

for the convenience of the public, they ought not to infringe upon the Commissary's income. So for each act performed by a deputy the principal might charge his own fee, except on pauper estates after 1699.

It was about this practice, and about the extent of the deputy's powers, that the two houses disagreed. Pleading convenience to the people, the Lower House tried to push the deputy's jurisdiction upward; as a saving to the public they sought to forbid the principal's taking any fee for acts of his deputy. We have seen that the former proposal won a limited victory in the Inspection Law of 1747. The latter suggestion, constantly opposed in the Upper House, was agitated in 1745, 1747, and 1753.⁸ It was a principal issue in the fee controversy under Governor Eden.

Meanwhile the Commissaryship, though lucrative, had proved to be a place of some expense and more trouble. Besides providing paper and writing materials this officer had to pay his register, called the Clerk of the Prerogative Office, who in turn would hire two or more clerks assistant. Moreover, from 1731 he was burdened with a saddle, payable at first to Lord Baltimore and later to the Principal Secretary. This annual charge, originally imposed upon Captain Charles Calvert by His Lordship's instruction of January, 1730/1, was at first £ 50 sterling a year. Under further orders of December, 1751, it was raised to £ 100 and was given to Cecilius Calvert, the new Principal Secretary.⁹ In 1768 Commissary Walter Dulany successfully resisted an attempt to impose upon him an additional £ 100 taken off the salary paid by his brother, Deputy Secretary Daniel Dulany the Younger.¹⁰

The office must always have entailed some attendance, but its duties became more onerous after November, 1734, when the elder Daniel Dulany, "out of a Desire of being popular," began giving the public more attention than had earlier been thought necessary.¹¹ His son, Walter Dulany, in 1768, declared that:¹²

⁸ *Ibid.*, XLIV, 39-56, 368; L, 243-44.

⁹ Lord Baltimore to Charles Calvert, Jan. 1730/1 (Calvert Paper No. 295½, p. 41); Daniel Dulany, Sr., to Lord Baltimore, Sept. 24, 1743 (Dulany Papers); John Sharpe to Edmund Jennings, Dec. 20, 1751 (*Calvert Papers*, II, 122).

¹⁰ Hugh Hamersley to Walter Dulany, March 28, 1768, and Aug. 1, 1769; Walter Dulany to Hugh Hamersley, Aug. 1, 1769 (Dulany Papers).

¹¹ Horatio Sharpe to Cecilius Calvert, April 19, 1761 (*Archives*, IX, 498).

¹² Walter Dulany to Hugh Hamersley, Sept. 29, 1768 (Dulany Papers).