

to operate; and succeeding Legislatures appear to have been anxious to get rid of the copies of the book on hand after it had been printed. For provision was made by Resolution No. 33 of Nov. Sess. 1811 (to be found in the same book before referred to) for the sale of nine hundred and fifty copies of Kilty's Report. A similar Resolution was adopted at Dec. Sess. 1816 (No. 69 in the same book), by which an agent was appointed to sell the books by wholesale or retail. And by Resolution No. 63 of Dec. Sess. 1817 the Governor and Council were authorized to sell five hundred copies of the book, and the proceeds were directed to be applied to the purchase of a public library for the use of the Superior Courts and the General Assembly. The results of these various Resolutions were not very satisfactory. Justly: because the Report of Chancellor Kilty ought to have been considered by the Legislature only as a means to an end; as showing only, and correctly enough, what ought to be adopted as the law of the State; and it would have been far better economy on the part of the Legislature to have published the Statutes found to be in force at the same time with the Report, for a reasonably large edition of the Statutes themselves could, no doubt, have been sold at a reasonable profit, and if a portion of it remained unsold, the average of loss would at least have been considerably reduced by the further investment. I am not, however, altogether sure that it becomes me to make such observations as these, because I am indebted to these scruples, or other motives, whatever they were — possibly a country party may have been in the ascendancy — of the Legislature for my own opportunity.

Succeeding times have been (as they generally are) more just to the valuable labors of Chancellor Kilty than the non-contents of the House of Delegates of 1810. In *Dashiell v. the Attorney General*, 5 H. & J. 403, the Court said that "the book was compiled, printed, and distributed under the sanction of the State, for the use of its officers, and is a safe guide in exploring an otherwise very dubious path." And other observations of a like sort are to be found in other cases.

The present Bill of Rights, in its 5th Article, declares that "the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English Statutes as existed on the Fourth day of July seventeen hundred and