

of each court to examine if the records of the preceding court were duly entered up and if necessary to take appropriate action thereon.³

The above act contemplates the keeping of an engrossed minute book as well as a "Record" or judgment book. *Liber A* is essentially a "Record" or judgment book although it also contains dockets and entries of judicial minutes, of administrative action, and of various documents submitted for recordation purposes. No copies of rough or engrossed minutes have been found for the period covered by the *Liber* and the nature of the entries in the volume makes it doubtful whether any separate engrossed minute book was kept.⁴ Most of the surviving county court file papers preserved at the Hall of Records are for the eighteenth century; none found relate to Prince Georges County in the period 1696-99.⁵

IV. THE MARYLAND JUDICIAL ESTABLISHMENT

At the apex of the Maryland judicial hierarchy during the 1696-99 period was the Governor and Council, usually entitled in its records "a Court before his Excellency the Governor and his Majesties honorable Council for hearing Appeals and Writts of Error", sitting in Annapolis.¹ This court was held by virtue of the provisions of the gubernatorial commission.² By an act of Assembly (1695) the appellate jurisdiction of this court in civil common law causes, by appeal or writ of error, was in effect limited to review of judgments of the Provincial Court wherein the original debt or damages amounted to or exceeded the sum of £50 sterling or 10,000 pounds of tobacco.³ On the equity side, jurisdiction to review decrees of the Court of Chancery seemingly was limited to those suits in which relief was sought against judgments at law where the original debt or damages amounted to or exceeded £50 sterling or 10,000 pounds of tobacco.³ While the acts of Assembly and the gubernatorial commissions are silent as to any appellate jurisdiction of the Governor and Council in criminal matters, the records of this court for May, 1695 to 1699 (the court first sat in May, 1695) reveal that it entertained writs of error in several informations brought either under a Navigation Act in the Provincial Court or under other regulatory acts of Parliament and an act of Assembly in a special court of oyer and terminer (first taken to the Provincial Court on writ of error), as well as in several criminal prosecutions involving breach of acts of Assembly brought in the Provincial Court.⁴

3. 38 *id.* 102. This act not being continued in force was apparently repealed in July 1699. 22 *id.* 558-62. See also 19 *id.* 525, 536, 570.

4. For some indication of the records accumulated by a County Court see *CCCR, Liber X, No. 1* (1698-99) 271 (Hall of Records, Annapolis).

5. For a description, not current, of the surviving court records of Prince Georges County see Scisco, *Colonial Records of Prince George's County*, 24 MHM 17 (1929).

1. See the entries in *PMCA* 1-101.

2. A September 1694 opinion of eminent counsel stated that "you and Your Council are Sufficiently Authorized and Empowered by Your Commission from their Majesties to hear and determine all matters in Law comeing before You either by Appeale or Writt of Error from the Provinciall Court with out any further or other Commission or Authority for the same." 20 *MA* 135-36. For Nicholson's commission see 20 *id.* 86-87. See also 19 *id.* 40-41.

3. 38 *MA* 60-61. The act was inconsistent with the provisions of Nicholson's commission which required him "to permitt Appeales to be made in Cases of Error from our Courts in Maryland Unto our Governor and Council in Civill Causes Provided the Value Appealed for doe Exceed the Summe of One hundred pounds sterling." 20 *id.* 86. But *cf.* Nicholson's instructions which contemplated local legislation limiting appeals in the manner most convenient to the inhabitants. 23 *id.* 548. See also 19 *id.* 223, 228, 245-46; 22 *id.* 336-37, 338; Smith, *Appeals to the Privy Council from the American Plantations* 86-87 (1950). On the construction as to Chancery causes see Pleasants, *The First Century of the Court of Chancery of Maryland*, 51 *MA* xxxii, xlix-1.

4. *PMCA* xlvi-xlviii.