

the records were then transmitted and errors or reasons transmitted with them. The minimum limit of three hundred pounds in controversy remained until the Revolution. By instructions sent by Lord Baltimore to the province in 1726/7, pursuant to a royal instruction governing appeals from all the provinces, execution was suspended on such appeals upon the giving of security.<sup>26</sup> And by an act of 1773, chapter 7, section 5, the security was required to be lodged with the clerk of the King's Council in twelve months. And in time formal written judgments of the Privy Council, under its seal, would be received by the court and entered. These ultimate appeals were more frequent in the earlier part of the eighteenth century than later.

It has sometimes been assumed that because of the lack of professional training in the judges of this pre-Revolutionary court their methods and results must have been inartificial and hardly judicial according to our present conceptions. But the facts stated so far seem to show that in function and method the court cannot be distinguished from a full-fledged court of justice. It was a tribunal holding special sessions exclusively for judicial business; its procedure was in accordance with judicial forms elaborated in England; and the cases were argued by professional lawyers, and decided by the judges, upon established principles of law. And its decisions appear to have been taken as settling the law. Daniel Dulany, in an opinion given in the case of *Somerville v. Johnson*, 1 *Harris & McHenry*, 348, 354, said, "What Mr.

26. H. D. No. 1, fol. 723.