

its money value, that is its purchasing power, was of great importance to them. The local product tended to fluctuate between one and two pence sterling a pound. Until 1747 it usually hovered near the lower figure, approximately the cost of production. It was of no reputation, and after 1730 it compared unfavorably with the inspected Virginia leaf. We have seen, however, that the Inspection Law improved the quality and eased the collection of Maryland tobacco. Consequently, although by it officers' fees were reduced, their sterling value may actually have risen.

So long as fees were regulated by law, they were also on execution. If the debtor failed to pay within a limited time after delivery of an officer's account by the sheriff, that official might, without further legal process, seize the debtor's movable property, sell it, and deliver the proceeds to the creditor.

During two intervals, however, from 1726 to 1747 and from 1770 until the Revolution, there was no fee law. Fees were then fixed by executive proclamation (1733 and 1770), in the former case by Lord Baltimore himself and in the latter by Governor Eden.

In so doing the proprietor acted within an alleged legal right under his charter. Moreover, as the fees so established were merely those previously taken by law, he could argue that the practical effect was to prevent extortion by his officers.

To these, however, such a proclamation was of slight utility, for instead of putting fees on execution, it simply fixed the *quantum meruit* of each service. Should his client then refuse to pay, an officer had no recourse but to a law suit before a doubtless hostile jury.⁵ The Deputy Secretary, the Commissary General, and some county clerks required of clients a penal bond for payment of their fees, but the Lower House early declared this practice "vexatious Litigious Crewell and oppressive."⁶

⁵ Cf. Benedict Leonard Calvert to Lord Baltimore, Oct. 26, 1729; Samuel Ogle to Lord Baltimore, Jan. 10, 1731/2 (*Calvert Papers*, II, 76-78, 83); Benjamin Tasker and the Council to Lord Baltimore, March 11, 1755; statement of the case on officers' fees, 1771 (*Archives*, XXXI, 64-66; XXXII, 500).

⁶ The Lower House committee of aggrievances complained of these bonds in April, 1735, May, 1739, and June, 1741. In 1743 Deputy Secretary Edmund Jenings wrote to Baltimore suggesting he forbid them in order to calm the temper of the delegates, but there is no evidence His Lordship did so (*Ibid.*, XXXIX, 248; XL, 313-16, 351-58, 364; XLII, 228, 662). A month after expiration of the Inspection Law, on Oct. 22, 1770, the Lower House again complained against the taking of bonds for fees in the Land Office (*Ibid.*, LXII, 423-26).