

clerk of the Loan Office, who had died September 11, 1760. This examination resulted not only in the discovery of the Darnall defalcation but the fact that other Naval Officers had been dilatory in making payments to the London trustees of the Province of export tobacco duties collected by them, and that the trustees had failed to invest all these funds in Bank of England stock, as required by law.

The struggle between the two houses on the adoption of the Journal of Accounts flared up again at this session, but no agreement was reached and the payment of the accumulating public charges was still further postponed. Not only was the inclusion of various controversial items opposed by the Lower House on the grounds that they were properly chargeable to the Proprietary and not to the public, but the refusal of the Committee on Accounts of the Lower House to allow representatives of the Upper House to inspect the original accounts in its possession, resulted in the passage of a resolution by the upper chamber, which was published in the *Maryland Gazette*, that it would thereafter pass no accounts unless the originals, or certified copies of them, were presented for its inspection. It is to be noted that Charles Pratt, Attorney-General for the Crown, in an opinion had declared that the authority of both houses to examine and approve accounts was unquestionable, and that the claim of the Lower House that it, like the House of Commons, alone had authority over all money matters, could not be justified (pp. lxxviii-lxix, 203).

A final, although unsuccessful, effort was made at this session to bring about, with Assembly sanction, the publication of Bacon's Collection of Laws. The story of this long continued attempt is narrated in detail elsewhere in the introduction of this volume (pp. lxxi-lxxiii), and in the preceding volume of the Archives (*Arch. Md.* LV, li-lii), so need not be repeated here. The bone of contention between the two houses was the question of the inclusion in the Collection as a law still "in effect" or "in force" of the Tobacco Export Duty Act of 1704, under which the Lord Proprietary appropriated for his personal use the twelve pence duty collected on every hogshead shipped out of the Province. The Lower House was willing that this act be included in an Appendix and marked as "in use", but not as "in force". The Upper House, of course, refused to agree to this and the bill failed of passage (pp. 427, 429, 432-433, 470-473, 475-477, 482, 483).

A renewed effort to establish a college in Maryland at Annapolis was made at this session but without result (pp. 461, 488-490, 492-496, 496-497). The story of this serious attempt to further the cause of higher education in the Province is also fully narrated in another section, so need not be repeated here (pp. lxvi-lxviii). A committee was also appointed by the Lower House "to examine into the State of the Assembly Office, and the other public Offices, and the Repository where the ancient Records are kept, and report the same to the House" (p. 445). Such a report, if made, does not seem to have been preserved.

The two houses also split on the adoption of a number of other less important bills because the Upper House felt that as framed they infringed upon the prerogative of the Lord Proprietary. Thus bills "for the trial of all Matters of Fact in the several Counties where they have arisen" and "for issuing Writs