

ber, 1765. And, on the 19th of the same month, they agreed to and published "a declaration of the rights and grievances of the

324, 346; 1702, ch. 1, s. 20; 1773, ch. 7, s. 5 and 6;) and in prosecutions for misdemeanors, where, on conviction, the fine imposed exceeded the value of two hundred pounds sterling, (*Stokes' View Brit. Col.* 224.) But if the matter in question related to the taking, or demanding of any duty payable to the King, or to any fee of office, or annual rent, or the like, where the benefits subsequently accruing from the same title might be bound, or because of the peculiar circumstances of the case, an appeal might, at the discretion of the King in Council, be allowed, though the value then immediately involved was less than three hundred pounds sterling. (*Stokes' View Brit. Col.* 224; 2 *Chal. Opin. Em. Law*, 177.) An appeal could only be taken from the Colonial Court of the last resort; and what Court that was depended upon the nature of the case; and upon the constitution of the judicial department of the colony. An appeal lay in some cases from peculiarly constituted tribunals; (1702, ch. 1, s. 20; 1726, ch. 9; 1 H. & McH. 409, 509,) or direct from the Colonial Court of Chancery, (*Stokes' View Brit. Col.* 26;) but if the case might have been carried to a higher Colonial Court, the appeal could only be taken from such Court of last resort of the colony, (2 *Chal. Opin. Em. Law*, 175.) In Maryland in a case in the Court of Chancery upon a petition by the defendant praying an appeal to the King in Council, the prayer was on the 1st of March, 1738, rejected. "The said prayer, being (as it was said) contrary to his Majesty's instructions to grant an appeal to his Majesty from any other Court, but from the Court of Appeals which is the Supreme Court of this Province, to which Court he may appeal, and from thence to his Majesty, if he think fit." (*Chan. Proc. lib. I. R. No. 4, fol. 60.*)

In admiralty cases, if the decision was given by the Governor and Council, or other Colonial Court of last resort, then the appeal was direct to the King in Council; but if the sentence was passed by a Vice-Admiralty Court, constituted by the King in the colony, then the appeal was to the High Court of Admiralty of England; and from thence the case might be taken by appeal to the King in Council.—(2 *Chal. Opin. Em. Law*, 227, 228.) No case could however be transmitted for difficulty; but must be determined by the Court below one way or the other. (2 *Ld. Raym.* 1448.)

An appeal to the King in Council was required to be made within fourteen days after the judgment or decree of the Colonial Court was rendered; and the appellant was required to give good security to prosecute his appeal with effect, or to pay all costs and damages in case the decision should be affirmed, (1773, ch. 7, s. 5 and 6; 3 *Virg. Stat.* 550.) The mode of ascertaining the value of the thing in controversy was regulated by the King's instructions; or by the rules of the Superior Colonial Courts. A transcript of the record of the Colonial Court was made out by its clerk, who made affidavit, that the copy was a true one, and that it had been compared with the original.—(*Stokes' View Brit. Col.* 225.)

When the record thus authenticated reached the King in Council, it was almost as a matter of course referred to a committee to consider and report upon the matter. Whereupon the committee appointed a time and place for the hearing, of which they gave notice to the parties personally or by publication; after which and upon making up their opinion they reported accordingly. But the course of proceeding before the King in Council; the judgment of that tribunal, and its *mandate* with which the case was sent back to the Colonial Court may be better understood by a perusal of the