

mere final decrees, seems to have been admitted and affirmed by one of the most important and best considered Acts of Assembly,

19 in relation to matters of equity; in which it is said, * "that all appeals from the decisions, orders, and decrees of the Chancery Court, in cases where appeals properly lie," shall be made within nine months, &c.; 1785, ch. 72, s. 27; which declaration, it was afterwards enacted, should "be confined to decretal orders." 1818, ch. 193, s. 1. Whence it may be fairly inferred, that although the range of the right of appeal might have been, under the previous laws, construed to be, at least, co-extensive with the right of appeal from the Court of Chancery of England, yet by this last law it was intended to reduce it within much narrower limits, by declaring, that it should "be confined to decretal orders."

Consequently, although it may be questionable, in many cases, whether an appeal, which would be allowed in England, should be granted here, yet it would seem to be perfectly clear, that where an appeal will not lie from the English Court of Chancery, it cannot now be granted from this Court. (But see 1830, ch. 185, and 1832, ch. 197.) Hence, as it is settled in England, that there can, in general, be no effectual appeal from a decree by default; or from

demurrer to the plaintiff's bill. Mr. Moorecroft prays the judgment of the Court upon the said demurrer: and further moved, that the defendant was summoned to answer, and ought not to put in a demurrer.

CALVERT, C., 2d June, 1669.—The defendant, upon serving of a *subpoena* to appear and answer, may put in a plea, answer, or demurrer; and the same shall stand good as if he had put in an answer, according to the practice of the Chancery Court in England, the rules of which Court, as to that particular, were read. Whereupon it is ordered, that the said demurrer be set down to be argued upon Friday next, of which all parties concerned are hereby to take notice.

In this cause, the Court caused the late sheriff of Talbot County, to whom it was alleged the said attachment was directed, to return his writ; he doth not appear, nor had he returned that writ to the new sheriff, being present in Court.

It was thereupon ordered, that the respective sheriffs of the respective counties within this Province, do, by themselves, or their deputies, or attorneys, attend every Court held here at Saint Mary's, for the Chancery and Provincial Courts, to answer to the said Courts for the return of writs to them directed, as they will answer the contrary to the said Courts at their perils.—(1785, ch. 72, s. 23.)

Ordered likewise, that the said defendant Seybrey do pay unto the plaintiff, or his attorney, twelve shillings and sixpence for his costs upon the contempt of setting an attachment; that he be committed to the custody of the sheriff of Saint Mary's till he pay the same. The defendant said he had no money; but Mr. Rozier, his attorney, engaging, in open Court, to pay the same, the said commitment is discharged.—*Chan. Proc. lib. C. D.* 5: 5 *Franklin's Works*, 355; *Digges' Lessee v. Beale*, 1 H. & McH. 71.