

A salary, just in amount, shall be secured to the Chancellor during the continuance of his commission, it is said, "in such

pending of public laws, which orders or resolves are not sent home for the royal assent."—(*Pown. Adm. Colo.* 110; *See Constitution of New Jersey, art.* 8.)

Upon a complaint made, on the 6th of November, 1735, to the General Assembly of New York, they, among other things, resolved, "that a Court of Chancery, in this Province, in the hands or under the exercise of a Governor, without consent in General Assembly, is contrary to law; unwarrantable, and of dangerous consequence to the liberties and properties of the people." (1 *Smith's His. N. York*, 386.)

Under the Proprietary Government of Maryland the Chancellor of the Province was sometimes constituted by a formal commission from the Lord Proprietary; (*Chan. Proc. lib. P. L. fol.* 488, 717,) but most usually, as it would seem, by a delivery of the great seal by the Lord Proprietary in person, or by, or in the presence of the Council. The Governor for the time being was, in several instances, by the same commission also constituted Chancellor and keeper of the great seal of the Province. The first Provincial Governor by his commission bearing date on the 15th of April, 1637, was constituted Governor, Lieutenant General, Chief Captain, and Commander, as well by sea as by land, and also Chancellor, Chief Justice, and Chief Magistrate within the Province, (1 *Boz. His. Mary.* 291.) A similar commission was granted by the Lord Proprietary on the 18th of September, 1644. (*Land Records, lib. 1. folio* 195.)

But although for some time after the settlement of the country, the Governor was invested with a variety of military and civil offices, yet he was not permitted to act of himself in all respects and alone in any one of them. As Governor there were few powers which he could exercise without the advice and consent of the Council who were placed about him; and as Chancellor he could do no act but as a Court sitting with his assistants. (1 *H. & McH.* 6 & 165; 4 *H. & McH.* 477.) In a petition in the case of Nicholas Painter and wife against Samuel Lane in Chancery addressed to the Lord Proprietary in June, 1681, it is said, "that the Court of Chancery is and ought to be always open as to the proceedings therein; but your lordship having not yet empowered your Chancellor or Chief Justice of your said Court to answer petitions or make orders touching the proceedings, as is used in England, without a full Court of four at the least; your petitioners are therefore necessitated to apply themselves to your lordship and humbly pray, that your lordship would please to order that the defendant may put in his answer by a certain day," &c. Which was accordingly ordered by the Lord Proprietary himself. (*Chan. Proc. lib. C. D. fol.* 306.) But it appears, that William Holland was by a commission from the Lord Proprietary, under his great seal at arms, bearing date on the 27th of February, 1719, attested by his Governor, constituted Chancellor of the Province, with full power to do, perform, hear and herein determine all such matters and things as to the office of Chancellor of right belonged or appertained. After which the Chancellor of Maryland always sat as sole Judge, without assistants: and this Court was thenceforward in all respects as accessible for all persons as the Chancery Court of England.—(*Chan. Proc. lib. P. L. fol.* 488, 717.)

During the short time that the Government of the Province was taken immediately into the hands of the King, it does not appear how the Chancellor was appointed. Although it seems to have been most usual to constitute the same person both Governor and Chancellor, as in the case of John