in the Upper House of Assembly of a judgment of the Provincial Court.[9] That it was a resort to the old parliamentary jurisdiction in error is evident from the nature of the tribunal, and also from the fact that in 1681 some writs then pending were found by the house to be (in the words of the record of proceedings) "not legally brought before this house according to the manner of bringing writs of error in Parliament."[10] After the first writ, in 1664, the practice became usual, although the number of cases was small. In the House of Lords, too, the number of such cases was small during that period. It appears from the record of Assembly proceedings of the period in Maryland that in the twelve years from 1666 to 1678 there were only eight cases considered by the Upper House. This practice of appeals from the Provincial Court presided over by the Governor and Council, to the Upper House of the Assembly made up of the same Governor and Council, seems anomalous, and the wonder is increased by the fact that on such appeals reversals of the judgments rendered in the Provincial Court were proportionately numerous.[11] There must have been some advantage to be expected in the hearing by the

9. Archives, Proc. Assembly, 1637 to 1664, 521.

10. Archives, Proc. Assembly, 1678 to 1683, 224. The Scotch historian and antiquarian, George Chalmers, who practiced law in Baltimore, Maryland, during the ten years preceding the Revolution, says in his Political Annals of the United Colonies, written in 1780, page 684, that, "The Councillors were extremely analogous to the peers, though their office was not descendible, since it was defeasible. * * * As the court of local appeals, they were governed in their decisions by the principles of the common law, by territorial regulations, and by their own customs; but an appeal lay from their judgments, because they were not supreme."

11. For instance, see Archives, Proc. Assembly, 1666 to 1678, 33, 59, 380.