

The regular judicial entries of the Chancery Office were of two kinds. As Dr. Pleasants has explained, the Chancellor in England and his assistants exercised the two functions of holding a court of justice and of issuing writs, or royal orders, for the institution of civil proceedings in all the higher courts. These writs were distinguished as the original writs. In the subsequent conduct of the proceedings instituted it would be necessary for the courts themselves to issue writs or orders, and these were distinguished as the judicial writs. Both will be found in numbers in the ensuing entries. But it was evidently the general plan of this book to include judicial writs for proceedings in the Chancery Court only, along with the original writs for civil proceedings in all the courts, and thus to confine it to regular Chancery entries.

Some of the writs issued out of Chancery will be found copied at length; more frequently the issuance of a writ is merely noted. All those copied at length are in English, although in the home country before 1731, except for a brief period during the Commonwealth, most of the writs, commissions, and other solemn instruments were issued in Latin. The provincial clerks seem to have made their own translations, for there is some perplexity and shifting shown. In some of the forms, notably in the writs of error for review by a higher court, an explanatory recital of the complaint made, and upon which the writ was to be issued, was followed in the Latin by the words, *ut accepimus*, as we have been informed, but as will be seen on many subsequent pages this came out of the Chancery office sometimes as "we have received," sometimes as "we have accepted," and sometimes not at all, the expression being omitted. The Latin names of the writs, usually repetitions of words of command, or other distinguishing words in them, were, however, continued in use for the English forms, even to this day for those writs which have survived. Thus the writ of *habeas corpus* was, as it still is, a command that the officer or person addressed have the body of another in court at a specified time. A writ of *scire facias*, the use of which was an incident of proceedings of many kinds, was a command that the sheriff addressed make specified facts known to a person named. A writ of subpoena, another one of many uses, but directed to private individuals, took its name from a clause threatening a penalty for disobedience of the command in that writ. All writs in Maryland at this time were issued under the name and seal of the Proprietary, and not, as in England, and as in Maryland from 1692 to 1715, in the name of the reigning sovereign.

The common law trial courts included the county courts and the higher, Provincial Court, and the original writs for proceedings in these were in two forms, for two forms of relief sought by the plaintiff. When it was demanded that the defendant perform some well-defined act, such as to restore possession of land, pay a certain liquidated debt, or render an account, the sheriff was directed to command, *praecipe*, the defendant to perform it or show cause why he should not. That form was known as a *praecipe*. When nothing so specific was demanded, but only damages to be assessed by a jury, the sheriff was directed to cause the defendant to appear in court at all events, if the plaintiff should give the sheriff security to prosecute his claim, *si te fecerit securum*, and that phrase was used as a designation of the form. Both forms are ordered and referred to in this record. While the name of the second might seem