

years the court was frequently composed of only three judges. The desire for judges of professional training found intermittent expression during the earlier portion of that century, the last time during Governor Sharpe's administration,⁴⁸ but the compensation was regarded as too small to induce lawyers to serve. The objections to the courts and judges as they were, lay over for settlement in the constitution of 1776.

There were still no separate salaries granted to the councillors for their judicial services, except for a short time after 1723. An act of 1716, chapter 11, section 9, provided a salary of 150 pounds of tobacco per day for their attendance in the Assembly generally, and in 1723 the Lower House refused to concur in that allowance except for attendance upon sessions of the Court of Appeals; and even this was denied in 1750 and 1752, and never again paid. The House insisted that councillors should be paid from fines and duties levied for the support of the government, and their view was finally accepted. In 1754 a councillor's income from all his offices averaged 372 pounds, and it was fifty per cent greater in 1774.⁴⁹

On May 21, 1776, the Court of Appeals of the province was duly assembled, there being present His Excellency, Robert Eden, Esquire, Governor, the Honorable Daniel Dulany, Daniel of St. Thomas Jenifer, and Philip Thomas Lee, Councillors, and James Brooks, Clerk. They took up their docket, dismissed an appeal in the case of William Pellett and others v. Robert Long's Les-

48. Archives, Sharpe's Corresp. III, 7, 11, 334.

49. Mereness, 249, 251, 364 to 369.