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## *A History of Printing in Colonial Maryland*

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that the question came up again, but from this time it had assumed an ugly form in the hands of a newly-arisen party that seemed determined in every possible way to defame the Proprietary and his government. The following sentences from the work of a Maryland historian summarize the situation as it existed at the time of which we are writing:

The pretence of that party with respect to the tonnage duty was that by a repealing act of the year 1704 the law imposing it had been repealed. It is true that the repealing act of 1704 did declare all laws that had ever been made in the province before that year to be repealed, save those mentioned in an excepting clause; and in that clause was no mention of the tonnage act. But there was also in that repealing act this saving clause, viz, 'Saving always to all and every person and persons whatever was his and their right and benefits which he or they had by the former acts of Assembly.' Therefore, on the same basis as that of the solicitor general's decision in the year 1692, the proprietor was still entitled to his tonnage duty. Nevertheless, until the overthrow of the Proprietary government the lower house continued to deny his right to it. In 1761, when the Board of Trade asked for copies of laws in force, that house would not agree to defray the expense of preparing them unless the editor would leave out, with one other act, the act for tonnage duty. But the fair-minded Governor Sharpe and Daniel Dulany, Jr., with his distinguished legal talent, never gave a sign of doubting the Proprietor's right to that duty.<sup>1</sup>

### THE LEGISLATIVE ADVENTURES OF BACON'S COMPILATION

With this outline of the political situation in mind, the failure of Bacon to secure encouragement from the Assembly for his proposed publication of the laws of the Province is easy of comprehension, for it was well understood by the Lower House that his Lordship's domestic chaplain could not be expected to omit from his collection laws which existed for his patron's advantage and emolument. On December 16, 1758,<sup>2</sup> however, the proposals of Bacon having been brought to the attention of the Lower House, a committee appointed for the purpose of considering the plan therein set forth asked him to propose to them the sum for which he would undertake to deliver eighteen printed bodies of laws to the Province, and also to set the price for the sale of copies to the public. Bacon named three hundred pounds currency as the price of the eighteen public copies, and forty shillings in the same medium as "the Price of each Copy to Subscribers (advancing one half as usual in such cases)." The committee reported that the proposed publication "would be of great utility," and recommended that another committee be appointed to consider what laws were in force, "or proper to be inserted or any Way to be taken Notice of in the said Body." It considered that the price named for the public copies was reasonable,

<sup>1</sup> Mereness, N. D., *Maryland as a Proprietary Province*. 1901. p. 91.

<sup>2</sup> V. & P., December 16 and 20, 1758.