

extended to any order, decision, or decretal order, but simply to "any decree of the Chancery Court;" whence, it would seem, that the right of appeal might have been, and, there is some reason to believe, actually was construed, under that law, to extend only to *final* decrees. (g) But it is well known, that the Court of Chancery of Maryland had, from the very outset, and always, governed itself according to the principles and rules of its prototype, the Court of Chancery of England; (h) and that the right of appeal was not confined to mere *final* decrees, seems to have been admitted and affirmed by one of the most important and best considered acts of assembly, in relation to matters of equity; in which it is said,

(g) *SLYE v. LLEWELLIN*, May, 1721.—On motion of Mr. Daniel Dulaney, of counsel for the defendant, it is ordered, that the Injunction in this cause be dissolved; and that there go an order to the Sheriff to repossess Mr. Richard Llewellyn, the defendant, with the lands in the bill mentioned, pursuant to a former order of this Court, made May, 1719; and that the bill be retained; and ordered hearing next court. Whereupon Mr. William Cuming, of counsel for the complainant, moves for an appeal from this order to the High Court of Appeals, the Injunction being dissolved, and a writ of possession ordered. Which appeal is denied by his Honor the Chancellor, the cause being not yet determined.—Chan. Proc. lib. P. L. 595.

(h) *COWELL v. SEYBREY*.—Mr. Moorecroft, attorney for the plaintiff, moves against the defendant for a commitment against him to the Sheriff of Saint Mary's county, until he do pay his contempt, and put in a perfect answer to the complainant's bill, there being an attachment issued against him for want of an appearance. Mr. Rozier, attorney for the defendant, puts in a 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.

2d June, 1669, *CALVERT*, Chancellor.—The defendant, upon serving of a *subpœna* 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; *Diggs' Lessee v. Beale*. 1 H. & McH. 71.