

November 10:th 1770

L. H. J.
Liber No. 54
Nov. 20

Sir,

We return your Excellency our Thanks for the Communication, you have favoured us with, of the Charge cast on our Conduct, by the Lower House of Assembly, and the Opportunity we have thereby of vindicating our Conduct. When the Act regulating the fees of Officers, and of ourselves among the rest fell, we thought it expedient to direct our Clerks to receive, or secure the fees which might arise, for Services that might be applied for; We apprehend and still think that we were not bound to perform Services, without receiving or securing a Reward for them, and in settling our Demands, we thought the Regulation established by an Act of Assembly, and which was in force till the 22:^d of last Month, would be a proper Rule, and therefore directed that the fees, should be charged according to that Regulation, and paid or secured in the following Manner. By those who made no Tobacco in Money after the Rate of 12/6 Common Money for 100:^{lb} of Tobacco, by those who made Tobacco to be secured by their Promissory Notes—We directed no Oath to be tendered, nor spoke of any Proclamation, and suppose that the Clerk, if he did administer an Oath, was led to do it by this Circumstance, that being directed to observe the late Regulation as above, and to distinguish between those who were Makers of Tobacco, and those who were not, and the late Regulation having required an Oath, in such Case, therefore might administer it. As to his Lordship's Proclamation, we need not inform your Excellency, that none ever issued respecting the fees of the Land Office, and therefore could not refer to it; but the late Proprietor, considering it to be an Office concerning his private Revenue, claimed a Right to direct on what Conditions his Lands should be granted, and we humbly conceive that his Claim was justly founded. We beg Leave further to observe to your Excellency that our Directions were more indulgent to the People than the Orders which were given by Gov.^r Hart as Chancellor of this Province, when upon the Lower House of Assembly refusing to receive and continue an Act for the Regulation and Payment of Officers fees which expired in 1719

p. 188 while the Assembly was sitting he directed the Person who had been appointed to affix the Great Seal, on no account to Affix it to any Paper, either of a publick or private Nature unless the Party applying should instantly pay for the Service, according to the Rate which had been prescribed by the Act that had lately expired. Should his Lordship or his Governor for the Time being think proper to regulate the fees of this Office, we shall have no Scruple in demanding such, and until then, shall proceed according to the above Directions

We have Sir, the Honour to be with the greatest Respect & Regard

To his Excellency }
Rob.^t Eden, Esq }
[A Copy]

Y.^r Mo. Obed.^t Serv.^{ts}
(Signed) Bened.^t Calvert
Geo. Steuart