

by experience have been found applicable to their local and other circumstances and of such others as have since been made in England or Great Britain and have been introduced, used, and practised by the courts of law or equity."

But just which statutes were these? This period of transition, it seems, should have been just the time to prepare a list of those that had been applied or were applicable. In the neighboring State of Virginia the work of Thomas Jefferson and his associates⁵⁶ was gradually embodied in a code, the contents of which included a selection of English statutes which were declared to be adopted and in force.

In Maryland the old state of things remained. Between then and the time of McMahon's book, various resolutions had passed in the Assembly looking towards the establishment of greater definiteness. The chief result was the collation made by William Kilty, the Chancellor, in pursuance to a resolution of 1809. Kilty's work classified the English statutes, from Magna Charta to 1773, into (*a*) those not applicable, (*b*) those applicable but not proper to be incorporated into the statute law of the State, and (*c*) those both applicable and proper to be incorporated. This collection was helpful because of its information, and as these statutes were not formally adopted by the Legislature, Kilty's book came to be regarded as an authority in this direction. As the Court said, in *Dashiell v. Attorney-General*, it was "a safe guide in exploring an otherwise very dubious path."

McMahon refers also to a chart prepared by Alcaeus B. Wolfe, of Baltimore, which attempted to illustrate the statutes fit for incorporation.⁵⁷ The text of the statutes found "applicable and proper" by Kilty was edited with copious and scholarly notes by J. J. Alexander,⁵⁸ whose work in default of

⁵⁶ Jefferson's Writings (ed. T. J. Randolph, 1830), Vol. I., pp. 34 ff. The Writings of Thomas Jefferson (ed. P. L. Ford), Vol. I., pp. 58-60. ⁵⁷ McMahon, p. 130.

⁵⁸ Alexander J. J. A Collection of the British Statutes in Force in Maryland according to the Report thereof made to the General Assembly by the late Chancellor Kilty, with Notes and References to the Acts of Assembly and the Code, and to the principal English and Maryland Cases: Baltimore, 1870.