which then prevailed, and which had been adopted largely with a view to political advantages gained by it for the colonists.[4] This particular act was continued for further periods by an act of 1695, chapter 19, and an act of 1696, chapter 14, and by a chain of succeeding acts, with variations and additions from time to time. The statute, and the instructions in Governor Nicholson's commission both seem to be concerned with appeals or writs of error in civil cases only, but writs were actually issued in criminal cases as well, one as early as May 13, 1699.[5] No additional statute or order extending the appellate jurisdiction to criminal cases has been found.

The provision as to the method of appeal in cases at law was that contained in the statute of 1678, that is, the appellant was given a choice of adhering to the old procedure of a formal writ of error, or of making his appeal by simply procuring a transcript of the record of the trial court without a writ, and lodging it with the appellate court. This was, as has been said, an innovation on the English practice. Even in proceedings on writ of error there was a minor innovation adopted without express authority; while in the House of Lords it was, and long remained, the practice to transmit the original trial record together with the transcript of it, and then to have the original returned after comparison,[6] in Maryland, only the transcript was sent up.

4. See note (r), 1 Bland, Chancery, 646.
5. Liber H. D. No. 1, fol. 148, MSS. Proceedings of Court of Appeals.
6. Macqueen, 349, Holdsworth, I, 371.