

whose knowledge extended to nothing more than to matters of practice, connected with the ministerial affairs of the Court. (*h*)

60 In *one of the record books of Chancery proceedings, it is set forth, that, at a Court of Chancery held at the City of Annapolis, on the 18th day of July, 1721, there was present: "His Honor, WILLIAM HOLLAND, Esq., Chancellor, who ordered the docket of causes to be called over, which was accordingly done;" taking no notice in that, or in any subsequent record, of there being present at that, or any other term thereafter, any other Judge or assistant sitting with the Chancellor. *Chancery Proceedings, lib. P. L. fol. 650-690-720.* From which it appears, that the Court, about that time, ceased to be constituted of a plurality of Judges; that masters or assistants, as in England, never thereafter sat in Court with the Chancellor; and that, from that time, the High Court of Chancery of Maryland has always been, as it is at present, constituted of the Chancellor alone, as its sole Judge.

In England, a master in Chancery, and an examiner, are distinct officers; but it appears, that here, the powers and duties of the two offices were, by a commission from the Chancellor, conferred upon the same person, who was expressly invested with all powers and authorities, practised or exercised by any such officer of the Court of Chancery of England. (*i*) Exceptions to the sufficiency

(*h*) *BIRCHFIELD v. MILLER.*—JOHN HART, C., September 3, 1717.—William Holland and Samuel Young, assistants. The Governor and keeper of the great seal declares, that being doubtful of his own judgment in determining the point of law now in debate between the complainant and defendant, and having no lawyers to aid him with their advice, but what are already concerned in this cause, he humbly desires the opinion of some of his Majesty's Judges in the Courts of Westminster, or any two persons learned in the laws of Great Britain; and that the aforesaid opinion be procured and returned in some convenient time.—*Chancery Proceedings, lib. P. L. fol. 387-394.* Answers were accordingly obtained from the Attorney-General of England. *Ibid. fol. 418.*

(*i*) "Maryland, ss. SAMUEL OGLE, Esquire, Chancellor of the Province of Maryland,

To Benjamin Young, of the City of Annapolis, gentleman, *Greeting:*

"Having special trust and confidence in your fidelity, integrity, knowledge and circumspection, I do hereby nominate, constitute and appoint you, the said Benjamin Young, to be examiner and master in the High Court of Chancery, to take the examinations and depositions of witnesses, as to the facts in issue in all causes depending, or hereafter to be commenced in the said Court; and also to take all accounts decreed; to report all matters of fact referred to you; and to take all affidavits, and probats of answers in the same Court.—Hereby giving and granting unto you, full power and authority to act, do, perform and execute all and singular the powers and authorities as are practised or exercised by any such officer of the Court of Chancery of England, so far, as in the judgment of the Chancellor, for the time being, the circumstances of the Court of Chancery of this Province will admit; and to ask, demand and receive all such fees, perquisites and