

tion of the state, the two tribunals have been organized as totally distinct courts. While the Court of Chancery, under the provincial government was constituted of a plurality of judges, it transacted business only from term to term, and was not always open, as it now is. (r) About, or soon after the year 1714, the constitution of the court seems to have undergone some changes, of which there is no clear or satisfactory explanation to be found among its own records, or in the legislative enactments of the times. But some short time after the year 1719, it seems to have been finally settled, that the High Court of Chancery of Maryland, like that of England, should be considered as always open. (s)

It appears, that there were a number of officers called assistants, masters in chancery, examiners or auditors, appointed to assist the court in the discharge of its various functions. And, for some time, two of those masters were appointed, as in England, to sit, by turns, in court with the Chancellor as his assistants, during each term. (t) But, as it is said, in a case brought before the court, when the Chancellor was sitting with two of those assistants, that he had then no lawyers to aid him with their advice: it would seem, that those assistants or masters in chancery, were mere clerks; or persons unlearned in the law, as a profession, and whose knowledge extended to nothing more than to matters of practice, connected with the ministerial affairs of the court. (u) In

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(r) Chancellor's Case. 1 Bland. 624.—(s) Chancellor's Case, 1 Bland, 624.

(t) 19th January, 1715.—Then his Excellency the Governor proceeded to settle and appoint the times for the sitting of the Chancery Court, as follows, viz: March the 10th, when Col. Coursey and Esquire Hall are appointed to sit as assistants. May the 18th when Col. Lloyd and Col. Greenfield are appointed assistants. September the 1st, Col. Tilghman and Esquire Dorsey appointed assistants. December the 1st, Col. Young and Col. Addison assistants. And ordered that the said gentlemen have a month's notice given them before it be their turn to sit at the several courts as above appointed.—*Chancery Proceedings, lib. P. L. fol. 85.*

GRIFFITH v. VERNON, 1716.—In this cause the report of the auditor is approved of, and Decreed, that the defendant account and pay to the complainants their just proportions of the sum found in arrear, with costs; and as to the mesne profits, he is referred to his proper remedy; and that the amendment in the former decree be to those of whom it of right belongs by the deceased Lewis Evan's will.—*Chancery Proceedings, lib. P. L. fol. 291.*

(u) BIRCHFIELD v. MILLER.—September 3, 1717.—JOHN HART, Chancellor.—William Holland and Samuel Young, assistants. The Governor and Keeper of the Great Seal declares, that being doubtful of his own judgment in determining the point of law now in debate between the complainant and defendant, and having no lawyers to aid him with their advice, but what are already concerned in this cause, he humbly desires the opinion of some of his majesty's judges in the courts