

Assuming a power to assent or dissent when and to what laws he pleased, that are made in his absence from the Province.

Assuming a power to repeal laws by proclamation.

Assuming a power to dispense with laws made that had received his own personal assent.¹⁷

The appearance of these charges in the many laid against the Proprietary Government reinforces the opinion which the reader has doubtless formed ere this, that the fundamental difficulty in this matter, in the case of Maryland, lay in the control which the Proprietor could and did exercise over legislation. Into the justice or injustice of the specific indictments we have no need to go. It is certain that there had been bad government, and not the least of the unrest which made possible the Revolution of 1688 arose from the uncertainty of the law. The "model of government" in this respect, at least, was still unsettled.

The royal administration of the Province left in many ways lasting effects upon the destinies of Maryland. In legislation especially was this period noteworthy. But while the laws were revised and many excellent ones given a permanent place upon the statute book, no solution was found for this long standing and—we cannot help feeling—somewhat cherished opportunity for wrangling.

All the legislation upon this subject either expired or failed to pass.¹⁸ From the commissions of the people, however, and from certain judicial decisions, it is manifest that the old claim of extension, in line with the principles of the Act of 1662, was not given up.¹⁹ In the latter years of the royal

¹⁷ Sparks, p. 105, citing III. Council Proceedings, pp. 215, 217, 219.

¹⁸ The Act of 1692, ch. 36, revived that of 1678, but was repealed by the Act of 1700, ch. 8. See Bacon, *Laws of Md.* The Act of 1696, ch. 18, was interesting for this reason: the Assembly attached a clause implying the extension of the English statutes generally, and the Act was disallowed by the Crown as including legislation of a different nature from that set forth in the title of the bill. The bill was one of those for the establishment of the Church. See *Economics and Politics*, p. 18. This Act of 1696 was extended by Act of 1699, ch. 46, but both were dissented to by the Crown; see Bacon, *Laws of Md.*

¹⁹ McMahan, pp. 119-120. Cases in 1707 and 1711 are mentioned in note 1. To these may be added others in 1712 and 1714, for which see 1 Harris and McHenry 28-30. In these latter cases, the decision was against the extension of particular statutes. See below, p. 32.