience was not unique; Dalton said in the dedicatory epistle to his "Country Justice" that he was moved by similar experience to publish the book; and as far as a dignified guide bespeaking always a lofty conception of the judicial calling might check the human weakness thus displayed, Dalton's book must have accomplished it. But, to repeat, the men who were called to preside over the courts in provincial Maryland were able to pass judgment upon questions of law to an extent that would now hardly be thought possible for laymen. We find, for illustration, in a case in 1697, not reported, that the Governor and Council, seven in all, rendered separate opinions on a question whether a man who had been released on a supersedeas bond to the Sheriff of Talbot County could be taken in execution by the Sheriff of Anne Arundel County. Three held that the court could not take cognizance of the petition presenting the question, and the other four divided on the effect of the supersedeas and validity of the subsequent detention.

During the seventeenth century, and indeed during most of the history of the court, the councilors received no separate salary for their judicial work. They held several offices from which fees and perquisites were received. From 1671 to