The jurisdiction to review decrees in Chancery was under this act of 1694 construed to be a limited one. Only decrees in suits to relieve of judgments at law might be reviewed and examined by the Governor and Council, and the three applications for such review during the succeeding twenty-five years were in cases of that description.[7] In 1720 there were two of them, and in the second, in the case of Thomas Bordley v. John Gresham, the appellant, Bordley, after having made his application to the Governor for the statutory review, returned with a petition that his application be now changed into an appeal, conformably to an act of assembly just passed allowing appeals from decrees in Chancery. It was a provision in the act of 1721, chapter 14, section 3, allowing the appeals from and after the end of the session. The distinction between the scope of review in chancery cases and that in common law cases which had always prevailed in England, facts as well as law being considered in chancery appeals,[8] was observed here from the outset, even in the cases for review considered before the act of 1721.

After having started the statute of 1694 on its way to passage, the Governor and Council asked the judges who then sat in the Provincial Court, and the lawyers, to give their opinions as to the time of sessions of the Chancery Court, and of the Council for hearing appeals. The unanimous opinion[9] was that it would be much more convenient " that the Court of Governor and Council

7. Liber H. D. No. 1, 187, 342, 367.
8. Holdsworth, I, 372.
9. Archives, Proc. Council, 1693 to 1696/7, 560, 561.