

as compared with law cases, and it does not appear that special sessions for hearings in equity were often held. Nor with the small population did it seem necessary at this early period to keep separate sets of records for two courts having the same personnel, especially as the equity cases were so few. In the earlier records of this period the entry headings usually make no distinction between law and equity cases, but in the later fifties, however, a notation by the clerk that a case was being heard in Chancery is occasionally found.

There is no question that from the founding of the Province in 1634 down to the year 1661, the date of the commission of Charles Calvert as Governor, the functions of Chief Judge in Equity and of Chancellor, or Keeper of the Great Seal, had been exercised by the several governors, or by the ranking member of the Puritan councils during the Parliamentary régime, but from 1661 to 1682, the year of Philip Calvert's death, the offices of Governor and Chancellor had been separated.

The Provincial records during the Parliamentary disturbances are too defective to trace in detail the history of the Chancellery and the Court of Chancery. When "the rebel Ingle" in 1645, pretending to represent the Parliament, drove out Governor Leonard Calvert and seized the government, a year of anarchy known as the "plundering time" followed. The seizure by Ingle of the Great Seal, which incidentally was never recovered, indicates that he intended to usurp the functions of Chancellor as well as of Governor, and ironically he did indeed make himself Keeper of the Great Seal, although no papers bearing his attestation during this period exist, nor would they afterwards have been recognized as valid. Although the early records are not as complete as one could wish, there is every reason to believe that, except during the Ingle year of anarchy, some small group of men, alternately of the Proprietary or Parliamentary parties, and with a frequently changing personnel, at any given time governed in their rôle of Council, legislated as the Upper House, and administered justice in law and equity in their capacity as judges, and thus without interruption conducted the executive, legislative and judicial affairs of the Province; and it is equally certain that the ranking member of whatever group happened to be in power, be he Governor or President of Council, acted as Chancellor or Keeper of the Great Seal. The names of the various individuals who acted as Governor and as Chancellor during the frequent absences of Leonard Calvert and at the time of the various shifts of power during the Parliamentary disturbances, need not be mentioned here, but the interested reader may find them all accurately enumerated in the list of Maryland governors prepared by the late Bernard C. Steiner, which appears in the several issues of the *Maryland Manual*. There will also be found on pages lx, lxi of this volume a list of all the chancellors of Maryland from the founding until the Court of Chancery ceased to exist in 1854.

In 1656, when Cromwell for reasons of policy began to curb the excesses of his more fanatical followers, Cecilius Calvert had his Proprietary privileges quietly restored, and on July 10, 1656, appointed Josias Fendall governor. On November 7 of this same year he made Philip Calvert a councillor and Principal Secretary of the Province, and granted him a manor of six thousand acres (*Arch. Md.*, iii, 323-324, 327-329). On June 24, 1660, Philip became Governor