

manner, and at such time as the Legislature shall hereafter direct, upon consideration of all the circumstances of the State." Thus,

Hart who was Governor and Chancellor, (*Chan. Proc. lib. P. L. fol. 74, &c.*) yet it was not always done, for it appears, that different persons were sometimes appointed to fill each office, (1697, ch. 6, s. 6,) but however that might have been, it is certain, that the two offices were always considered as being entirely separate and distinct in their nature.

It appears, that Robert Eden, the last provincial Governor of Maryland, (who was brother-in-law of the then Lord Baltimore, and a lieutenant in the Coldstream regiment of guards,) was commissioned as Governor, with the approbation of the King, (as was required by the Statute of 7 and 8 W. 3, c. 22, s. 16,) by the Lord Proprietary; which commission he produced to the Provincial Council who thereupon administered to him the oaths appointed to be taken by the Governor. Immediately after which his predecessor, Horatio Sharpe, delivered to him the great seal of the Province, whereupon the oath of Chancellor was administered to him, Eden, by the members of the Council then present; all of which was entered of record in the book of the council proceeding.—(*Coun. Pro. lib. N. folio 32, 45, 47.*)

By the Declaration of Rights it is declared, that the Chancellor and Judges ought to hold commissions during good behavior; and the Constitution also declares, that they shall hold their commissions during good behavior; that the Governor for the time being, with the advice and consent of the Council, may appoint the Chancellor and all Judges: that the Council shall have power to make the great seal of this State, which shall be kept by the Chancellor, for the time being, and affixed to all laws, commissions, grants and other public testimonials as has been heretofore practised in this State; that every bill passed by the General Assembly, when engrossed, shall be presented by the speaker of the House of Delegates in the Senate to the Governor for the time being, who shall sign the same and thereto affix the great seal, in the presence of the members of both houses: and that all public commissions and grants run thus: "The State of Maryland," &c. shall be signed by the Governor, and attested by the Chancellor with the seal of the State annexed, except military and militia commissions, which shall not be attested by the Chancellor, or have the seal of the State annexed.

Some of these constitutional provisions are apparently incompatible with each other. It is declared, that the great seal shall be kept by the Chancellor; and also, that the Governor shall affix it to all engrossed bills, &c.; consequently, during the time that the Governor has the great seal in his possession, for that purpose, it cannot be said to be kept by the Chancellor. The Chancellor is, therefore, the keeper of the great seal at all times, and for all purposes; except for that particular occasion of affixing it to engrossed bills when it is taken possession of and kept by the Governor. (*Dr. Bonham's Case, 8 Co. 234.*) It is however declared, that all public commissions shall be signed by the Governor, and attested by the Chancellor with the seal of the State annexed. But it is obvious, that the Chancellor himself can have no such commission since it would be absurd to direct, that a commission should be made to him signed by the Governor, and attested by himself with the great seal annexed of which he himself is declared to be the keeper. And although it is also declared, that the great seal shall be affixed to all commissions as heretofore practised; and it may have been the practice, in some cases, to constitute the provincial Chancellor by commission; yet it was a commission, not under the great seal of the