

but did advise the Proprietary not to question the validity of the law of 1754 as the home government had not as yet remonstrated against it, nor did he see any reason why his Lordship should refund any of the duties paid by Stewart. The memorial by Stewart on the other hand presents his side of the dispute in detail, and cites an opinion given May 6, 1755, to him by William Murray, then the Attorney-General of the Crown, and who was later to become Lord Mansfield, to the effect that the impost was in direct opposition to the authority of Parliament (Appendix pp. 763-771).

Under date of December 10, 1757, the Lower House sent an address to the Governor again protesting that notwithstanding repeated representations made to him he had failed to enter suit against the bonds of the Naval Officers who had allowed the landing of servants with seven years or more to serve, without collecting the duty (pp. 341-342). The Governor now replied in a heated address justifying his position, in which he insisted upon an answer to certain questions. Did or did not the Lower House make a distinction between bona fide indentured servants who had voluntarily agreed to serve seven years or upwards in return for their transportation, and convicts sent to the Province by order of the home government and sold on their arrival into servitude for seven years or more? Could the Lower House justify its assertion that the filing of an impost bond by the captain was "an Indulgence unknown to the Law", when it knew that the use of these impost bonds had been the custom in the Province since 1715 or even earlier? Could the Lower House possibly insist on an interpretation of the wording of the Act of 1754 requiring that duty be paid on "servants to serve seven years or upwards at the time of entry", which would make the phrase "*at the time of entry*" apply to the time for the payment of duties, and not to the age of the servant "at the time of entry" as this same phrase in all similar previous acts had always been construed? Did the Lower House believe that the duty could be collected upon *convicts*, without violating the laws of Great Britain, by calling them *servants* (pp. 376-386). To this message of the Governor, the Lower House under date of April 19, made a very lengthy reply, in which no new points were made, in an attempt to justify its position (pp. 595-607).

THE BILL FOR REDUCING THE ALLOWANCES OF MEMBERS OF THE
ASSEMBLY AND PROVINCIAL OFFICERS

A long standing grievance of the people was that so many public offices with their salaries and fees, were in the hands of a small clique appointed by the Proprietary. The Upper House was composed of the same men who sat on the Governor's Council, some of whom also held several lucrative administrative and judicial offices. The Lower House brought this grievance to an issue by opposing the payment from the public funds of additional "allowances" to the members of the Council when they sat as an Upper House, and also opposed the payment of an additional salary to the clerk of the Council when he acted as the clerk of the Upper House.

Doubtless to forestall aggressive action by the Lower House at the September-December 1757 session, a bill was passed by the Upper House with the title