

of Charles, the third Lord, was again commissioned, May 30, as Governor and Chancellor by the guardians of Charles, the fifth Lord. The Court of Chancery met under Hart as Royal Governor, March 11, 1714/5, with the Governor as Chancellor and with Lloyd, Greenfield, and Young as "assistant judges" (Chanc. Proc., P. L., 112). The Council resolved, July 13, 1715, that "it is very necessary th^t when any reference is made in Chancery to any of the Masters or Assistants in that Court th^t a reasonable Fee shou^d be payd them for their Report". The fee was then fixed at a hundred and fifty pounds of tobacco, or twelve shillings six pence. It was further declared that "whereas several Gentlemen of this Board have according to Custom assisted the Keeper of the Great Seale in holding the Chancery for w^{ch} they were formerly wont be allowed in the Publique. But for that no such Allowance has been made for near two Years last Past * * * the reasonableness thereof be represent to the next Session of Assembly" (*Arch. Md.*, xxv, 305). No record that this was done, however, has been found.

In a list of judicial officers and their fees, exhibited at a Council meeting held September 3, 1715, the average income of the Keeper of the Great Seal, from fees for sealing processes and decrees of the Chancery Court as settled by the Assembly, is declared to be uncertain, but the report adds that they "in some years amounted to fifty Thousand pounds of Tobacco p Ann. seldom more but very often less" (*Arch. Md.*, xxv, 319). Soon after this, legislation was enacted which limited the suits that could be brought in the Court of Chancery and which permitted appeals under certain circumstances from its decrees. At its April 1715 session the Assembly passed an act "for the better administration of justice in the high Court of Chancery", and in other courts, which limited the causes to be heard in Chancery to those involving more than twelve hundred pounds of tobacco or £5 sterling (*Arch. Md.*, xxx, 241). The Assembly at its April 1718 session passed "an act to limit the continuance of actions in several courts * * * and for granting appeals from the Chancery Court to the governor and council" (*Arch. Md.*, xxxvi, 525). At the October 1720 session a supplementary act to that of 1718 was passed (*Arch. Md.*, xxxviii, 278-279). The act of 1718 contains the provision that "after twelve Months from the End of this Session of Assembly, it shall and may be lawful for any Person or Persons that shall conceive themselves aggrieved by any Decree of the Chancery Court, to have an Appeal to the Governor and Council [Court of Appeals] of this Province * * * wherein each member shall have a full Voice" (*Arch. Md.*, xxxvi, 525). Bland in his *Maryland High Court of Chancery* (i, 15-20) discusses, somewhat inconclusively, whether at this period only final decrees were appealable under the acts of 1718-1721 to the Court of Appeals; it was not until 1785 that an act permitting appeals from interlocutory orders was passed.

Hart returned to England early in 1720. It would appear that his recall was in part attributable to certain decrees in Chancery which he had rendered that were unfavorable to the contentions of Maurice Birchfield, the King's Collector of Customs in Maryland. Hart was instructed by the Proprietary to designate during his absence "the first named of the Councill" to serve as Governor, and