

ordinary licences, as a grant of the people, and that the application of such fines cannot be made without the assent of their Representatives. The answer is, that if the late Lord, or his ancestors had passed such or twenty such acts, it would not alter the power or property granted and vested in the present Lord, by virtue of the Royal Charter descending to him by inheritance from his illustrious ancestors. All former Proprietors might at any time accede to an act to appropriate their own dues to other uses according to the exigencies of the colony, but that will by no means bind their successors, nor can they do any injury to a right, which is for ever descending with the charter.

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It will be universally allowed, that for the good and peace of the Government, and to hinder the inconveniences and damages which must arise from unlicensed ordinaries and public houses, that all keeping such houses should be under proper regulations and restrictions. Licences and fines are fixed upon by authority, as the best means to keep them in due bounds. As to the money arising from licences and fines, to whom does that belong? Why, by the authority of the Charter, it is the sole and whole property of the Lord-Proprietor.—The licence-money was consolidated into the tax by the bill of 1756, “towards making good the payment of the 40,000*l.* for his Majesty’s service, section 96.” The Secretary has all along shewn himself satisfied with that act by generously complying with his loss of fees of ordinary licences, &c. to which fees he has a right by virtue of his commission, but declares not one farthing of them has, to his knowledge, been paid into his office. The truth of this may be known from Daniel Delany, Esq. his Deputy. p. 135

Then comes this remarkable passage, page 46 and 47. [pp. 395-396] (Vide the Upper and Lower House’s Message inserted in this discourse.) “It is a maxim in politics, almost universally adopted, that the Representative is justified by the instructions of his constituent, in acting even against his own judgment; and we were willing to entertain hopes, that your Honours (*id est*, the Upper House) might be more at large at present than heretofore, with respect to the tax on the Proprietary estate, and the great offices of the Government. Now that I may explain this passage to the understanding of the supposed associates in this elaborate performance, I will borrow my logic from the bar, (here he starts up the lawyer!) and by force of *innuendo*’s, throw such a light upon it, that the persons in the Province, who would discover any obscurity in it, shall, at the first glance, comprehend its full scope and intention.—It is a maxim in politics, that the Representative (the Upper House meaning) is justified by the instructions of his Constituent, (the Lord-Proprietor meaning) in acting even against his own judgment, (the judgment of their Honours of the Upper House meaning) and we were willing to entertain hopes, that your Honours might p. 136