

lofts housed, in one part, the records of the Governor and Council, and in the other part, papers transmitted from the collectors and naval officers of the province.¹⁴ Annapolis, first settled in 1649, was in 1695 a group of forty houses, with not over one hundred and fifty residents.¹⁵ Sessions of the Court of Appeals during the provincial period opened ordinarily at 8 or 9 o'clock in the morning. And one morning in May, 1696, a Court of Delegates met at 6 o'clock.

The first case at the May term, 1695, heard on May 17, was that of Joseph Chew, Garnishee of Alexander Chappell v. Thomas Tench, on a writ of error. The attorneys were Kenelm Cheseldyne and William Dent, both of St. Mary's. And the first decision by the court was on the nature or identity of the tribunal resulting from the statute and proceedings of the preceding year. In the writ of error, Tench was directed to be and appear before the Upper House of the next General Assembly, and his attorney moved to dismiss the writ as improperly brought "for that this is a proper court and is styled by the act of this Province to be the Governor and Council for Hearing Appeals and Writs of Error, and therefore no Upper House." Even thus early in the history of the court the judges plied counsel with questions. The record continues:

His Excellency asks whether the Governor and Council in assembly is not the Upper House of the assembly, who do say that it is so accounted. Then his Excellency asked whether the Governor and Council in assembly be a distinct court from the Governor and Council of the Upper House and whether they

14. Act 1697, c. 6.

15. Riley, Removal of the Capital of Maryland, 159.