

Name could not have been used in the Place of the Crown's, without this Act, this Opinion is contradicted by the general Practice, and Usage of the Province, as I have shewn at large in speaking of a Variety of Acts, which have always been, and now are executed in his Lordship's Name, in the Place of his Majesty's, and is contradicted also by the subsequent Acts referring to the Acts, in which the Name of the Crown is only mentioned, as subsisting Laws; and, at most, if the Opinion of the Assembly in 1717 should even be admitted to weigh more (for which there is no Reason) than the [^{xx}] constant Usage, and Practice of substituting his Lordship's Name in the Place of the Crown's, and the Opinions of the respective Assemblies in the Years [^{xx}] 1723, 1724, 1765—The Conclusion can only be, that his Lordship is not properly *Successor* to the Queen, but it has no Relation to his Claim, as his *Majesty's Governor*.

4^{thly}. " THAT Lord *Baltimore* not being a Party to the Act of 1704 he is not entitled to the One Shilling per Hoghead, because by the Charter, Customs, and Subsidies were granted to him, and his Heirs, to be reasonably assessed by themselves, and the People."

It does not follow that, because by the Charter, Customs and Subsidies *might* be assessed by Lord *Baltimore* and the People, they might *not* also be assessed by the Crown, and the People, on his Lordship's Deprivation.

In the Year 1692 a Duty of One Shilling per Hoghead was given to Lord *Baltimore*, which he received till the Year 1715, and he was no Party to the Law, again in 1715 another Duty on Tobacco was given to Lord *Benedict*, tho' he was no Party to the Law, and surely no one can doubt, but that Customs and Subsidies might have been granted to Lord *Baltimore*, before his Restoration, by Act of Assembly.

By the Charter too a Power to make Laws is given in the same Manner; but would any one contend that all the Laws which passed from the Revolution to his Lordship's Restoration fell, because his Lordship was not a Party to any of them?

5^{thly}. " IT is alledged that the Legislators made a manifest Difference between the Government of the Crown, and his Lordship in the Act entitled an Act for the Continuance of the Process, and the Change of Government, and by the Act for the better Security of the Peace, &c. and that his Lordship makes the same Difference in his Writs, and Proceedings dating his Dominion from his Restoration, and also in his Commissions."

THE above Acts and Proceedings being referred to without any Argument, I confess that I have not a clear View of what was intended by this Part of the Report, for want of the Explanation that would arise from a pointed Application.

AFTER his Lordship's Restoration, and before the Notification of it, the Writs, &c. issued in the King's Name, which were aided by the Act for the Continuance of Process—Suits begun in the King's Name before his Lordship's Restoration were also continued upon the Courts being held in his Lordship's. A similar Act was made on the Demise of Queen *Anne*, tho' his Lordship had not been restored, and again on the Death of the late Lord *Baltimore* when his Title, and Estate devolved on the present Proprietary. By the Act for the better Security of the Peace, &c. it is recited that, by an Act in 1704 when the Government of this Province was administered under an immediate Commission from the Crown, the Oath of Abjuration directed in *England* by Statute was introduced, and by this Act the Oaths, and Declaration directed to be taken, and subscribed by the 1 *Geo. I.* are introduced.

His Lordship's Dominion, or Government did not begin till he was restored, and he therefore dated his Dominion from his Restoration.

THO' I don't perceive any Foundation for an Objection to his Lordship's Claim to the One Shilling per Hoghead, or Argument in Favour of it to be afforded in this Part of the Report, yet, as I presume something was intended by it, I have stated it for your Consideration.

6^{thly}. " That if his Lordship were entitled to the One Shilling under the Act of 1704, he had not made the Application thereof which was originally [¹¹] intended to wit to the Payment of his Council, finding and supplying a Magazine for the Defence of the Province, and other the necessary Charges of Government."

WHERE is this Original Intention of the Act of 1704 to be found? By the Act the One Shilling is given for Support of Government, and the Council, the Magazine, and the other necessary Charges of Go-

[^{xx}] See before, Page 26.

[¹¹] See the Report of Sir Thomas Trevor on the Tonnage, Page 8.