

much in Value for every Tun of Burthen, to the s<sup>d</sup> Proprietor Lib. C. B. and his heires.

Which Duty hath by Usage been turned into Money, Viz<sup>t</sup> ffourteen pence p Ton, and soe answered to the Lord Baltimore, and constantly applyed to his owne Use, and not to the Support of the Governm<sup>t</sup> as the Lord Baltimore affirms to me, and by Ord<sup>r</sup> of Councill of the 26<sup>th</sup> of ffeb<sup>ry</sup> 1690, this Duty of ffourteen pence p Ton was directed to be answered to the Lord Baltimore as Proprietor of the Province, And likewise Instructions Given Coll Copley Govern<sup>r</sup> of Maryland to p. 23  
permitt 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 owne Use ; And it would be a thing of dangerous consequence to admitt of Paroll proof of an intention in the Law makers different from the Words of Law, to say, that the Duty which the Act calls a Port Duty, was intended to be a ffort Duty ; And it seems to be admitted by the Assembly, that this Duty of ffourteen pence p Ton doth by Law now belong to the Lord Baltimore by desireing their Maj<sup>ties</sup> Royall Assent to an Act to invest it in their Majesties.

As to the Demands of ffines & Amerciam<sup>ts</sup> I conceive vpon pervseall of the Charter Granted by King Charles the ffirst to the Lord Baltimore, and of their Ma<sup>ts</sup> Comission Granted to Coll Copley to be Governor in Cheife of that Province, that the Lord Baltimore hath not a right to the ffines & Amerciam<sup>ts</sup> that have accrued since their Maj<sup>ties</sup> said Comission to Coll Copley, whereby their Maj<sup>ties</sup> have taken the whole Governm<sup>t</sup> of that Province into their owne hands, Except onely ffines & Amerciam<sup>ts</sup> in the Courts of any Mannor, of which the Lord Baltimore is Lord. Because I doe not finde, that ffines & Amerciam<sup>ts</sup> are expresssly Granted to the Lord Baltimore by the Charter of King Charles the ffirst, soe that I conceive he never had any other Title to them, but as Governor of the Province, the Courts of Justice being held in his Name ; which Title is now determined by their Maj<sup>ties</sup> Assumption of the Governm<sup>t</sup> into their owne hands, and appointing a Govern<sup>r</sup> there, whoe by his Comission hath Expresse Power Granted p. 24  
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<sup>ties</sup> Comission, must be held in their Names, and are their Courts and not the Lord Baltremores, and the ffines & Amerciam<sup>ts</sup> there set will belong to their Maj<sup>ties</sup> And I conceive such a Right in the Lord Baltimore to all ffines &c<sup>a</sup> would be inconsistent with that part of their Maj<sup>ties</sup> Comission to the Governor of that Province,