

P. R. O. in value for every Ton of burden to the said Proprietor and
 Maryland his heires.
 B. I. Vol. 2,
 B. F.

Which duty hath by useage been turned into money viz: 14^d p Tunn, and soe answered to the Lord Baltimore, and constantly applied to his own use and not to the support of the Government as the Lord Baltimore affirms to mee, and by Order of Councill the 26th Feb: 90. this duty of 14^d p Tunn was directed to be answered to the Lord Baltimore as Proprietor of the Province and likewise instructions upon Collonel Copley Governor of Maryland to permit the Lord Baltimore or his Agents to receive the same without any disturbance or interruption and I conceive that upon the words of the Act this duty doth belong to my Lord Baltimore as Proprietor to be received by him to his own use, and it would be a thing of dangerous consequence to admitt of parol prooffe of an intention in the Law makers different from the words of the Law to say that the duty which the Act calls Port duty was intended to be a Fort duty and it seems to be admitted by the Assembly that this duty of 14^d p Tunn doth by Law now belong to my Lord Baltimore by desiring their Maj^{ties} Royal assent to an Act to invest it in their Majesties.

As to the demand of Fines and Amerciaments I conceive upon perusal of the Charter granted by Charles 1st to the Lord Baltimore and of their Majesties Commission granted to Collonel Copley to be Governor in Chief of that Province, that the Lord Baltimore hath not a right to the fines and amerciaments that have accrewed since their Maj^{ties} said Comission to Col: Copley whereby their Maj^{ties} have taken the whole Government of that Province into their own hands, except only fines and amerciaments in the Courts of any Mannor in which the Lord Baltimore is Lord: because I doe not find that Fines and Amerciaments are expressly granted to the Lord Baltimore by the Charter of King Charles 1st soe that I conceive he never had any other title to them but as Governor to the Province the Courts of Justice being held in his name; which title is now determined by their Maj^{ties} assumption of the Government into their own hands and appointing a Governor there who by his Commission hath express power granted to him to erect Courts of Judicature for the better administration of Justice as occasion shall require, which Courts I conceive being erected by their Maj^{ties} Commission must be held in their names and are their Courts and not the Lord Baltremores, and the fines and amerciaments there sett will belong to their Majesties: and I conceive such a right in the Lord Baltimore to all fines &c. would be inconsistent with that part of their Majesties Commission to the Governor of that Province whereby he hath power granted him of remitting and pardon-