

were omissions in the journal: the Lower House answered that the absence of the Council clerk's salary was no omission and invited the Upper House, if it had any proposal to settle the question, to send it in the form of a message. The Upper House gave in. It proposed that if the disputed salary were included in this journal, it would agree that no future demand for it should be made (pp. 79-80).

For the vigorous old controversy over the fees of officers the Assembly found no solution. In the beginning of the province, the Proprietary had fixed by proclamation the fees incident to the offices which he had an undoubted right to create, but the Assembly soon began to grumble, and, in 1676 they asked for and got a schedule of the fees he had authorized, and enacted it into law. In 1719 the Lower House drew up a schedule of fees, to which the Upper House after conference, agreed, and it became law despite the opposition of the Proprietary, who made but did not carry out a threat of disallowance (*Archives*, XXXIII *passim*). After the expiry of this act, things got worse and worse. The Proprietary in 1733 issued a proclamation to regulate fees, the proclamation that figured so large in the debate forty years later (*Archives*, XXVIII, 31-43). The two houses were unable to agree on a law, so that in fact the proclamation governed the matter until 1747. The great inspection law of that year, which by successive renewals lasted until 1770, joined to the inspection of tobacco the cognate regulation of officers fees, and made what amounted to a cut of twenty per cent in the fees set in 1733 (*Archives*, XLIV, 565, 630-636). When this law was about to expire, the Lower House, convinced that fees were now too large and that many officeholders were exacting fees still higher, made several investigations into the amounts received by the richest officers. As a result they drew up a new and lower table of fees (*Archives*, LXII, pp. 235-350). The Upper House, asked to accept a lowering of the fees to be paid them—most of the Upper House were also holders of the more lucrative offices—, refused to agree. The Assembly was prorogued without action and a week later, the Governor issued a proclamation on fees. He ordered that no officer should charge any higher fees than those allowed in the expired act (*Archives*, LXIII, 109-110, 227; *Maryland Gazette*, December 13, 1770), but of course this was in effect to order them to keep on collecting fees for which the law had expired and which the Assembly had refused to renew. It was for doing just this that the Lower House had thrown William Steuart into the Annapolis jail (*Archives*, LXII, 304-305). For months an animated and acid debate went on, in the *Maryland Gazette* and in the Assembly, but nothing was done to settle the question. In the November 1773 session, when tobacco inspection and fees were separated, a bill to regulate fees was introduced (p. 35) and passed by the Lower House, and the Upper House once more turned it down (p. 116). The same thing happened in the March-April 1774 session, and Maryland went into the Revolution with the matter still unsettled. The dispute was, of course, not in the least over how much the fees should be, but over who should determine that amount. With little exception officers collected the fees set forth in the act expiring in 1770, the fees that the Governor had authorized in his proclamation.