

ceeding admissions were in the usual form: Richard Carville sworn in, December 14, 1669; Thomas Jones and Kenelm Cheseldyne of St. Mary's County, April 12, 1670; Matthew Ward of Talbot County, George Parker of Calvert County, and Vincent Lowe, on December 13, 1670, and on the same day Lowe was sworn in as the new Attorney-General; and John Rousby of Calvert County, December 17, 1670. We thus find that seventeen attorneys were admitted to practice in the higher courts of the Province in this five year period. Attorneys of the court, like the justices, when they were litigants, had a preferred status in their own courts, and we find writs issued in their interest styled "writs of privilege".

With the institution of a professional bar the names of casual practitioners in the higher courts disappear from the record. Beginning with the period covered by this record, Morecroft and Jenifer at first, the latter then the clerk, largely monopolized practice before the Provincial Court. During the five years covered by our record, Morecroft appears in almost every important suit, and it may be added won nearly all of those in which he figured. Jenifer's name ranks next to Morecroft's, with William Calvert, Notley, Rozer, and Carville following with about the same proportion of cases, and with the remainder trailing rather far behind. Beginning with the year 1669 when separate record books began to be kept for the same justices sitting as the Provincial Court and as the Court of Chancery, although attorneys were sworn in separately in each of the two courts, the same men are to be found practicing in both.

In the county courts where civil cases involving not more than 3000 pounds of tobacco might be heard, the qualifications for practice at this period were under less rigid control; and it was not until 1674 that there was passed an act to correct abuses of persons practicing as "Attorneys, Councillors, & Solicitors at Law in this Province". Prior to this date various individuals, usually more or less prominent planters in their several communities, represented litigants in the county courts, and are to be considered rather attorneys-in-fact than attorneys at law, although frequently, especially in the counties near St. Mary's City, attorneys practicing before the provincial courts appeared in county courts. The act of 1674, just cited, provided that only those admitted to practice by the Governor or by the courts of each county, should have the privilege of practicing in Maryland courts (*Arch. Md. II; 409*). This act was obviously not directed towards practice in the courts at St. Mary's City where the Governor and Council were in complete control, but to the distant county courts where supervision was more difficult.

Attorneys appeared in court only to represent litigants in civil suits. It was not until the next century that those brought into court on criminal charges could be represented by counsel. An example of the improved status of an attorney came up in an interesting way in the case of *Chivers vs. Gunby* at the February, 1668/9, session of the Provincial Court, when the defendant himself came into court, his attorney not being then present, and confessed judgment in a suit for debt. The plaintiff's attorney, Daniel Jenifer, however, refused to agree to this procedure, and insisted that this "bee done by an