

ber for rejection, was without action referred by the lower chamber to the next Assembly for consideration. The necessity of a law imposing regulations and restraints upon innkeepers had become so insistent that compelling circumstances pointed to a settlement of this long standing dispute in the near future. At the May, 1766, session, a regulatory bill was brought into the Lower House where, after debate, it was decided by the close vote of 20 to 19 that the fees and fines collected should go to the respective counties in which the inns were located and not for such purposes as the Assembly might decide (pp. 27, 30, 48). A motion that the bill be withdrawn and all the entries and proceedings upon it be expunged was defeated by a vote of 20 to 19 (pp. 49-50). When the bill reached the Upper House it was amended to give the disposal of the license fees to the Assembly, and a few minor administrative changes were made in it (pp. 9, 12-13). Thus amended, the bill was returned to the Lower House where it was promptly rejected without explanation; but Sharpe, writing to Secretary Hamersley, said that the Lower House, while really favorable to the amended bill, had rejected it because it denied the right of the Upper House to make any changes whatever in a money bill. Sharpe also wrote that he told the members of the Upper House that had it passed the bill, acting under orders from the Lord Proprietary, he would have been obliged to veto it, as his instructions on this point were obligatory. He wrote requesting that the Proprietary instruct him what he should do if the bill were passed by both houses at the next Assembly (*Arch. Md.* 308, 310). At the November-December, 1766, session, a Lower House bill was passed entitled "An act to remedy the evils arising from the retailing of strong liquors in small quantities without license". The journal does not disclose its scope. After reaching the Upper House it was rejected. The Lower House then ordered a committee to draw up a message to the Upper House "to enforce its passage"; no message was apparently sent and nothing further is heard of the matter (pp. 178-179, 109, 193).

This change in the attitude of the Upper House from opposition to approval of a bill to regulate ordinaries and turn over the license fees to the public was due to events which had transpired at meetings of the Governor's Council during the last few days of the May, 1766, session. The same men who composed the Upper House had, sitting as the Council, on May 23rd, 26th and 27th, brought before them by the Governor his "Instructions" from the Lord Proprietary dated February 7, 1765, directing him not to give his assent to any bill taking from the Proprietary the license fees from ordinaries, which he declared were his prerogative, unless a suspending clause of at least eighteen months was inserted, so that his pleasure as regards the bill might be learned. These instructions have been printed in a previous volume of the *Archives* (LIX, pp. 359-360).

The Council referred these instructions to a committee of its members, of which Daniel Dulany was one. This committee promptly rendered an opinion, which was certainly written by Dulany. The report declared that neither under his charter nor by act of Assembly was the Proprietary vested with the right to regulate ordinaries or to receive the license fees. It declared that by decisions