

both legislative and executive powers for in such a case "a Tyranny would be established." The message to the Governor concluded by requesting him to quiet the minds of people in Maryland by withdrawing his proclamation of November 26, 1770, as well his instructions of November 24 establishing fees in the Land Office, and that he would make known the names of "those ill Advisers who have daringly presumed thus to tread on the invaluable Rights of the Freemen of Maryland" (pp. 199-200).

After being approved by the members of the Lower House by a vote of thirty-one to three, this message was delivered to the Governor on November 23 (pp. 207-208). A week later in his reply to this address, Eden said that he thought that the Delegates' objections to his proclamations were due to a desire "to excite popular Animosity." It was they, he insisted, who wanted to usurp power and he gave as an illustration the arrest of William Steuart, Register of the Land Office, by order of the Lower House during a meeting of the General Assembly in fall of 1770. In this case, the Governor claimed, the Delegates assumed all powers, executive and judicial, as well as legislative (p. 219). Eden quoted at length from his message to the Lower House on November 20, 1770, regarding this arrest (pp. 219-223; *Arch. Md.* LXII, 421-425). He maintained that Steuart was condemned without authority by the Delegates "to undergo an Imprisonment, to which even Highwaymen and felons are not subject by the Law . . ." (p. 224). The arrest of William Steuart has been discussed in a previous volume of the *Archives* (LXII, xxvii-xxix).

Governor Eden then pointed out that in regard to the officers of the colonial government they were supported by fees and if these fees were taxes he questioned the sole authority of the Lower House to impose them. He cited instances in the past when the Lord Proprietary, either himself, or through the Governor and Council, had claimed the right to regulate officers' fees (pp. 225-231).

As to the Land Office, Eden claimed that the Proprietary had a right to dispose of his real estate on such terms as he deemed proper and to settle and regulate the fees of his officers in that department. That in this respect the Land Office might be called his Lordship's private office. While the people of Maryland have access to it, the officers were appointed by the Proprietary and cannot be compelled to perform any services without an adequate compensation (pp. 231-232).

Regarding his proclamation of November 26, 1770, the Governor maintained that he did not issue it until after the most mature consideration and that to him it appeared to be "a Measure not only lawful, but necessary. . . ." As to the last suggestion of the Lower House about his advisers, Eden said that he would not allow the Delegates to tell him whom he was to consult or exclude from his confidence, nor should any man have "the least Pretence" to reproach him with having betrayed his confidence (p. 233).

The importance that the Delegates attached to this dispute with Governor Eden was shown by their ordering that their address to him and his reply to them should be printed separately and four copies sent to each person entitled to receive the Votes and Proceedings of the Lower House (p. 233).