

LICENSES FROM ORDINARIES

The dispute as to whether license fees from ordinaries or public houses, belonged to the public or to the Lord Proprietary, was one which extended back to the year 1692—nearly three quarters of a century. Since the restoration of the Province to the Calverts in 1715, the Proprietary had claimed these licenses as his own under his prerogative, and the Lower House had claimed them as belonging to the public. At the time of the Third Inter-colonial war, and again during the Fourth Inter-colonial or Seven Years' War, the Proprietary had been reluctantly forced by public opinion to "acquiesce" in their being pledged under several acts of the Assembly to restore the sinking funds of loans, set up under various Supply acts for His Majesty's Service, although he reasserted in each instance his assumed rights to the licenses. These were the £5,000 Supply act of 1740 for the Carthagena Expedition, the two Supply acts of 1746 for the Canada Expedition, the £6,000 Supply act of 1754, and the £40,000 Supply act of 1756. And again in 1760, the sinking fund provisions of some of these acts were continued by the Assembly for three years longer, the ordinary licenses collected under them to be used to lighten certain onerous taxes on landowners. The discussions and controversies which these acts evoked, in as far as they related to the use of ordinary licenses, have been discussed in the introductions to former volumes of the *Archives* (LII, ix-x; LIV, liii; LVI, lxvii-lxviii).

When the 1761 session of the Assembly met, it was obvious that the fees from ordinary licenses would more than meet the requirements of the sinking funds under the various Supply acts, and the Lower House at once made a determined effort to have this license money again dedicated to the use of the public. A "proposal" was favorably considered in the Lower House, under which the license money was to be used towards the support of a college at Annapolis, but the Assembly adjourned before definite action could be taken upon it (*Arch. Md.* LVI; lxvii-lxviii).

At the 1762 session, the disposition of ordinary licenses came before the Assembly in two ways. The Lower House first passed a bill regulating ordinaries and ordinary licenses. This bill embodied an effort to continue the provisions relating to these licenses contained in the acts of 1757, in so far as the latter act supplemented the provisions of the Service act of 1746. When the bill reached the Upper House no notice was taken of it and it was allowed to die (pp. 35-36, 151). The disposition of these licenses then promptly came up in another guise in the Lower House. The Upper House had just rejected the Supply, or Assessment bill, for His Majesty's Service which made provision for maintaining a force of three hundred Provincial militia and for providing eighty-four recruits for the regular British regiments, the funds for this purpose to be raised by taxes on incomes and on the assessed value of personal property and land including the landholdings of the Proprietary. Immediately after the Supply Bill had been rejected in the Upper House the question was brought up in the Lower House as to whether a bill should be introduced to continue the imposition of the license fees on ordinaries provided for under the £40,000 Supply Act of 1756, now about to expire, and to use