

Licences which he Considered as part of his own Revenue, he also found the Copy of a Deputation to M^r Dulany from M^r Calvert with two Bonds by the Latter for the due Admⁿ of the Office, and payment of the Stipulated Salary of £200 p^r Ann. both alike reciting the Deputation. All these he likewise directed to be transcribed, mutatis mutandis, and I Executed my part, as M^r Anderson did his on the part of M^r Dulany. Till the receipt of your Letters, no Imagination was Entertained that M^r Dulany had acted under your Excellencys Commission, and not under the Deputation, much less did his Lordship, who, your Excellency sees, was pleased to settle my Appointments Imagine that the Quantum of the reserved Salary, whilst it pursued the former reservation, wo^d have occasioned the least difficulty. As his Lordship has given way in the present Instance to the Objection arising from the Deputation being my Act, by his Consent to my withdrawing that Deputation, and sending your Excellency the Enclosed Instruction, referring it to your discretion either to continue M^r Dulany under his present Commission, or to Issue anew one as shall be thought proper, It may seem unnecessary to Enter into the Objections to the Secretarys Deputation, arising either from the Acts of Assembly, or former Commissions or Usage, But, I must Own, I think it a question well worthy of Consideration in respect to his Lordships Prerogative and just rights, nor can I see a reason why the Secretary of this Province sh^d be distinguished from the same Officer in almost all his Majestys American Dominions, where I scarce know of a Resident Secretary, or of a Deputation not moving from the immediate Principal; whether the Deputy be appointed by your Excellency, or by me, as we both derive our authority from the same source, the Appointm^t in my Apprehension, seems to rest upon the same foundation; a Deputy of a particular character seems to imply a Principal of the same Stamp, and is it not then a Solecism that he sh^d be appointed otherwise than by the Principal; The Lord either has or has not appointed a Secretary. If in the Affirmative, Can any of the propertys & qualitys of the Secretary remain in him. If Negatively, How can he Depute to an Office to w^{ch} he has not before given birth and existence. I have Looked into the Laws pointed out, which begin with an Exception in favor of the Lords Deputy, and If he Appoints me with a Power to Depute, my Deputy is virtually of his Appointment, and consequently within the Exception, and I believe it will be difficult to find a Commission ever granted by the Crown for a Deputy Secretary, and if one co^d be found I sh^d Consider it as a resumption of the Office, or else the Principal might have his Action against the Deputy for the