

the ordinary argument of an appeal, in short, was to go carefully over all considerations and authorities pro and con with the judges in court and obtain their decision immediately.

While from the beginning of judicature some judges probably gave reasons or explanations of their conclusions, it was not usual in England prior to the nineteenth century to commit reasons to writing and file them. It was not at all usual in the King's Bench,<sup>28</sup> and almost unheard of in the House of Lords.<sup>29</sup> Coke thought it would be bad practice ever to give reasons at all:

for wise and learned men do, before they judge, labor to reach to the depth of all the reasons of the case in question, but in their judgments express not any.<sup>30</sup>

Lord Campbell refers to Nottingham as the first known to write, and says that Lord Stowell also wrote;<sup>31</sup> but they were peculiar in it. So in neither the Provincial Court nor the Court of Appeals in Maryland before the Revolution was it customary to give written opinions such as are now filed on appeal. It did become customary for the judges of the Provincial Court to write out reasons for rulings in making up bills of exceptions at law; and after the Revolution the professional judges in the General Court exhibited much expertness in these short, succinct statements. Each bill of exceptions, it must be remembered, was at that time a separate paper, stating briefly the situation of the case when a ruling was made, and the fact

28. "What an Old Reporter Told Me," 43 Law Quart. Rev. 482. Blackstone, Comm. I, 71. 3 Durn. & E., 96.

29. Twiss, Life of Lord Eldon, III, 451.

30. 3 Coke, Pref. iii.

31. Lives of the Chancellors, chap. xcii, vol. iv, 250.