

Land Office, produce before the House a copy of the order issued regulating the fees of Judges and the Registers of the Land Office, which was referred to in the Governor's proclamation of November 26. Steuart complied by producing a copy of the regulations which were dated November 24, 1770. These stated what fees should be charged by Judges and the Registers of the Land Office for performing certain services, such as issuing warrants, making out grants, etc. (pp. 110-112).

On October 18 the Delegates ordered that the proclamation of November 26 and the regulations of November 24 should be read, as well as several laws and resolutions of the Lower House. It was then resolved unanimously that :

The Representatives of the Freemen of this Province have the sole Right, with the Assent of the other part of the Legislature, to impose and establish Taxes or Fees; and that the imposing, establishing or collecting any Taxes or Fees on or from the Inhabitants of this Province under Colour or Pretence of any Proclamation issued by or in the Name of the Lord Proprietary or other Authority is arbitrary unconstitutional and oppressive.

For this reason, the resolution continued, the proclamation issued by Governor Robert Eden on November 26 and the regulations issued on November 24 in the name of the Lord Proprietary were "illegal, arbitrary, unconstitutional and oppressive." It was further resolved by a vote of thirty-two to three that "the Advisers of the said Proclamations are Enemies to the Peace, Welfare and Happiness of this Province and the Laws and Constitution thereof." The members of the lower chamber then ordered that an address should be prepared to send his Excellency regarding the said proclamations and that a copy of the above resolutions should be sent with it (pp. 113-115).

It was not until November 22 that the address relating to these proclamations was introduced in the Lower House by William Paca, of Annapolis, one of the committee that prepared the message. The instructions, or regulations, issued on November 24 were first discussed. In regard to them it was said that as the Land Office was not a private but a public office in which the colonists had a fixed and legal interest, the Governor could not regulate the fees to be charged by issuing instructions.

As to the Governor's proclamation of November 26, 1770, it was maintained that "it stands in it's Intention and Construction, as an implied Affirmative Allowance for the charging of Officers fees, agreeable to the late Regulation . . ." and as such was an attempt by his Excellency to exercise a power which could constitutionally be exercised only by the Legislature. In their researches, the committee continued, they did not find a single instance of any proclamation for levying the salaries or ascertaining the fees of officers. As fees of office are a tax upon the subject, they could not be imposed on the colonists except by the consent of the freemen in a General Assembly (pp. 192-198).

Continuing in the same vein the address to the Governor stated that as taxation and representation are inseparable, no one has a right to tax another without his consent, either expressed by himself, or his representative. Whoever tries to do this, it was said, "attempts an Injury," and whoever does it, "commits a Robbery." It was hoped that his Excellency would not attempt to exercise