

this early Court of Appeals and the amount of judicial business for which it held its sessions. It is to be borne in mind that while the transactions here described followed in the ways of a great people, and an old civilization, they followed in a distant settlement, where the people were few, and their affairs small. The Provincial Court was the great court of the province, and the court of final appeal in all cases tried in the county courts; and appeals beyond were out of the ordinary. The Provincial Court it was that brought the citizens together to watch the combats of lawyers, and the Governor and Council with their court did not fill any considerable place in popular imaginations as a court, superior and powerful though they were. Until near the beginning of the nineteenth century, the litigants seem to have accepted more readily the results of single trials without appealing.⁴⁵ In the Court of Appeals from the May term, 1695, to the May term, 1700, a period of five years, twenty-two appeals, in all, were docketed. Not until the May term, 1750, were there so many as seven appeals docketed at one term. At the October term, 1768, there were ten; at the May term, 1770, the number rose to fifteen; and at the May term, 1776, it fell back to seven. One slender folio easily contains the docket for all cases from 1695 to 1790, with many continuances of cases adding to the entries. The comparative smallness of business may be more easily imagined from the fact that between sessions the clerks then, and during part of the nineteenth century, visited the court rooms only

45. See remarks of Chancellor Bland, 1 Bland, Ch. 679, note.