

The number of appeals continued small until 1785, not exceeding seven in any one year until that one, when there were eleven, without deducting for instances of more than one appeal in the same controversy. In 1784, only two appeals had been entered. But in 1786 there were thirty-one, in 1787 seventy-four, in 1788 seventy-seven, and in 1789 one hundred and sixty. The number jumped after 1785. The docket filled with entries from 1791 to 1798 is a larger volume than that which contained all the entries from 1695 to 1790. The number of cases argued was not increased in proportion; many were disposed of under rules, apparently for want of prosecution. The increase in the number filed might be taken as indicating a sudden change in the valuation of the right of appeal, or of the newly-organized court, but it seems likely to have been due in no small part to the passage of an act of 1785, chapter 80, section 6, which provided that on a reversal of a judgment upon the merits the court should award costs in-

the courts. And in 1751, after a will of John Gibb, of Queen Anne's County, had been set aside, at the suit of a niece, on a finding of mental incompetency of the testator, Edward Dorsey appeared on behalf of nineteen negroes who by the terms of the will were to be manumitted and to receive the testator's real estate and most of his personal estate, and applied to the Commissary General to have the case reopened on the ground that the executors had failed to defend the interests of the negroes. Although the application was late, the Commissary General, Daniel Dulany, reopened the case, and after a full hearing decided against the negroes because he concluded that the will had been procured by them by undue influence exerted upon the testator, even if the testator was of competent mind, which the Commissary doubted. There was an appeal to a Court of Delegates, but only four out of five delegates commissioned attended, and there being an equal division of opinion, the Commissary's judgment was affirmed. But a second Court of Delegates was allowed, and commissioned, and by that court the judgment was reversed, and the will upheld. MSS. papers in possession of Court of Appeals.