Rule 3 of 1806, continuances except by the consent of both counsel and the court were limited to the end of the fourth court, or term, but the limitation appears to have been lifted without difficulty. Fortunately a succession of legislative efforts had stopped abatements by death, so common in the eighteenth century, while the cases thus rested on the docket.[6]

In 1827, the court on the Western Shore began a practice of arranging cases in classes, by counties, for the order of argument; thereafter, those under rule argument from the counties of St. Mary's, Charles, Prince George's, Calvert and Montgomery were to be taken up first. In 1830, Washington County cases were placed in order after those from Montgomery County, and those from Frederick County were given the next position in 1835. In 1841 the use of the classification was limited to the December Term of court, which was the crowded term, and a year later, cases from Allegany and Washington Counties were classified together so as to come on for argument after Christmas. Frederick County cases were in 1845 deferred until after Christmas. On the Eastern Shore the cases to be heard were so few in number, rarely over five at a term, and often none, that classification for the order of argument was useless, and was not resorted to. An act of 1828, chapter 182, provided that only the judge residing in the second judicial district need attend at the November term on the Eastern Shore. In 1831,

6. Acts 1785, ch. 80, sec. 1; 1806, ch. 90, sec. 11; 1815, ch. 149, sec. 5. And see Roche v. Johnson, 2 Harris & Johnson, 37, note; Owings v. Owings, 3 Gill & Johnson, 1.