

not on the larger plantations by slaves. The Lower House accepted these amendments and the bill was passed (pp. 267-269). The act provided that a bounty of 1100 pounds of tobacco be paid to the person who shall bring to the August court of each county "the best piece of Linnen Cloth of twenty-five Yards at least in length and one yard at least in breadth"; for the second best piece nine hundred pounds of tobacco, for the third best piece eight hundred pounds of tobacco, with a declining sliding scale of bounties for the fourth and fifth best pieces. These bounties were to be paid on the basis of "the quality and whiteness" of the linen submitted. Other bounties, somewhat smaller, were to be paid on a similar sliding scale to other manufacturers of linen, based only on quality and not on whiteness. Care was to be taken that more than one reward be not given for the same sample. The act does not seem to have accomplished the purpose for which it was passed, for with a time limit that it expire in five years, it was not reenacted when it then expired.

*Fish conservation.* Measures for the conservation of fish occupied the attention of the Assembly at the November-December, 1765, session. A bill, which was really a fish conservation measure, but with the misleading title "An Act to prevent the Navigation on Potomack River, Monokasy, and Conecocheague Creeks being obstructed", was passed on November 21, 1765, by the Lower House, and sent to the Upper House (pp. 150, 167). From there it was returned with amendments (pp. 57, 176), to which the Lower House demurred in a message which that house approved by a vote of 27 to 7 (pp. 186, 187). To this rejection the Upper House replied in a return message, explaining why it had added the amendments (pp. 68, 189-190). From these messages it is learned that the Lower House passed the bill because a dam and saw-mill, stated to be the only one on Conecocheague Creek, had been so constructed that it obstructed navigation, and this "by a trespasser on the property of another contrary to the laws of the Province & that under the bill submitted [by the Lower House] he was being very tenderly dealt with . . . in only being obliged to make a sufficient lock" to the dam. The Upper House felt, on the other hand, that anything that was already built on private property "under the faith of the law", should not be affected by any subsequent act which would prove an injury to private property rights (p. 68). The Upper House refused to recede, so the bill was allowed to die.

From what follows it seems certain that the purpose of this bill "to prevent navigation being obstructed", was the conservation of fish in Conecocheague Creek. One also wonders whether a certain Martin Kirshner, described as a miller of Conecocheague Creek, Frederick County, who made a deposition in the Lower House on December 14, 1765, in regard to the armed mob reported to be collecting in Frederick County to march on Annapolis to enforce the passage of the Journal of Accounts (p. 234), may not have been the owner of the dam on Conecocheague Creek which gave rise to this Lower House bill. On November 27, 1765, a bill was introduced in the Lower House "for the preservation of the breed of fish", which was read once and, by order of the house, was referred to the next Assembly (pp. 150, 181, 191). Its scope is not disclosed by the record, but it was doubtless of the same character as the act passed