

It is necessary first to outline the legislative history of these years, then to trace at greater length the arguments urged in support of the position of the popular party—arguments which are found in documents largely by Dulany's hand or evidently inspired by him. Then the effects of these developments on later times will be related and described.

In 1712, a decision of the Provincial Court¹ had denied the extension to Maryland of one of the English Statutes of Limitation, 21 James I., ch. 16. Now, in 1722, the Assembly passed an Act definitely adopting this statute; but with the addition of language which declared the general extension of the English statutes.² This principle the Lower House now prepared to defend.

On October 25, it was proposed by a member, and resolved³ by the House (1) that the standing Committee of Aggrievances should have likewise the character and duties of a Committee for Courts of Justice; (2) that they should be instructed to examine the commissions of the several justices, to ascertain whether any alterations or omissions had been made on the part of the commissions which directed the judges to try and determine cases before them according to the laws, statutes, ordinances, and reasonable customs of England and of this Province; (3) that they should examine also the phrasing of the oaths of office taken by the several magistrates and discover whether these oaths contained a form here declared to be necessary; (4) that these resolutions should be perpetuated by giving a copy of them to the committee at the beginning of every session. Then followed yet more impor-

¹ 1 Harris and McHenry, pp. 28-29. *Philemon Lloyd's Lessee vs. Vincent Helmsley*. The jury returned a special verdict, depending on the Court's decision as to the extension. The same situation is found two years later in July Term, 1714, in *Wm. Clayland's Lessee vs. Daniel Pearce*, 1 H. & M. 29-30. Here the Act of 29 Charles II., relating to frauds and perjuries was involved. The court again decided against the extension.

² Bacon: Laws of Md. Act of 1722, ch. 19.

³ These resolutions may be found in the Manuscript Journal for that date; or more conveniently in the printed *Votes and Proceedings* published in 1725, pp. 2-3. They are given in full in the Appendix to this paper.