

after having conveyed an adequate idea of what should be the *amount* of the salary; and having imperatively directed that it *shall* be provided; and when provided, that it shall be *secured*; and then, to remove all ambiguity, having designated the *duration* of that security; it would seem, that nothing was left for implication; and consequently, that nothing further was necessary to be said upon the subject. But, had the clause stopped at that point, it might have been asked, In what manner shall provision be made for the payment of this salary? Under the government just then abolished, judicial salaries were provided for in various ways. Sometimes "in such manner and at such time" as the lord proprietary; as the king; as the parliament; as the colonial legislature; or as one of the branches of the colonial legislature thought proper to direct; and that too, in most instances, without the least "consideration of the circumstances of the State."

But, this last provision has removed even this doubt, by expressly investing the legislature with the power to create, or to set apart any particular fund, and to make *appropriations*, in such manner as

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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 province, but under the lord proprietary's "hand and greater seal at arms," like that of the commission to the governor.—(*Coun. Pro. lib. N. folio 45.*)

The chancellor of Maryland, therefore, cannot, according to the provisions of the form of government of the State, be constituted by letters patent or a public commission in like manner as the other judicial officers of the State are constituted. But, when the office of chancellor becomes vacant, the great seal is taken into custody and kept by the governor; and when a person is appointed to fill the vacant office, he is constituted chancellor by having his appointment recorded in the council proceedings, (*Const. art. 26*;) and by having the prescribed oaths of office administered to him, by the governor, at the time of delivering to him the great seal of the State, (*February 1777, ch. 5, s. 2; Votes & Pro. H. Del. 14th March, 1777.*) The chancellor's holding of a *commission*, therefore, must necessarily consist merely in the holding of the great seal under the authority of his appointment as recorded in the council proceedings; and thus, in this respect, and in point of form at least, it differs from all other commissions spoken of in the Constitution