

Far be it from me to endeavour to invalidate your Excellency's powers, but I may, with great deference observe, that there is an absolute distinction made in the Act of Assembly of 1704 between a delegated Commission & a Commission flowing from her Majesty, her heirs & Successors, and M^r Hamersley takes up the distinction in his Instructions of the 10 Nov. 1767 & says, that the Lord Proprietary is to be consider'd *loco Regis* in this respect. It is evident that the same power that gives, can alone take away, & that therefore a person holding under an immediate Commission cannot be removed by another holding under the self same powers. It has been urged to me, that I do not hold under the immediate Commission but under one derived from your own authority. This argument is at best evasive, & too unworthy of your Excellency even to be urged by you because the Commission might have been made use of, & it would be highly ungenerous to make me a sufferer by such omission & therefore I do consider myself as holding under the powers of the immediate Commission as much, as if it had been filled up, and my Lord himself is of the same opinion otherwise he would not have thought it necessary to supersede mine by another immediate Commission, but would have acted as usual by instructions to y^r Excellency.

Your Excellency informs me, that you have nominated Major Jenifer to be Agent & Receiver general in my Room. Yet in whatever light I may now stand in his Lordship's opinion, I cannot think my Lord thinks Major Jenifer more worthy of the office of Agent than myself, otherwise his Lordship would not have turned him out of the office of Keeper of the Rental. It is evident by this action that he did not intend him for Agent, otherwise he would have mention'd him in the Commission or instructions, but His Lordship mention'd none other but M^r Tilghman, & therefore none other can act but he or I; He if he had accepted & I upon his declining the acceptance. My Lord orders me to resign to M^r Tilghman whom he has appointed. his Lordship has not order'd me to resign to M^r Jenifer, whom he has not appointed. To refuse the one would be flying in the face of his authority to do the other would be a breach of Trust. How far M^r Jenifer's Security may weigh I cannot determine—my personal security may be as good as his—& M^r Morris a Gentleman worth 40.000^l & my Brother Chaplain to the Duke of Montague a Pluralist with an Estate in Expectancy, would have given any Security required as soon as they arrived in London in the Winter, & letters had passed between My Lord, M^r Hamersley & those Gentlemen upon the subject. my removal therefore appears equally unexpected & precipitate.