

that the name, "Prerogative Court," was used in the records of the Court for the first time.<sup>15</sup>

### COMMISSARY GENERAL

Talbot was the last Secretary to have jurisdiction in probate matters. When Philip Calvert received a commission as Chancellor and "Judge or Commissary General for Probate of wills" on November 20, 1672, the office was divorced from that of the Secretary forever.<sup>16</sup> Calvert apparently did not like the term "Prerogative Court," because from the time he was sworn in on April 24, 1673 until his death in 1682, it was never used in the records of the Court. A few years after his death, the term reappeared in the records and was used continuously until the end of the Court. Col. Henry Darnall and Col. William Digges succeeded Philip Calvert,<sup>17</sup> both in his capacity as Commissary General and as Chancellor. But with the appointment of Kenelm Cheseldyn, in 1693, the Commissary General became established as an officer in his own right. In a few years, the office became one of the most lucrative in the Colony and was eagerly sought after. It was not unusual for two or three men to hold the office together and in 1722 four judges were named in the same commission.<sup>18</sup> Usually, however, only one judge was appointed. The duties of the Commissary General were similar to those of the Secretary in so far as he had been concerned with probate matters. But as time passed the Commissaries tended to confine their attention mainly to the hearing of disputes and to leave the ordinary probate work of the Court to the Chief Clerk and Register.

### CHIEF CLERK AND REGISTER

The office of Chief Clerk and Register of the Prerogative Court appears to have had its origin in the office of "Clerke of the Secretaries Office and the provinciall Courts." The first such clerk to appear in the records of the Province is William Bretton, who was serving in this capacity as early as 1647.<sup>19</sup>

<sup>15</sup> *Testamentary Proceedings* 4A, 11.

<sup>16</sup> *Ibid.*, 5, 425.

<sup>17</sup> *Ibid.*, 13, flyleaf.

<sup>18</sup> *Ibid.*, 26, 71.

<sup>19</sup> *Arch. Md.*, IV, 324.