

the proceedings, and these books, year books of a later time and another place, furnished the local precedents. We probably have an instance of reliance upon such notes in a published note to the case of Spalding's Lessee v. Reeder, 1 Harris & McHenry, 188. Harris and McHenry drew largely upon note books of Thomas Jenings for reports of some of the pre-Revolutionary cases.³⁷ Samuel Chase's notes were used,³⁸ Dulany, the younger, speaks of referring to the notes of his father,³⁹ and we seem to have extracts from notes of the younger Dulany in 1 Harris & McHenry, 201. The report of the case of Hawkins' Lessee v. Middleton, 2 Harris & McHenry, 119 (1785), was taken from the notes of Jeremiah Townley Chase. Harris and McHenry also had a note book kept by Chief Judge Benjamin Rumsey while on the bench.⁴⁰ The present Court of Appeals has in its custody notes of trials in the General Court and a few arguments before the Court of Appeals, beginning in 1781, apparently the earlier ones having been collected by Harris and McHenry but not used by them. The reporters' notes from the end of that century down to 1851, in the General Court until 1805 and the Court of Appeals thereafter until 1851, are continuous. They show a high degree of skill in note taking.

There was no official title for members of the Court of Appeals other than that of councillors, but they were commonly called judges while mentioned in connection with their judicial work, and

37. 1 Harris & McHenry, 217, 243, 305, 518.

38. *Ibid.*, 234, 242.

39. 2 Harris & McHenry, 365.

40. *Ibid.*, 455.