

Equity before a Court of Chancery from any Judgem^t given or obteyned against him in the Provinciaall Court or County Court aforesaid shall Exhibit his Bill and proceed in such Court of Chancery before any appeale be Entred or prosecuted before the Govern^r & Councill aforesaid and not afterwards, and that all such persons that shall conceive themselves aggrieved by any decree in the said Court of Chancery, wherein the Originall debt shall exceed the Sume of Ffty pounds sterling or Twenty Thousand pounds of Tobaccoe shall be att Liberty to Exhibit his Prayer to the Govern^r and Councill to review & Examine the Same, and that such Sentence Judgem^t or Decree of the said Govern^r and Councill either in Law or Equity as aforesaid shall be finall in this Province, not but that any person or persons agrieved with such Sentence Judgement or Decree of the said Govern^r & Councill where the reall vallue in dispute shall exceed Three hundred pounds Sterling according to their Ma^{ty}s Royall Commission & Instruction to his Exc^{ncy} Francis Nicholson Esq^r their Ma^{ty}s Captain Generall and Govern^r in Cheif of this Province shall and may appeale to their Ma^{ty}s in their Privy Councill according as their Ma^{ty}s by their said Commission and Instruccons have been pleased graciously to appoint and direct" (*Arch. Md.*, xxxviii, 8-9).

But the jurisdiction of the Court of Appeals to review decrees in Chancery was so construed that there appears to have been only one case heard on appeal between 1694 and 1718, when an act in this latter year permitting appeals under less restricted conditions was passed, and three years later reenacted with some slight changes. The subject of appeals in colonial Maryland, and the history of its highest appellate court, is to be found fully presented by Judge Carroll T. Bond, Chief Judge of the Court of Appeals, in his two recent books, *The Court of Appeals of Maryland, A History*, 1928, and the *Proceedings of the Maryland Court of Appeals—1698-1729*, 1933.

The Council, October 17, 1694, appointed the members of the reorganized Chancery Court, ordering "that Mr. Kenelm Cheseldyn & Maj^r Edw^d Dorsey be added to the Hono^{ble} Coll Henry Jowles Keeper of the Great Seale for the hearing & determining all Matters in Chancery" (*Arch. Md.* xx, 137). It also fixed the time of holding the several courts and ordered that the Provincial Court be held three times a year on the last Tuesday of February, April, and September, and the Chancery Court on the Mondays following. The Council further ordered that Sir Thomas Lawrence, the Secretary "doe by Virtue of his Comission from their Sacred Maj^{ties} find A Register in Chancery who shall keep a distinct Record for that particular Office". Although Jowles was a member of the Council, neither Cheseldyn nor Dorsey was, so we have now for the first time a Court of Chancery whose personnel was not entirely identical with the Council or with the Provincial Court as now constituted (*Arch. Md.* xx, 137, 139). During Nicholson's administration (1694-1698) the Governor did not sit in the Court of Chancery where the Chancellor now presided, and the court was made smaller than it had heretofore been (*Chanc. Proc. P. C.* 1694-1698). For some reason not clear, November 12, 1694, the Council re-commissioned Jowles Keeper of the Great Seal, and ordered the Attorney-General to prepare a new Chancery Commission for the judges previously appointed (*Arch. Md.*, xx, 172, 174).