

of the suit <sup>15</sup>), seeming to give power to remedy all matters and things that are not essential against the merits of the cause,

ordered,

that until a law be made for directing how writs of error shall be brought from the judgment of the Provincial Court and a Statute of Jeofails made, no writ of error shall hereafter be brought against any judgment in the Provincial Court or any judgment there stayed or superseded by any writ of error returnable in Assemblies till such law be made, but that if any person find himself aggrieved by the judgment of the said court he shall move the court to arrest the judgment till the next court and within a fortnight after the court file his errors and reason for the arresting the said judgment to which the other side is to answer by the next court.<sup>16</sup>

Meanwhile, it was ordered, cases already pending in the Upper House might be heard and disposed of there by agreement of the parties, with a waiver of all defects and informalities, and some of the pending cases were accordingly heard by agreement of counsel after 1681.<sup>17</sup> But no law was enacted for the regular hearing of such cases for thirteen years, or until 1694.

It was in or about St. Mary's, the first capital, that this judicature of the earlier seventeenth century had its seat. And it was only during "assembly time" that the cases on error were taken up. The appeals were to the parliament, and that body functioned only when the Assembly was in session.

For judges of the various courts, including the councillors sitting as judges of the Court of Ap-

15. "Matter in suit," in the original act.

16. Spelling has been modernized in this and other extracts from old records, but no words have been changed. Punctuation has been altered in some instances.

17. For instance, the case of *Collins v. Watkinson*, Archives, Proc. Assembly, 1678 to 1683, 501, 502; the same case before the Provincial Court reported in 1 Harris & McHenry, 12.