was at the southern boundary of the province, and Annapolis was 75 miles farther up the bay.

In 1693, the new, royal governor, Lionel Copley, was instructed from England to permit appeals to the governor and council in civil causes involving more than £100, and, further, in causes involving more than £300, to allow appeals to the King in Council, with a proviso that the appeal to England should not suspend execution; the method and limitation upon appeals to the governor and council, he was instructed, should be prescribed by statute.[1] In the following year, the council at St. Mary's called into conference the attorneys who were then in town, Robert Smith, the speaker of the house of burgesses, or lower house, the attorney general, George Plater, and Kenelm Cheseldyne, William Dent, and Charles Carroll, and took their opinion on the organization of this jurisdiction. They concluded it with a statement that:

wee humbly Signifie that Wee take it to be Against the Current and the Meaning of the Law and incongruous of itself, to have the Same persons Judges in the Prov[ll] Court as also Judges in the Councill for the Motion of Appealing or Writts of Error is to except Against the Judgments of these Judges that gives Judgm[t], and Appeale to other Judges in a Superior Court which plainly Supposes different p[r]sons.[2]

It was a repetition in part of a complaint against Lord Baltimore's administration made by leading Protestants to the king in 1691.[3] The objection was met, but only gradually; none of the justices of the provincial court appointed in October, 1694,[4] and few appointed later, were members of the council. Pursuant to the royal instructions, a new, comprehensive statute was passed in 1694, re-enacting provisions for appeals from the county courts, as they had been enacted in 1692,[5] and adding the regulations for the further appeals. The second half of that statute was devoted to the higher appeals.

The methods and rules that governed prosecution of appeals to the provincial court were to govern in proceedings for review by the governor and council, and thus, for removal to the higher court as well as for removal from a county court to the provincial court, the two forms were preserved — that by writ of error and that by appeal without the formal writ, with an assignment of errors or reasons for appeal in each case. It had been enacted much earlier that there should be no supersedeas or stay of judgments of county courts in cases removed to the provincial court unless appellants should give bond in double the sums adjudged against them, and it was now enacted that

1 *Archives*, XXIII, 540, 548.
2 *Ibid.*, XX, 135, 136.
3 *Ibid.*, VIII, 219.
4 *Ibid.*, XX, 137.
5 Act 1692, ch. 9, *ibid.*, XIII, 444.