

determination of those matters, either as judge, or as assistant of the judge of the land office.(u)

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 recognised 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 exercised by the chancellor on that shore; reserving, however, an appeal to the chancellor. And, by the act of 1795, ch. 70, it was declared, "that the judge of the land office for the Eastern Shore should receive a salary of *one hundred and fifty pounds* per annum, *during his continuance in office*;" which salary has been regularly paid to that officer ever since.

Thus, it is obvious, that the two offices and functions of *chancellor*, and *judge of the land office*, have long been united in, and exercised by the same individual. The provision of the Declaration of Rights, relative to the independency and uprightness of judicial officers, speaks only of the *chancellor*; of *his* holding a commission during good behaviour; and of *his* salary being *secured* to him during the continuance of his commission. But, his other character, of *judge of the land office*, is no where noticed in the Declaration of Rights or Constitution, in any manner whatever. The office of chancellor, having been created by the constitution, the executive is bound to appoint a *chancellor*; and the legislature is, in like manner, bound to secure to *him* a salary

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(u) *Cunningham v. Browning*, ante 299.