

answer, then discussed the organization of the Court of Chancery. And it concluded by stating:

And we humbly signify that we 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 Provincial Court as also judges in the Council, for the notion of appealing or writs of error is to except against the judgments of these judges that gives judgment and appeal to other judges in a superior court, which plainly supposes different persons. This our present opinion of matters above said, to which, with submission to better judgments, we subscribe.

Upon consideration of this answer, the Governor and Council concluded that legislation on some points would be needed, nevertheless; and it was prepared and passed. The enactment was added to a statute regulating appeals and writs of error from county courts to the Provincial Court, last passed in 1692, (Chap. 9), and so is found in the second half of the act of 1694, ch. 18, passed October, 18, 1694. This second half is here reproduced.³

ACT 1694, CHAPTER 18

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And for the limiting and regulating of appeals from the Provincial Court, Be it enacted, that the method and form herein expressed be observed and pursued, that is to say, upon any judgment given or obtained in the said court, wherein the original debt or damages shall exceed the sum of fifty pounds sterling or twenty thousand pounds of tobacco, the appeal from such judgment of the said Provincial Court shall be made unto the Governor and Council of this province, wherein, and in the prosecution of such appeal or appeals the party appelliant shall observe the methods and rules herein before mentioned for the prosecuting of appeals from the county courts unto the said Provincial Court, and shall give in such security as aforesaid. And if such judgment shall be affirmed by the said Governor

3. Archives, Acts of Assembly Hitherto Unprinted, 1692 to 1729, 6.