

has been some times Occupied by Two Persons Jointly, or to the Place of Naval Officer of Patuxent, till the Receipt of your Excellencys Letter mentioning the disposition you had made of those Two Offices. The Impropriety of the Receiver's holding the Keepership of the Rent Roll (which was intended as a Constitutional Check upon him) has now turned his Lordships Eyes to that Employment, and to that or any other now Vacant, or which may become so, either in Consequence of any Resignation of M^r Loyd, or of any new regulations to be proposed by the Commissioners, or by any other Accident his Lordship desires and expects M^r Allen may be immediately Promoted, and the better it is & the sooner it reaches him, his Lordship will be the better pleased, for he has very much and deservedly engaged his Lordships attention and regard. In perusing Bacon's Edition of the Laws I Observe there is an Act of Assembly made in 1704 for the Advancement of Natives and Residents, which Incapacitates any Person from holding an Office without a previous Three years Residence, but with an Exception of Commissions flowing immediately from her Majesty her Heirs and Successors. The Government was at this time in the Crown, and I take it to be now Settled, that the Lord Proprietary is to be Considered in loco Regis in all the Acts where the Crown is named, and consequently the Exception will apply to the Grants to be made by his Lordship, as it did to those of the Crown. His Lordship has therefore Executed an immediate Commission under his own Hand and Seal in favor of M^r Allen. Leaving the particular Employ in blank to be filled up by your Excellency as soon as it Arrives, according to what shall then Offer, and your Excellency will please to receive it, as an Actual immediate Commission, or as Instructions from his Lordship for the particular Commission, as you will find it most effectual to answer his Lordships Intentions.

His Lordship never hinted to me, during M^r Goldsborough's long Illness, any Intention that M^r Walter Dulany should be his successor, and your Excellency knows how he came to be Called to the Council, as he was an Entire Stranger to his Lordship. I mentioned in my Letter of 20. July that he had been then named to his Lordship in case of a Vacancy by Mess^{rs} Hanbury, and he has been since recommended by M^r William Anderson, but to this 10th of November neither of the Brothers have wrote a word to his Lordship or me about him, nor have I had a Line from M^r Daniel Dulany for some Months. His Lordship has not authorized me to say what were his Intentions, in Case the Vacancy had been kept open till his pleasure was signified, but though it may Lay him under difficultys to do otherwise than Confirm what your