

CHAPTER IV

FROM 1806 TO 1851 BENCH AND BAR

IT was the reconstructed court, some time after 1805, that came to be regarded as the most important court in the state. But this did not occur at once. For some further time the court was regarded as one held by district judges, somewhat as the United States Circuit Court of Appeals of the present time has been regarded as a court held by circuit and district judges rather than by judges of its own. The office held by a judge who sat on the Court of Appeals after 1805 was for years thought of as that of the Chief Judge of a judicial district. When Joseph Hopper Nicholson, in 1806, resigned his seat in Congress to become Chief Judge of the sixth judicial district, and so a judge of the Court of Appeals, Caesar Rodney, of Delaware, wrote him,¹ that he, Rodney, hesitated to congratulate him on becoming Chief Judge of the sixth judicial district of Maryland. The change to the view that there was the more important office of Judge of the Court of Appeals developed gradually.

More than one effort was needed in 1806 to fill the places of these chief judges. Appointments were first made in this order, thus fixing the order

1. Joseph Hopper Nicholson Papers, MSS. Library of Congress, under date April 13, 1806. By the act 1805, ch. 86, salaries were fixed specifically for the chief judges of the districts, without mention of their constituting the Court of Appeals.