

Attorneys Order'd to be consulted about Appeals and Writts of Error

It being debated at the Board whether the Govern^r and Council could properly take upon them the hearing of Appeals and Writts of Error brought before them in a Judicial way; as also the regulating the Court of Chancery taken into consideration Resolved that the Kings Attorney Gen^l wth the rest of the Attorneys now in Towne be Sent for imēdiatly to give their Advice & Opinion about the same and accordingly Appeared M^r Rob^t Smith Speaker of the House of Burgesses M^r Attor^y Gen^l M^r Kenelem Cheseldyne M^r W^m Dent & M^r Charles Carroll who upon Stateing the Case and debateing the Same pro & con, did humbly crave time to advise & further consult about it w^{ch} was granted and for their better direction was delivered to them Copy of an Instruction and Clause out of his Sacred Maj^{ties} Comīssion to his Exce^{ncy} ffrancis Nicholson Esq^r relateing thereto whereof they are to make report wth all convenient Speed.

Lib. H. D.

Whitehall

Sep^r the 27th 1694

Produced the Answer & Opinion of the Attorneys about the same w^{ch} being Read was referred to be reheard again to morrow Morning.

Whitehall

Sep^r the 28th 1694

The Attorneys Answer last night Referred taken again into consideration Resolved & ordered that the same be Sent downe to the House of Burgesses for their perusall The S^d answer runs in these following words; Viz^t

Whitehall

To his Exce^{ncy} the Govern^r

Maryland

S^r

Wee have in obedience to yo^r Commands consider'd and debated the Sev'll Matters Given us in Charge w^{ch} Wee conceive to consist of these two following propositions (to witt)

Attors opinion about Appeals & Writts of Error

1: Whether by Vertue of their Maj^{ties} Comīssion the Govern^r and Council are not actually qualifed & Enabled as a Court of Justice to hear and determine all Matters in Law that shall be brought before them by Error or Appeale or that there be a Necessity for any further Authority or Comīssion to them for the same To w^{ch} Wee humbly answer, Wee are of opinion that you and Yo^r Coun-