

## CHAPTER II

FROM 1694 TO 1776, AT ANNAPOLIS

FOR a period, then, of about thirteen years before 1694, when the royal governor Francis Nicholson came to the province, there had been apparently no writs of error issued, "according to the practice of Parliament", for reviews by the Upper House of Assembly, or Governor and Council. Governor Nicholson's commission from the King contained instructions for the development of this appellate jurisdiction, and also that of the Privy Council, or King in Council, on appeal from the Governor and Council of the province. The instructions were:

we do further by these presents will and require you to permit appeals to be made in cases of error from our courts in Maryland unto our Governor and Council in civil causes, provided the value appealed for do exceed the sum of one hundred pounds sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence shall be affirmed. And, whereas we judge it necessary that all our subjects may have liberty to appeal unto us in cases that may require the same, our will and pleasure is that if either party shall not rest satisfied with the judgment or sentence of our Governor or Council, they may then appeal unto us in our Privy Council, provided the matter in difference exceed the real value and sum of three hundred pounds sterling and that such appeal be made within one fortnight after sentence and that security be likewise duly given by the appellant to answer such charges as shall be awarded in case the sentence of the Governor and Council be confirmed, and provided also that execution be not suspended by reason of any such appeal unto us.<sup>1</sup>

1. Archives, Proc. Council, 1693 to 1696/7, 86.