

## CHAPTER I

### BEFORE 1694 AT ST. MARY'S

**T**O a question of the exact age of the Court of Appeals of Maryland the answer would not be easy. Except for an interruption of a few years during the Revolutionary War, there has been a tribunal of last resort in Maryland known as the Court of Appeals since the seventeenth century; but what was the beginning point in that century, and how far there has been a continuation of one and the same court through changes in the subsequent centuries—those are debatable questions. The court originated in the province of Maryland, as did courts of last resort in others of the English colonies, in a reproduction in an upper house of assembly of the jurisdiction of Parliament in error, long established in England, and surviving there in the appellate jurisdiction of the House of Lords. It had therefore a beginning, and it also had a long career, in a combination of legislative and judicial functions which is strange to the notions of modern American lawyers, and has tended to cause among them some misconception of the early court. The separation in modern minds of the governmental functions, executive, legislative and judicial, makes it seem now rather against nature that there should have been a real court held by a legislative body; but it did not by any means seem so in the early seventeenth century when the English began settling along the North American coast. Parlia-