

bly, however, it only came into the open in the form of a bill introduced in the Lower House under the title "an act for regulating Innholders and Ordinary Keepers within this Province". For some reason it did not follow the usual course in the Lower House of bills licensing ordinaries, for after it had been read once, at the second reading it was referred to the consideration of the next Assembly. Why it did not follow the usual course of passage by the Lower House and rejection by the upper chamber, is not clear. Possibly rumors that the Proprietary was about to give up his claims to the licenses had been spread abroad and may have influenced the Lower House to adopt a less aggressive attitude than usual. This was to be the last time that the question of ordinary licenses as a controversial matter was to come before the Assembly, for in the year following the Proprietary on the advice of Daniel Dulany finally gave up his fight for the license fees.

*Legal procedure.* In all some eight Lower House bills involving changes in Maryland legal procedure were rejected by the Upper House at the November–December, 1765, session. Several of them had met a similar fate at the October–November, 1763, Assembly, as has been noted in an earlier volume of the *Archives* (*Arch. Md.* LVI; xxxviii). Although no copies of these rejected bills are known to be in existence, it may be safely said that in their general purposes the proposed legislation was meritorious. These bills were rejected in the Upper House, either because they were considered hostile to the prerogative of the Lord Proprietary by attempting to divert to public uses fines or forfeitures claimed by him personally, or because they were intended to extend the jurisdiction of the county courts at the expense of the provincial courts at Annapolis, which were more directly under the control of the Proprietary than were the county courts. In several instances, however, bills affecting legal procedure, which were rejected at this session, were passed a few years later, but with what changes we do not know. The bills affecting legal procedure passed by the Lower House and thrown out in the upper chamber, or upon which the Lower House deferred action until the next Assembly, were as follows: (1) for the better regulating of proceedings upon attachment; referred to the next Assembly when an act with this title was passed (pp. 142, 202, 229); (2) for the better security of purchasers and others claiming by or from aliens; a bill designed only for the security of Protestant purchasers, was so amended in the Upper House as to protect both Protestants and Roman Catholics, and was therefore unacceptable to the Lower House (pp. 172, 177, 184, 60, 77, 214, 232); (3) for the trial of all matters of fact in the several counties where they have arisen; rejected in the Upper House (pp. 53, 142, 146, 166, 79, 158), although an act of this title was passed in May, 1766 (*Hanson's Laws of Maryland made since MDCCLXIII; 1787; acts of May 1766, chapter v*); (4) for issuing writs of replevin out of the county courts (pp. 142, 179, 184, 187, 60, 62); (5) for the speedy foreclosure of mortgages; referred by the Lower House to the next Assembly (pp. 146, 173, 187); (6) supplementary act to the act for the speedy recovery of small debts out of court, before one justice; rejected in the Upper House (pp. 142, 145, 161, 162, 163, 165, 53); the original act itself was, however,