

in Maryland when nearly every other state uses that of Chief Justice for its judge in a corresponding position, may be due to this custom dating from the provincial period. The Chief Judge is perhaps wearing a title of His Lordship's Worshipful Governor and Commander-in-Chief. The title of Justice was still, up to 1806, appropriated to the judges of the county courts. But perhaps none of these titles were regarded as official, or were invariably used. In the report of the case of *Harper v. Hampton*, 1 *Harris & Johnson*, 671, before the General Court, the reporters have included a note that:

The Chief Judge observed that Mr. Done, not hearing all the arguments of counsel, did not give any opinion, but that Mr. Sprigg and himself concurred upon all the points submitted by the counsel.

And Done and Sprigg were judges sitting in the case.

It may assist to an understanding of the difficulty in securing these early judges, and explain others facts concerning them and their court, if, again, modern conceptions are put aside and some conditions now altogether past are recalled. In the eyes of contemporaries this court after the Revolution was to continue what had been merely one of the activities of the Governor and Council of pre-Revolutionary days. It seems not improbable that the sole reason for separating that activity from the Governor and Council now, was the desire to have men of legal training on the higher courts. The work of this court had never required much of the time and attention of the former councillors, and there was no reason for supposing it