

Bishop of Durham as warden of the Scotch frontier by William the Conqueror. With independent authority little less than regal in civil and military matters, the Bishop of Durham down through the fourteenth and fifteenth centuries was the virtual ruler of a kingdom within a kingdom. Although by the seventeenth century, many of these medieval powers had been considerably curtailed, until reorganized in 1536, the administration of justice and the appointment of judges was in the name of and under the control of the Bishop. It was but natural that Cecilius Calvert, to whom as Lord Proprietary his Charter had specifically given all the authority ever possessed by a Bishop of Durham, should have been influenced in the adoption of the form of administration of justice in his Province by the former usages of the Palatinate of Durham. It also seems probable that as a native of Yorkshire, a county near Durham, he was familiar with the history and customs of the Palatinate and the wide judicial and civil powers exercised in the previous century by its ruler, and felt that these would be desirable powers for the Proprietary of Maryland.

The subject of the Palatinate judiciary has been exhaustively treated by Gaillard Thomas Lapsley in his *The County Palatinate of Durham*, 1900 (pp. 156-198). At the opening of the sixteenth century we find functioning separately in the Palatinate both law and equity courts, which had gradually evolved since its founding, made up of members of the Bishop's Council. In the equity court, or Court of Chancery, the Bishop appears to have sat as chief judge, with his Chancellor and a varying, but often considerable, number of associate judges. The decisions of this court were final and were not subject to review by the High Court of Chancery of England, but were appealable to "the Bishop in Council". When Cardinal Wolsey became Bishop of Durham in 1523 he reorganized the Chancery Court upon a rational basis. In 1536, however, Henry VIII put an end to the judicial supremacy of the Bishop of Durham, for in that year "the act of resumption" transferred to the Crown the appointment of all judicial officers as well as the right to pardon, and provided that all writs and legal processes should thereafter run in the name of the King instead of that of the Bishop.

The law and equity courts of Maryland during the sixteenth century seem to have followed the pattern of the Palatinate courts before the resumption act of 1536. The Governor ordinarily presided in both the Provincial Court and Court of Chancery, as he did in the Council. When sitting in the Court of Chancery he seems to have presided as "Chief Judge in Equity" and not as the holder of the office of Chancellor. From 1661 to 1682, when Philip Calvert was Chancellor, the Governor continued to preside and is always described as Chief Judge in Equity. In his absence the Chancellor presided, doubtless in his capacity as Deputy Governor.

During the first thirty-five years following the settlement, the records of equity cases are found scattered throughout the proceedings of the Provincial Court. At this time the Governor as chief justice, sitting with the members of his Council as associate justices, constituted the Provincial Court, and with the same councillors as his associates, as chief judge in equity, heard equity cases in the Court of Chancery. At this period Chancery cases were few in number