The statutory method and rule for prosecution of appeals and writs of error provided that the party appealing or suing out the writ of error procure a copy or transcript of the full proceedings of the county court under the hand of the clerk of the court and the seal thereof, cause the same to be transmitted to the Provincial Court, and also file in writing, according to the rule of the Provincial Court, such error in the proceedings as he thought fit to assign or such cause or causes as he had for making the appeal or suing out the writ of error. Upon such transcript the Provincial Court was to proceed to give judgment.

The 1695 act, as well as a later 1699 act, somewhat enigmatically related that "all appeals made in manner aforesaid shall be admitted and allowed of by the Superior Court to whom such appeal shall be made as aforesaid in nature of a Writt of Error." Every clerk, when any appeal was demanded, was to enter a memorandum of such demand in his journal as well as in the fair records of the court's proceedings. No clerk was to refuse or delay upon request of any appellant to furnish a transcript under his hand and the seal of the court upon penalty of paying the damages appellant sustained by such refusal or delay. [100]

The distinction between appeal and writ of error proceedings from the county courts to the Provincial Court is blurred and not clarified by the enigmatic statutory passage set forth above. Appeal might well have been a cheaper method of proceeding. However, it seems reasonable to surmise that the purport of the restrictive language was to serve notice that the appellate body was limited in the scope of its review to matter of law and was not free to review matter of fact, as in Chancery or civil law appeals.

On June 1, 1697 a member of the House of Delegates proposed that "some care be taken by a Law otherwise to Restraine the frequent and vexatious suites of appeales and Writts Error from the County Courts of this province to the Provenciall [Court] for there formalitys in Law and many times for the Error of the clerks and attorneys who are not of Capacity to make theire proceedings agreeable to the Strict Rules of the Law of England, for defect whereof the Judges of Law can not do otherwise than reverse the Judgment." Leave being given to prepare a bill as thus proposed, a bill was brought in which ultimately was enacted into law as An Act for the Reformation of Jeofailes in Maryland. [101]

This act recited that "many Judgments may have been heretofore given in divers County Courts which may remaine Imperfect and insufficient in Law and thereby subject to be reversed by Errour according to the strickt rules of Law." It was accordingly provided that in any judgment given in any county court more than a year prior thereto, unless a writ of error to the Provincial Court was brought within six months after the date of the act, and in case of any judgment given in the future in any county court in any personal action, unless such writ of error was brought within one year from the granting of such judgment, the person recovering such judgment, whether by verdict or by judgment of the court, was to enjoy the benefit of such judgment without any reversal by writ of error or attaint. An exception was made in the case of persons under age, under coverture, *non compos mentis* or not resident in the province during the period of their disability. However, this act was apparently repealed by implication in June, 1699, not being enumerated in the act ascertaining the laws of the province. [102]

100. For the 1699 act see 22 *id.* 469. Kilty (*op. cit supra* 212–13) states that 13 Ed. I, St. I, c. 31, providing for a bill of exceptions had always been practised under in the province but we have seen no use of a bill of exceptions in connection with the error jurisdiction of the Provincial Court at this time.

101. 19 *MA* 565.

102. 38 *id.* 103; 22 *id.* 558.