

mentary source of revenue. Yet the legality of this branch of his income was never clearly established, and from time to time it was publicly challenged.

Apparently the Governor appointed county clerks prior to 1668, usually in commissions to the local court and without reference to the Secretary. In 1668, 1669, and 1670 the Governor was himself Secretary; and from that time until 1682/3 he appointed county clerks at the Secretary's nomination and during that officer's pleasure.<sup>8</sup> After 1682/3 the Secretary himself appointed the clerks except in rare emergencies. However, under His Lordship's orders of February 22, 1738/9, and later, such appointments required the Governor's approval. Under further orders of April 17, 1754, the clerks were to hold office only during Baltimore's pleasure.<sup>9</sup> The state Constitution of 1776 was to give the appointment of such clerks to the justices of each county court.

✓ The Secretary's sale of clerkships began in the first proprietary period, for we find that, as early as 1671, Secretary Sir William Talbot could grant his deputy "the liberty to sell, vend and dispose of any County Clerk's Place. . . ." <sup>10</sup> Although this practice was forbidden to Sir Thomas Lawrence, the first Crown Secretary, he chose to continue it.<sup>11</sup> However, in the eighteenth century, as the clerk's tenure became more secure and long incumbencies became the rule, opportunities for sale of these offices became less frequent. When a clerkship did fall vacant, the Secretary might give it away to a friend or relative, or sell it to someone else for a sum proportionate to its value.<sup>12</sup>

In his instructions of December 21, 1691, Secretary Lawrence was allowed, because he had to give security for the clerk's behavior, "to receive yearly a fee or Gratuity of the tenth part of one years Value . . . of each place from such Clerks as shall be nominated by him, the said Value to be estimated by the Governor and Council upon a vacancy."<sup>13</sup> Actually Sir Thomas demanded

<sup>8</sup> Cf. *Ibid.*, V, 87-89.

<sup>9</sup> *Ibid.*, XI, 595; Calvert Paper No. 525 (MS. Md. Historical Society).

<sup>10</sup> *Archives*, V, 89.

<sup>11</sup> Indeed Sir Thomas valued the mere disposition of clerkships at £ 1000 sterling. Cf. *Calendar of State Papers, Colonial*, 1689-92, art. 2562; 1693-96, art. 263; *Archives*, VIII, 384-86, 401-03, 409; XXVII, 435; XXIX, 64.

<sup>12</sup> The practices of Deputy Secretary Edmund Jennings (1733-54) and Deputy Secretary Benjamin Tasker (1756-60) are described in Daniel Dulany, "The Case of Mr. Dennis Dulany," 1760 (Dulany Papers, Md. Historical Society).

<sup>13</sup> *Archives*, VIII, 409.