

tained any such constitutional power. If then, any *colourable pretext* for the exercise of such a discretionary power to *withhold* or to *diminish* the chancellor's salary is any where to be discovered, it must, it is presumed, be sought for among the implications, inferences, and deductions to be gathered from some one, or all of the acts passed since the act of 1785, which, in any way, give to the chancellor a compensation for his services. Let us then carefully consider these acts.

The House of Delegates, of the last session, seem to have deemed it necessary, not only to except, from the operation of their general continuing act, the law of 1798, ch. 86; but also, that of 1797, ch. 71. The last mentioned act was expressly limited, in its duration, to the 20th of October, 1800, and until the end of the next session of Assembly that should happen thereafter; when, even if it had not been virtually repealed by the act of 1798, ch. 86, it must have expired of itself, *so far as such an act could constitutionally expire*; since there is no law to be found, by which it has ever been continued, either generally or specially. Therefore, this act might have been, very safely and prudently, passed over by the Delegates, without at all enfeebling the force of any argument they could possibly have urged in support of the right they had assumed to *reduce* the chancellor's salary. But, since the act of 1797, ch. 71, has been thus invoked into this controversy, an explanation may be deemed necessary.

The Court of Chancery of this State is, in all respects, substantially analogous to that of England; but, in Maryland, the chancellor has long been invested with certain powers, and a jurisdiction, which are exercised in a name and character, altogether peculiar to this State; and that is, "*as judge of the land office.*" Before the revolution the lord proprietary was the owner, in his individual and private capacity, of all the land and territory in Maryland; which he sold or gave away at pleasure. Not long after the settlement of the province was commenced, a land office was established, through which any person might obtain a title for any vacant land, on complying with the established conditions and regulations. As the settlements extended, and the sales of land were multiplied, numerous controversies arose as to the formality and correctness of the incipient and original titles, thus obtained from the proprietary. For the purpose of determining these controversies, *a judge of the land office* was appointed, about the year 1680; and the chancellor of the province was charged with the