

for his office, and an act of April, in the following year, expressly abolished it.

The fees of the Commissary were first established by an act of March, 1638/9, and were then confirmed by the Governor's proclamation of August 2, 1642.<sup>5</sup> Early in the royal period these and other charges were embodied in the general fee act of June, 1692. Under the restored proprietary another fee law, that of June, 1719, reduced them about twenty-five percent; and the Inspection Act of 1747 again brought them down, to about three-fourths to four-fifths of their former value in tobacco.

At the inception of royal government a law of June, 1692, had met a long felt need by providing a Deputy Commissary in each county. This officer was to be appointed by his principal, but after 1743 such appointment required the Governor's approval.<sup>6</sup> Normally the deputy could grant letters of administration on all estates, but if a dispute arose, only his principal could decide between the parties. An act of July, 1699, further empowered him to pass accounts of those estates whose value was not above £ 50 sterling, and the Inspection Law of 1747 raised this sum to £ 150 currency, or about £ 75 sterling. If the value were more, he usually obtained from the Commissary a special commission for passing the account. On "pauper estates" the deputy could charge but a third of his normal fee, and his principal, after July, 1699, received no fee at all. The deputies commonly held office for life through nominally at the Commissary's pleasure. In 1760 Governor Sharpe supposed three of them might be getting £ 50 sterling a year and the others from £ 10 to £ 30.<sup>7</sup> Under the Constitution of 1776 the Deputy Commissaries were succeeded by Registers of Wills, nominated by the two houses of Assembly, jointly, and appointed by the Governor.

At the establishment of deputies it had been the sense of Governor and Upper House that, as these officers were appointed

<sup>5</sup> A more complete table of somewhat higher charges, admitted by the Governor June 26, 1673, was confirmed by an act of June, 1676, and was supplemented by additional fees, again admitted by the Governor, Oct. 21, 1678 (*Ibid.*, I, 57, 163; XV, 27, 204; II 532).

<sup>6</sup> Instructions to Gov. Thomas Bladen, Dec. 28, 1743 (*Ibid.*, XLII, 659).

<sup>7</sup> Horatio Sharpe to Cecilius Calvert, July 7, 1760 (*Ibid.*, IX, 427). Sharpe probably understated the values of these places when on Dec. 21, 1761, he reported to the Board of Trade that they were worth £ 10 to £ 20 sterling a year and again when on July 25, 1768, writing to Secretary Hugh Hamersley, he valued them at £ 20 to £ 30 (*Ibid.*, XXXII, 27; XIV, 518).