

with the assent of the Upper House. Therefore any attempt to collect such fees because of instructions from proprietary officials, as William Steuart had alleged, was arbitrary and unconstitutional. To answer for what the Delegates considered actions not warranted by law, the serjeant-at-arms was ordered to seize Steuart and bring him before the Lower House (pp. 300-301).

When brought before the House, Steuart defended his actions on the same grounds which he had previously given. Thereupon, for his offences and contempt of the House the Delegates committed Steuart to jail. On the following day, which was Friday, November 2, 1770, Governor Eden prorogued the General Assembly to meet on Monday, November 5th. As William Steuart was then no longer under the authority or jurisdiction of the Lower House, this brought about his release from prison (pp. 304-305, 307).

When the Delegates convened on Monday, nothing daunted, they again ordered the Serjeant-at-Arms to bring Steuart before them. They justified their action by citing the same reasons which they had given for the first arrest (p. 374). Three days later, on November 8, the Delegates sent a "humble Address" to Governor Eden. The language used, however, was far from being of that description. They described the Governor's prorogation of the General Assembly as "an undue and ill advised Exertion of Power." And the "true Cause" of Eden's action, the Lower House claimed, was to secure the release of Steuart from prison. The Delegates defended their action in having Steuart committed to jail by referring to the report of the Committee of Grievances and Courts of Justice and also to their own resolutions following that report. The attempt of Benedict Calvert and George Steuart to regulate fees "by Proclamation" was criticized by the members of the Lower House (pp. 379-380).

On November 20 Governor Eden replied to this address. After expressing his disapproval of the spirit which prompted the message of the Lower House, Eden maintained that his action in proroguing the General Assembly was not ill advised. When, he said, a subject was illegally deprived of his liberty, it became the duty of the executive to release him. In this particular instance, William Steuart, after his commitment to jail, had petitioned him for relief against the arbitrary action of the Lower House.

The Governor took the position that if Steuart had committed the offences, described by the Delegates, then he should have been tried before a law court and not by the Lower House. As he could not stand by and see the House of Delegates assume such power, as they had claimed, he had felt it his duty to prorogue them. After reading the letter which Benedict Calvert and George Steuart had sent him defending their actions, the Governor said that he could not see "any Irregularity in their Conduct" (pp. 421-427).

Despite the Governor's reasoning, the members of the Lower House stood firm. On motion, they unanimously resolved that they were invested with the power to commit to prison by way of punishment any person for contempt; that they also had authority as "the grand Inquest of the Province" to hear and enquire into all complaints and grievances, and, as incidental to that authority, a power to commit any person to jail for crime. Furthermore, the