

Act could constitutionally expire; since there is no law to be found, by which it has ever been continued, either generally or specially. Therefore, this Act might have been, very safely and prudently, passed over by the delegates, without at all enfeebling the force of any argument they could possibly have urged in support of the right they had assumed to reduce the Chancellor's salary. But, since the Act of 1797, ch. 71, has been thus invoked into this controversy, an explanation may be deemed necessary.

The Court of Chancery of this State is, in all respects, substantially analogous to that of England; but, in Maryland, the Chancellor has long been invested with certain powers, and a jurisdiction, which are exercised in a name and character, altogether peculiar to this State; and that is, "as Judge of the land office." Before the Revolution the Lord Proprietary was the owner, in his individual and private capacity, of all the land and territory in Maryland; which he sold or gave away at pleasure. Not long after the settlement of the Province was commenced, a land office was established, through which any person might obtain a title for any vacant land, on complying with the established conditions and regulations. As the settlements extended, and the sales of land were multiplied, numerous controversies arose as to the formality and correctness of the incipient and original titles, thus obtained from the Proprietary. For the purpose of determining these controversies, a Judge of the land office was appointed, about the year 1680; and the Chancellor of the Province was charged with

**649** the \* determination of those matters, either as Judge, or as assistant of the Judge of the land office. *Cunningham v. Browning, ante, 299.*

On the Revolution, although all the powers, rights, and property of the Proprietary devolved upon the State, or were abolished and confiscated, there was no express provision in the Constitution for a Judge of the land office. But, as it would seem, it was clearly understood, that the Chancellor of the State, of course, succeeded to, and might rightfully exercise all the power and authority of Judge of the land office, which had, at any time, belonged to the Chancellor of the Proprietary Government. And this additional capacity and character, of the Chancellor of this State, was distinctly recognized and confirmed by the Act of November, 1781, ch. 20, s. 6. The Chancellor of Maryland is then, by virtue of his office, Judge of the land office; and, as such, he is invested with jurisdiction to hear and determine all cases, as to the equitable right, or incipient title acquired under warrants and certificates of survey, which may become the subject of contest in the land office. This jurisdiction of the Chancellor, at first, extended over the whole State; but, by the Act of 1795, ch. 61, s. 5, a Judge of the land office, for the Eastern Shore, was directed to be appointed; who was clothed with all the original jurisdiction