

The answer to the second error claimed is of special interest to us here as it unquestionably presents a true picture of the court as it had then developed: "To the second Error and sai^d Gerrard doth positively deny that the hono^{ble} Chancellor now being was at the time of the judgem^t or the dismiss of the Court of Chancery * * * Cheife Judge of the Court of Chancery for th^t tyme or att any tyme since he never was by authority proclaymed as cheife Judge of the Chancery Court * * * or did he ever that he knoweth thereof assume that place or power as Cheife Judge of that Court But that the Leiutenn.^t Generall [Governor] that now is hath from tyme to tyme by vertue of his Com.^{on} as he supposeth satt as Judge of that Courte since his Arrivall into this Province, for other ways if itt should be granted that the hono.^{ble} Leiutenn.^t Generall in Judgem^t of lawe sitting in the Courte of Chancery be inferiour in place or precedency to the Chancellor were to render the person whome he Representeth, to say the R^t hono^{ble} the Lord Prop^{ty} inferior to those w^{ch} are subjects under his dominion which would seeme strange and incongruous both to lawe and reason. And the s^d Gerrard doth suppose that the Chancellor is not constituted here in this Province according to the full & ample authority & regulacōn of the lawes and Customes of engld. But by vertue of a com^{on} from the Lord Prop^r of this Province and soe hath not such ample authority as is supposed, but grant itt were soe yett nevertheles the Lord Prop^r hath not as yett parted with his perticuler authority in that Court for the s^d Leiutenn.^t Generall doth to this day sitt in Chancery as cheife Judge and all Addresses are made to him & his Councell & soe was itt in Snowes case therefore the second Error cannot howld but is as the s^d Gerrard supposeth superfluous & immateriall".

The Upper House sitting as the highest appellate court of the Province decided that the first error was not "Rightly layd"; and then took into consideration "the second Error, (vizt) the power of the Chancellor and his dissent, and waved (waived)". It is unfortunate that the Upper House simply waived a decision as to the second error claimed, but all the facts indicate that the current view was that of Gerrard, that the Governor and not the Chancellor was the chief judge in the Court of Chancery and that the Chancellor's opinion counted for no more than that of any other associate justice of the court. That a decision in favor of Snowe was rendered on the first error alleged need not concern us here, as it does not in any way involve the powers or functions of the Chancellor or the Chancery Court (*Arch. Md.* i, 513-4, 527-530).

Upon the death of Philip Calvert in December, 1682, the Lord Proprietary then in residence as Governor in Maryland, appointed his cousin Henry Darnall and William Digges to be joint Keepers of the Great Seal, chief judges of probate, and councillors, and the oaths of office were administered to them January 26, 1682/83. The following day the Proprietary issued "An additional commission to the Keepers of the Great Seal", which recited, that as under the oath previously taken they were authorized to apply the seal only under special orders from the Proprietary, this was to give additional authority to "you or either or you" to apply the seal "unto all things for the publick admin^rcon of Justice and the managem^t of the Government here (*Arch. Md.* xvii, 196). In May 1683, Darnall and Digges were also given power as Keepers of the