

difference whether this record was kept in the office of the Principal Secretary of the Province, or with the Provincial Court Proceedings, or separately. Especially was this true when there was one clerk or register for the two courts, as was the case until 1694, although beginning in 1669 the same individual was called "Clerk" when officiating in the Provincial Court, and "Register" in the Court of Chancery. To the Chancellor and Keeper of the Great Seal, however, who was dependent for his fees upon the amount and character of the work done under his seal and in the Chancery Court, it was obviously to his interest to have a separate record under his immediate control, and this became more and more important to him as the volume of writs and equity cases increased.

We, therefore, must look principally to the records of the Provincial Court down to 1669, where law and equity cases are both recorded in the same books, and to the separate records of the Court of Chancery beginning in 1669, for the activities of the Chancery. A few scattered references to it and to the Chancellor are also to be found in the Council and Assembly records. Thus on May 21, 1674, the Lower House of Assembly sent a message to the Governor and Upper House asking for relief from the long delays in Chancery and the Upper House replied requesting the Lower House "to propound some Certaine rules for the regulacon of the s<sup>d</sup> Proceedings to be Considered of by this house" (*Arch. Md.*, ii, 341). As no legislative action was called for we do not know whether such rules were propounded, and if so, whether the Governor and Council adopted them as the rules of court to expedite business.

For some reason not very clear to us, the Proprietary, Cecilius Calvert, issued in London under date of February 16, 1665/6, new commissions to the various important Provincial officials, including the Governor, members of the Council, justices, and Chancellor, with the form of oath of office to be taken by each, and certain instructions to the Governor (*Arch. Md.*, xv, 3-19). He directed his son Charles to "Deliver with your owne hands unto our Deare Brother Philip Calvert Esq<sup>r</sup> our Greate Seale of our said Province, and Administer unto him the oath annexed unto these p<sup>s</sup>ents by us appointed to be Administered unto and taken by o<sup>r</sup> Chancelour of our said Province, upon the Taking of w<sup>ch</sup> said oath and the Delivery of which said Seale by us or our Leiuetennant of our said Province for the time being or his sufficient Deputy or Deputyes in his absence \* \* \* shall be sufficient upon the Taking of such oath to Constitute our Chancelour of our said Province and th<sup>t</sup> wee doe not intend either by Commission or any other way for the future to Constitute any Chancelour of our said Province" (*Arch. Md.*, xv, 12).

It is of interest that in the general commission of this same date for Provincial officers, including the Chancellor, the Proprietary, however, specifically appoints his son, Charles, the Governor, as "Cheif justice of our Provinciaall Court \* \* \* as for the holding of all pleas \* \* \* and likewise for the Determining of all matters of Equity for which any Releif is shall or may be Justly or reasonably desired in our said court" (*Arch. Md.*, xv, 8). Philip Calvert on May 17, 1666, took the oath of Chancellor, Privy Councillor and Justice of the Provincial Court (*Arch. Md.*, xv, 19). The oath taken was doubtless the same as that