

CHAPTER V

OTHERS GREAT AND SMALL

STILL WITHIN the central governing body were the rather important offices of Commissary General and Attorney General and a number of places—other than clerkships—which were not important.

1. THE COMMISSARY GENERAL.

It was only in 1693, at the beginning of the royal period, that this officer, often called the Judge of Probate, emerged an independent member of the government. However, as early as January 24, 1637/8, Secretary Lewger had been appointed "Commissioner in Causes Testamentary," and in March of the following year the Assembly confirmed his power to prove wills and grant letters of administration.¹ On April 24, 1673, this post was taken from the Secretary and united with the Chancellorship, which had been earlier taken from the chief executive.² Soon thereafter a separate clerk was appointed to maintain the records of the Prerogative Office. At the collapse of proprietary government, August 1, 1689, the combined offices of Chancellor and Judge of Probate fell into abeyance.

William and Mary, by their commission of June 27, 1691, now appointed Colonel Lionel Copley Governor, Chancellor, and Commissary General; and he in turn bestowed the two latter offices, in October, 1692, on Colonel Nehemiah Blakiston.³ Copley's successor, President Sir Edmund Andros, divided these places and, by a commission of October 3, 1693, made Kenelm Cheseldyne the first separate Commissary General.⁴ Until January, 1756, the post was frequently held by two or more joint incumbents. The last Judge of Probate, Colonel William Fitzhugh, was appointed September 23, 1773. The Constitution of 1776 made no provision

¹ *Archives*, III, 60.

² *Ibid.*, XV, 24. The office of Commissary had previously been transferred from the Secretary to the Governor by an act of August, 1641, but it had reverted to the Secretary on expiration of this law in March, 1641/2.

³ *Ibid.*, VIII, 263, 371, 451; Testamentary Proceedings, liber 14a, folio 5 (Hall of Records).

⁴ *Archives*, XX, 5, 30.