oath formulated in the former year.[1] In 1724[2] a dispute arose over the references in the form to the laws to be administered, and caused a sharp contest during many years. The pamphlet published by Daniel Dulany, the elder, in 1728, on *The Right of the Inhabitants of Maryland to the Benefit of the English Laws,* was a contribution to the debate. A statute in 1727[3] provided a new form, but it failed to receive the assent of the proprietary, and a permanent form was not adopted until 1732,[4] after the conclusion of this record.

13. Court Procedure

It will be observed that there was no change in English procedure on writs of error, nor on appeals except for the lack of the initial writ; that of the higher courts in England was still followed with slight modifications during the full period. Progress with cases was commonly much delayed, especially by continuances while the judges after argument were "not advised," and "*curia advisare vult.*" An appellant, at least, was required to attend court term after term while the judges were waiting to be advised, under penalty of suffering by absence a discontinuance or dismissal of the appeal for want of prosecution. Continuances for the convenience of the parties were liberally granted, seldom refused, apparently, unless further delay might in case of a reversal cause the statute of limitations to imperil prosecution of a new suit by the plaintiff thus far successful. By a statute of 1718,[5] continuances in the Court of Appeals were limited to a total delay of nineteen months and by an act of 1721,[6] the number of continuances was limited to four.

Review in chancery cases was restricted by the statute of 1694 to decrees passed in suits for relief from judgments at law,[7] but in 1718[8] a right was given to appeal to the governor and council "from any decree," in a suit involving more than £50 or 20,000 pounds of tobacco, and a further appeal to the King in Council was allowed in any case involving more than £300. It was only from final decrees that the appeals were allowed; none were allowed from previous orders in Maryland until the passage of an act of 1785.[9] The statutory provision of 1718 was re-enacted in an act of 1721.[10]

[1] *Archives,* XXIII, 121, 263.

[2] N. D. Mereness, *Maryland as a Proprietary Province,* pp. 270 *et seq.*

[3] Ch. 1, *Archives,* XXXVI, 81.

[4] Act 1732, ch. 5, *ibid.,* XXXVII, 518.

[5] Ch. 10, *ibid.,* XXXVI, 524.

[6] Ch. 14, *ibid.,* XXXIV, 270.

[7] In a matrimonial case, in 1707, Thomas Macnemara prayed, and was allowed, an appeal from an order in chancery to His Grace the Lord Archbishop of Canterbury in the Arches, presumably because the jurisdiction exercised was that of the Ecclesiastical Court. Helms *v.* Franciscus, 2 Bland, Chancery, 565, and note.

[8] Act 1718, ch. 10, *Archives,* XXXVI, 524.

[9] Act 1785, ch. 72.

[10] Act 1721, ch. 14, *Archives,* XXXIV, 270.