

the Great Seal of the Province, whose duty it should be here, as was the duty of the similar officer in England, to pass upon and authenticate all patent grants for lands. *Land Ho. Ass.* 64. But although by a commission, dated on the 15th of April, 1637, the first Governor was constituted "Chancellor, Chief Justice, and Chief Magistrate within the Province, until officers and ministers of justice should be appointed;" 1 *Boz. His. Mary.* 292; *Land Ho. Ass.* 64; yet grants for lands to the first settlers were issued and authenticated under the hand and seal of the Governor alone; and it was not until about the year 1644, that patent grants were authenticated by the Chancellor under the Great Seal of the Province, according to the English mode of making out such deeds. *Land Records, lib. No. 1, folio* 195. From that time, however, to the present, patent grants have been made out and authenticated according to the form now in use.

The increase in population, and the spreading out of the settlement of the country, so multiplied the demands for the Proprietary's lands, that in the year 1680, for the greater regularity and despatch of business in that respect, a land office was established; in which it was directed, that authentic records of all proceedings in relation to the sale and granting of lands should be made and kept, *Land Ho. Ass.* 108, 232, 283, certified copies of which, as of any other records, are held to be legal evidence. *Thornton v. Edwards*, 1 *H. & McH.* 158. This office was appended to the common law *side of the Court of Chancery of Maryland, and was evidently considered as corresponding, in almost all respects, **309** to the Petty Bag, or enrollment office of the English Court of Chancery. For, in all the proceedings in Chancery, in relation to the repeal of letters patent for land by *scire facias*, and to the business and records of the land office, the Court is always specially designated as "The Chancery Court of Records," *Land Ho. Ass.* 114, 122, 178, 181; for the express purpose, as it appears, of distinguishing its common law jurisdiction, in relation to patent grants for lands, in which respect it was, by analogy to the English system, deemed a Court of record, from its jurisdiction as a mere Court of equity, in which capacity, according to the English law, it was not a Court of record. *Com. Dig. tit. Chancery, C. 1* and 2; 2 *Mad. Chan.* 712. The expression, "the Chancery Court of Records," answered very well at the time, and may still serve, with a recollection of the English law to which it refers, as a sufficiently apt and clear designation of the distinction between the two sides of the Court of Chancery, between the two capacities of common law and equity in which it acts; but at present, the Court of Chancery of Maryland must be considered as in all respects a Court of record; since all its proceedings, as well in equity as at common law, are recorded; and it has all the powers incident to the jurisdiction of such Courts of record.