

McHenry, 247, (1767), and further in 4 Harris & McHenry, 490,

On perusing the record, I am strongly of opinion that the judgment of the Provincial Court ought to be reversed, and that the practice affords no legal reason for maintaining it; but what may be the opinion of the Court of Appeals, I should be more confident in predicting, if the judges were lawyers by profession, than I am on the consideration that they are not.

And that remark is sometimes cited as fixing the character of the court generally. The judgment of the Provincial Court was reversed in the case. But the remark cannot have meant that lawyers never sat on the court; Dulany himself had sat on it before that time;<sup>29</sup> and in the long succession of members we find these lawyers, Henry Jowles, George Plater, Kenelm Cheseldyne, William Dent, Richard Lee, Robert Goldsborough, John Addison, Thomas Bordley, Stephen Bordley, Edmund Jenings, John Brice, Daniel Dulany, the elder, and Daniel Dulany, the younger, John Hammond, Charles Goldsborough, John Beale Bordley, and there were, perhaps, others. But however great may have been the lack of legal training on the court at any time, it appears that knowledge of the law was nevertheless brought to bear on its decisions as needed. It seems unlikely that people accustomed to look to the law for their rights and obligations would ever suffer a court to adjudicate their controversies without access to needed knowledge of the law if the knowledge was within reach, and the practical sense of Englishmen generally found some method to bring the law to the court. The House of Lords, prototype

29. He became a member of the Council in 1757.