

last Session are not yet all printed but will probably before this Ship sails & in that Case Copies of them will be transmitted you to be laid before His Ldp for His Approbation. I am &c.

Letter Bk.IV

[Hamersley to Sharpe.]

Original.

D^r S^r

I am to Acknowledge the Receipt of your different favors of 28th May and 15th June both within these few days & the latter accompanied with the Acts of Assembly &c. At present I shall not trouble you upon either (till I have had an opportunity of Perusing the Acts & Papers) Except as to what relates to the Ordinary Licences, in which I am honored with his Lordships Commands to give your Excellency, and the Upper House immediate Satisfaction. I well remember the occasion of Issuing the Restraining Instruction having been employed by M^r Calvert to prepare it, and you know he then Claimed the fees arising by the Licences under his appointment as Secretary. The Lower House having in 1763, sent up the Bill for Establishing a College in the Province, which for various objections was never returned them by the Upper House, your Excellency, as I understood him, wrote for Instructions how to Demean yourself in case the ordinary Licences, which was the Principal fund Proposed by that Bill, should be again brought under Consideration. M^r Calvert came prepared with several Resolutions and Messages of the Upper House in 1753, 1754, & 1755, asserting, as he understood, the Proprietarys right to the fees arising from these Licenses, and upon Consulting M^r Yorke he was clearly of opinion that the Proprietary had the Power by himself & his officers of Granting and regulating the Licences in question, though as to the Dutys arising upon the Issuing them he seemed to Doubt, rather considering them as Casual Revenue at the disposition of the whole Legislature. However as the Fees were to be M^r Calvert's, If he could get them, and he understood both your Excellency and the Upper House as Inclined to Support the Proprietarys right, he desired the Prohibitory Instruction might be sent out, in Order to gain time for Information, and as the season of Peace seemed the proper opportunity for bringing the Matter to a Discussion here If thought necessary, and in the mean time, If it should be resumed by the Lower House, it might prevent many Disagreeable Messages between the Two Houses, and Exempt your Excellency from the Odium of giving a Negative, which he thought you could scarce avoid. Soon after the Issuing this Instruction the Stamp Act Passed, which put an end to the Proprietarys Claim by Vesting the Grant in your Excel-