

the Governor, as Keeper of the Great Seal of the Province through whom all writs, processes, proclamations, pardons and patents were issued, his office was one of great importance and profit.

The first mention of the Chancellor of Maryland is to be found in the commission by the Lord Proprietary, Cecilius Calvert, dated April 15, 1637, issued to his brother, Leonard Calvert, appointing him Governor, in which among numerous other offices conferred upon Leonard, we find those of "Chancellor, chief justice and chief magistrate", and at the same time the Proprietary appointed a council of three with whom the Governor "from time to time advised". That Leonard had held all these offices from the time of the settlement in 1634 until the date of the 1637 commission is certain, however, from the "instructions" given him, November 15, 1633 (*Calvert Papers No. One*, 1889, 131).

When the first Assembly met at St. Mary's City in January, 1637/8, the Governor presented to it for enactment "a body of laws", forty-two in number, which had been prepared in England by the Proprietary. None of these were enacted, however, apparently because the Assembly claimed the right to initiate legislation. The text of these proposed laws has not been preserved, although the titles have been (*Bacon's Laws of Maryland*, 1765; Bills—1637/8). One of these, number 27, "A Bill for Civil Causes", doubtless provided machinery for the establishment of law and equity courts. At the Assembly held the following year, February, 1638/9, among some thirty-six bills introduced were four, which respectively provided for establishing a Court of Admiralty, a Court of Chancery, a Praetorian Court, and county courts. These bills, which had been prepared by the Assembly, passed two readings, but did not become laws, in this case because of Proprietary opposition, based on his claim to the sole right to initiate legislation. Even had not this question entered, it is unlikely that the Proprietary would have submitted to any form of interference by the Assembly in his charter rights to establish courts and control the administration of justice. Fortunately copies of these bills have been preserved, and we learn from the proposed "Act for the Erecting of a Court of Chancery", that it was to be a court of record with authority similar to that of the Court of Chancery in England. The powers of the court were then enumerated in considerable detail. Under the act "all matters and causes whatsoever determinable in the high Court of Chancery in England and all matters and causes whatsoever civill not provided for by any Law of this province * * * shall or may be finally heard and determined within this Province by and before the Chancellor of this Province and Councill of State". The appointment of a clerk for recording was provided for; the Chancellor, Council and clerk were to form a court of record. This Court of Chancery was empowered "to issue and award all the same or the like writts grants pardons Commissions or edicts as may be issued or awarded out of the high Court of Chancery in England", and to have all the powers "within this Province as the said Court of Chancery enjoyeth or may enjoy use or exercise within the Realm of England except where it is otherwise provided by any law of this Province". It was distinctly provided that all writs