

proprietary period Baltimore twice obtained a legal opinion supporting his right and twice limited fees by proclamation.¹¹

Prior to the establishment of royal government the Assembly enacted two comprehensive fee laws (1638/9 and 1676), and the Lower House challenged His Lordship's right to concede fees to those offices established without their consent.¹² Further, in May, 1692, they obliged Colonel Lionel Copley, the first crown Governor, to promise that no fees should be altered save by act of Assembly.¹³ When in 1733 and again in 1770 Baltimore tried to regulate fees by proclamation, the delegates protested vigorously and often. They enjoyed, moreover, such popular support that it is doubtful if these proclamations had any standing before the courts.

The tedious fee controversies interest us only insofar as they betrayed popular discontent, illustrated proprietary policy, and affected officers' incomes.¹⁴ Prior to 1704 popular protest was not so much against fees legally established as against those of offices erected solely by prerogative and against those unauthorized by law.¹⁵ Delegates proposed slight reductions in September, 1704, and more extensive ones in the summer of 1714. But from 1638/9 until 1719 fees once established usually persisted, for successive acts and proclamations ordinarily did no more than to confirm old fees and add new ones.

A law of June, 1719, after His Lordship's restoration, reduced the fees of the Commissary General, the Deputy Secretary, and the Clerk of the Council about a fourth, and effected smaller reductions in those of the county clerks. It occasioned a lengthy

¹¹ See the opinion of Sergeant William Wynn, Jan. 15, 1730/1, and that of Messrs. Thurlow, Wedderburn, and Dunning, about 1771 (*Ibid.*, XXXII, 494-501); also proclamations of April 14, 1733, and Nov. 24 and 26, 1770 (*Ibid.*, XXVIII, 31-44; LXIII, 109-11). The former proclamation seems to have been suggested by Gov. Benedict Leonard Calvert; see his letter to Lord Baltimore, Oct. 26, 1729 (*Calvert Papers*, II, 76-78).

¹² Cf. report of conference on grievances, April 20, 1669, and "Additional Articles . . . against the Lord Baltimore and his Deputies," 1690, art. 1 (*Archives*, II, 169, 176; VIII, 219).

¹³ *Ibid.*, XIII, 382.

¹⁴ On these controversies see Mereness, *op. cit.*, 373-400, and Barker, *op. cit.*, chapters VII, VIII, IX, and X.

¹⁵ See note 12 above; also "Declaration Of the reason and motive for the present appearing in arms," 1689, and "Articles against the Deputies, Judges and ministers of the Lord Baltimore," 1690, arts. 5-7 (*Archives*, VIII, 104, 217). The declaration of 1689, drawn to place His Lordship in as bad a light as possible, contains the only reference to "Excessive Officers Fees," as such, prior to 1704.