

The commission also contained instructions for the organization of the Court of Chancery.

Governor Nicholson lost little time in proceeding under this authority. On September 22, 1694, the matter was brought up for discussion at a meeting of the Council at St. Mary's, and a question arose of need of legislation to make the authority effective. And it is recorded<sup>2</sup> that:

It being debated at the board whether the Governor and Council could properly take upon them the hearing of appeals and writs of error brought before them in a judicial way, as also the regulating the court of Chancery taken into consideration, Resolved that the King's Attorney General, with the rest of the attorneys now in town be sent for immediately to give their advice and opinion about the same. And accordingly appeared Mr. Robt. Smith, Speaker of the House of Burgesses, Mr. Attorney General, Mr. Kenelm Cheseldyne, Mr. Wm. Dent, and Mr. Charles Carroll, who, upon stating the case and debating the same pro and con, did humbly crave time to advise and further consult about it, which was granted; and for their better direction was delivered to them copy<sup>7</sup> of an instruction and clause out of his Sacred Majesty's commission to his Excellency Francis Nicholson, Esqr., relating thereto; whereof they are to make report with all convenient speed.

After having prepared their answer and read it to the House of Burgesses, the attorneys delivered it on September 28, 1694. It was their opinion that the Governor and Council needed no further authority to hear all matters in law coming before them either by appeal or writ of error from the Provincial Court, but they conceived it to be necessary for the information of the people that it be signified by proclamation how often in the year there would be sittings for the purpose. The

2. Archives, Proc. Council, 1693 to 1696/7, 135.