

1766, session, as it had at the preceding 1765 Assembly. Two bills affecting fish conservation had been introduced at the 1765 session. One of these, under the title "An Act to prevent the Navigation of the Potomac River, Monockasy, and great Conococheague Creeks being obstructed", which had its origin in the Lower House and sought to prevent the erection of dams and fish weirs, was obviously a fish conservation measure; it was rejected in the Upper House because it was deemed a threat to private interests in the case of a certain dam already in operation. The other bill, with a more revealing title was, "An Act for the preservation of the breed of fish", also came before the 1765 session, but action upon it was referred to the next Assembly. These two bills and an Upper House bill before the 1765 Assembly to repeal the existing law in regard to the building of water mills, which was rejected for undisclosed reasons in the Lower House and was also a fish conservation measure, have been fully discussed in a previous volume of the Archives as the first serious attempts to protect fish made in Maryland (*Arch. Md.* LIX, xxxiii-xxxiv).

The bill "for the preservation of the breed of fish", doubtless identical with the 1765 bill, came up again at the November-December, 1766, session. It passed the Lower House and was sent to the upper chamber where numerous amendments were added. The significance of several of these, in the absence of a copy of the bill, is not obvious. One amendment, however, providing that the fines collected, which under the Lower House bill were to be used to "defray the public charge" of the several counties concerned, and which was changed by the Upper House" to be used as the General Assembly shall direct", was doubtless the principal cause of the unanimous rejection of the amended bill by the lower chamber as the Lower House on general principles objected to the upper chamber altering the money feature of any bill (pp. 144, 153, 196, 121, 124, 199). A similar impasse between the two houses as regards the disposition of fines had caused the rejection in the Lower House at this session of the bills licensing ordinaries or inns, and hawkers and peddlers, the house denying the right of the upper chamber to amend a money bill (p. ciii). Thus the bill for the preservation of the breed of fish died at this session, to be passed, however, in 1768, along the general lines of the 1766 Lower House bill.

At the November-December, 1766, session, an act passed without a hint in the title as to its principal purpose, may be considered the first fish conservation law to have been passed in Maryland. This was an act repealing the greater part of a former law passed in 1704 "for the encouragement of the erection of water mills", under which the builder of such mills enjoyed sundry privileges, one of which was to erect dams without making provision for fish ways. Under the repealed sections the right to build dams on rivers was abolished. This law is discussed elsewhere in this Introduction (p. xxxv). As will be seen from what follows, it was unquestionably primarily a fish conservation measure.

It was at the 1768 session that the two important laws for fish conservation which had been before previous Assemblies were passed, apparently without opposition. These were: (1) "an act for the preservation of the breed of Fish in the Susquehannah and Patuxent rivers", and (2) "an act to prevent any obstruction of the navigation of the River Potomack." The preamble to the first of these acts for the preservation of fish in the Susquehanna and Pa-