

without the consent of the Assembly; and that although in 1717 the Assembly had passed, after "many tedious and disagreeable debates," an act which the Governor had accepted, granting to the Proprietary the licence fees from ordinaries "as a gift of the people," this gift was at any time revocable. The Upper House contended that the Assembly had recognized the right of the Proprietary to these fees as late as 1674, and that even if he had acquiesced in the Act of 1717, inasmuch as he was entitled to the licences as his prerogative, he could at any time withdraw his assent. It further declared that in permitting the passage of an act, the Supply Bill for His Majesty's service, the year before (1754), allowing the use of these licence fees for public purposes in an emergency, he was not thereby prevented from withdrawing this assent when he chose. The two houses became deadlocked and the Supply Bill appropriating £10,000 for military purposes in which the Lower House had included the licence fees as one of the sources of revenue, failed of passage. Again at the following session, held in June 1755, the two houses, still deadlocked on this question of the ordinary licences, the Supply Bill once more failed of passage. But when the Assembly met in February 1756, the Upper House, chastened by Braddock's defeat, finally agreed to the inclusion of these licences and the Supply Bill was then passed. The story of this long-standing dispute in regard to the disposition of ordinary licence fees, and its final settlement in favor of the public in 1768, is clearly told by Newton D. Mereness in his *Maryland as a Proprietary Province* (pages 353-60).

The right to numerous fines and forfeitures collected by the Provincial government was also the subject of constant dissension between the Proprietary and the people, the former claiming them as his prerogative, and the Lower House declaring that their disposition was entirely in the hands of the Assembly. In several instances it will be found that legislation favored by both houses failed of passage because the Upper House insisted that part of the fines should go to the Proprietary, and the Lower House that they be used for some designated governmental expenditure.

During our two-year period the members of the Governor's Council, who also composed the Upper House, were Benjamin Tasker, Charles Hammond, Samuel Chamberlaine, Philip Thomas, Benjamin Tasker, Jr., Benedict Calvert, William Goldsborough, Richard Lee, George Plater, Edward Lloyd, and at the fifth session, Robert Jenckins Henry. The members of the Upper House, as appointees of the Governor, not being elected as were the delegates to the Lower House, directly represented the Proprietary interest. The political divisions of the Lower House formed what were known as the Proprietary and County parties, the latter being greatly in the majority. It may be said in general that at least two-thirds of the sixty members of the Lower House were of the