

Delegates maintained, the Lord Proprietary through his officials had no right to regulate the fees of the officers of the Land Office (p. 431).

Fearful, no doubt, lest the Lower House would again imprison William Steuart, Governor Eden, on November 21, once more prorogued the General Assembly (p. 432).

Five days later, on November 26, 1770, Eden issued a proclamation directing that no officer or officers, "the Judges of the Land-Office excepted, who are subject to other Regulations to them given in Charge," should demand or receive any greater fees than provided for in "An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees," passed in 1763. Two days prior to this an order had been issued in the name of the Lord Proprietary regulating the fees that could be charged by the Judges and Registers of the Land Office. When the General Assembly met again in October, 1771, the proclamation and order were condemned as "illegal, arbitrary, unconstitutional and oppressive." No agreement about the Act of 1763 could be reached, however, until the session of the Assembly which met in November and December, 1773 (*Green's Votes and Proceedings of the Lower House of Assembly*, October–November, 1771, pp. 18, 19, 20–21, 84; *Green's Laws of Maryland*, November–December, 1773, Chaps. I, XXI; *Maryland Gazette* Dec. 13, 1770).

RELATIONS BETWEEN THE UPPER AND LOWER HOUSES, 1769-1770

The act for amending or regulating the staple of tobacco, mentioned in the previous paragraph, was one of the most controversial laws ever passed by a Maryland Assembly. Since its enactment in 1763, it had always been the subject of much debate. For the original act and acts supplementary thereto and a discussion of the same, see *Archives of Maryland*, LVIII, xxix, xxxi, xxxv, xxxvii, lvii, lix-lx, 433-497; *ibid.* LIX, 294-296; *ibid.* LXI, xxxvii, 222, 243-247.

A committee, appointed by the Lower House on November 18, 1769, to determine what laws would expire that session unless continued, reported a few days later that this much debated tobacco law was one of them (pp. 40, 44-45). After a discussion of the act, it was continued until October 1, 1770 (pp. 59-60, 61, 62-63, 78, 82-83, 123).

Naturally, when the next session of the Assembly opened on September 25, 1770, the act for amending or regulating tobacco, etc., was again listed as a law which would soon expire (p. 212). On September 29 the act was continued until October 22 (pp. 175, 213-216, 308).

As the Assembly was still in session when this law expired on October 22, the bill again came before both Houses. On the day the law became a dead letter, the Upper House informed the Delegates that if they would consent to some amendments to the bill, the Councillors would be willing to pass the act. The suggested amendments dealt with a number of subjects including, among others, the time tobacco inspectors should spend in performing their duties, what should constitute a lawful tender of tobacco and when money could be paid instead of tobacco (pp. 187-188, 272).