

commissions, oaths of lawyers and other papers which came into the office of the Governor and Council in the eighteenth century. The procedure exhibited followed the forms established in England; rulings made during the course of trial at common law were brought up by bills of exceptions,¹⁷ and deficiencies in records were supplied by writs of diminution.¹⁸ And beyond that point, as has already been observed, the old procedure upon writ of error in the House of Lords was continued except for the relaxation of the requirement that the original record be transmitted, and except for the retention here of the auxiliary writ of *scire facias ad audiendum errores*, or to hear errors. It was so continued until the nineteenth century. The practice is unfamiliar in Maryland now, and a fuller description of it, with copies of the forms from some of the eighteenth century cases, may be desirable. During the royal government, 1692 to 1715, all writs were issued in the name of the reigning sovereign; and after the restoration of the proprietary government, and until 1776, all were issued in the name of the Proprietary.

For the original writ of error application was made to a register in the Chancery Office, from which original writs issued under the seal; and it was issued, of course, in a translated form of the old Latin writ. The following, from a case in 1705,¹⁹ is an illustration:

17. See, for instance the following cases reported in 1 Harris & McHenry: *Robins v. Bush*, 50, 57; *Robinson v. Lloyd*, 78, 80; *Cheseldine's Lessee v. Brewer*, 152.

18. H. D. No. 1, folios 57, 58 and 722.

19. *Ibid.*, fol. 180.