

U. H. J. Levies of your Province so that they may be Assembled at the  
 Liber No. 35 Rendezvous which I shall hereafter appoint by the Tenth of April at  
 March 22 furthest

I have also in Command from his Majesty to recommend to you that Collecting and putting into a proper Condition all the Arms which can be anywise rendered serviceable or that can be found within your Government in order that the same may be employed as far as they will go in this Exigency: As a further reason for which I refer you to my Letter of the 16<sup>th</sup> February 1759 and now offer you the same Encouragement I did then Viz.<sup>t</sup> that for every one of such Arms as any of your men shall bring with them, and that may be Spoiled or lost in Actual Service, I will pay at the rate of Twenty five Shillings a Firelock

From this Encouragement and your known Fidelity and Attachment to his Majesty I have no doubt of your Exerting yourself to the utmost on this Great Occasion, where the future Welfare and safety of America of your own province in Particular, are so nearly Concerned

I am with great regard Sir

Your most Obedient humble Serv.<sup>t</sup>

Jeff: Amhurst

p. 419 [*The Opinion of his Majesty's Attorney General, Charles Pratt*]

As to the Nomination of Commissioners by the Lower House

In my Opinion the Sole Nomination of these Commissioners, who are new officers Appointed by this Bill belongs neither to the Proprietary nor to the Lower House Stricto Jure; but like all other new regulations must be Assented to by both, but can be claimed by neither, the Proprietarys Charter intitles him to nominate all Constitutional Officers, and all others which by the Laws are not otherwise provided for but I do not Conceive my Lord has any Original Right to nominate new Officers Appointed for the Execution of a new Law without the Consent of the two Houses; nor on the other hand have the Lower House any such independent Authority; and therefore I think the Upper House are right notwithstanding this claim in which they ought to be Supported by the proprietary, because it is unreasonable for one Branch of the Legeslature to Assume a Power of Taxing the Other by Officers of their Single Appointment

As to the Insufficiency of the allowance of the Commissioners of the Loan Office

My Lord should not meddle with this question which is proper to be discussed and settled by the two Houses as it Concerns only the quantum of allowance for the Officers, and does not encroach upon any of the Proprietarys Rights