

Although the Governor had in his address to the Delegates on October 2 requested the establishment of a fund for this purpose, it was not until the session of the Assembly which met in November and December, 1773, that money was finally appropriated for building and maintaining a lighthouse at Cape Henry (pp. 4, 77; *Arch. Md.* LXII, xxvi-xxvii).

As has been pointed out in a previous volume of the *Archives* one of the most important and controversial laws ever enacted by the General Assembly of Maryland was entitled "An Act for amending the Staple of Tobacco, for preventing Frauds in his Majestys Customs, and for the Regulation of Officers Fees." This act, passed in 1763, was important because tobacco was still part of the currency of the province. To prevent changes in its value tobacco was given a fixed specie value in shillings and pence. In some cases money could be paid instead of tobacco at the fixed rate (*Arch. Md.* LXII, xxvii). This act was much discussed during the two sessions of the General Assembly held in 1770. As no agreement could be reached between the upper and lower chambers before the second of these sessions ended on November 21, 1770, the Act of 1763 failed of reenactment (*ibid.* pp. xxix-xxx).

This left the colony without any fixed system of currency. In order to remedy this situation Governor Eden issued a proclamation directing that no officer or officers, except Judges and the Registers of the Land Office, who were subject to other regulations, should ask or receive any greater fees than that provided for in the Act of 1763 regarding the staple of tobacco and officers' fees which the recent Assembly had failed to continue as a law. This proclamation was issued on November 26 five days after the last session of the Assembly ended. Two days before this, or on November 24, an order had been issued in the Lord Proprietary's name regarding the fees that could be charged by Judges and the Registers of the Land Office (*Arch. Md.* LXII, xxix).

Such was the situation when the General Assembly met again on October 2, 1771. On October 11 the Committee of Aggrievances and Courts of Justice reported to the Lower House that the fees charged by several of the officers of the province were excessive and under "no Regulation of any Law of this Province." The fees, it was claimed, were levied by virtue of Governor Eden's proclamation of November 26 (p. 97). When the Clerk of the Council was asked to furnish the Committee of Aggrievances and Courts of Justice with a copy of the records, or minutes, of the Council since the last session of the Assembly relative to the fees of any officers of the colony, Upton Scott, the Clerk, replied that his compliance with such a request would be "repugnant of the Nature and Duty" of his office (pp. 97-98). As the members of the Council during the intervals between the meetings of the General Assembly were acting as an advisory body to the Governor, this was the reason for the stand taken by Scott.

After hearing this report of the Committee of Aggrievances and Courts of Justice, the Lower House decided to take the matter up for consideration on October 17 (p. 98). On that day the first thing the Delegates did was to have a copy of Governor Eden's proclamation of November 26, 1770, laid before them (pp. 108-110). They also ordered that William Steuart, Clerk of the