

Lib. 82, J. R. yet when they once repeal another Act tho' for a moment, Tis in Construction of Law & ex ir termini, gone forever. There is no doubt but an Act by Proper words may be suspended for a Time, as the Habeas Corpus Act here in England has been several Times, but I think tis an Absurdity to say that an Act can be repealed for a Time, & afterwards revive, unless it is re-enacted by particular and Express words.

7 8-9 Q: I dont in the least doubt but that the King may (if he would condescend so far) regulate the Fees of any of his Officers. And I apprehend He can & has granted by Implication such Power to Lord B. as a necessary Incident to the Power of making Judges, Justices & other Officers tho' there is no doubt but he may if he pleases, submit the Regulation of them to an Act of Assembly, as he did by the Law Passed 1676 but as that Act is repealed, and as there seems to me to be no Law now in being that does in the least diminish or restrain this Power of the Lord Proprietor, I conceive he may by his own Authority regulate & settle the same, as was formerly done in the year 1642 tho' I think it is more advisable and I believe it will be better received there, if His Lordship's Govern<sup>r</sup> & Council do make such Regulation, & Publish it under the Provincial Seal, who being on the Spot may be presumed to know the just and reasonable Quantum of the Fees claimed or taken by the several and respective Officers.

Wi. Wynne 15 Janu  
1730/1  
Middle Temple

#### THE OPINION OF MESS<sup>rs</sup> THURLOW, WEDDERBURN AND DUNNING

##### THE CASE.

King Charles the first by his Letters Patent 20<sup>th</sup> June 1632 Granted to Cecilius Lord Baltimore the Province of Maryland in General with all and singular such and as ample Rights Jurisdictions Priviledges Prerogatives Royalties Liberties Immunities and Royal Rights and Temporal Franchises to be had Exercised used and enjoyed as any Bishop of Durham within the Bishoprick or County Palatine of Durham in the Kingdom of England ever heretofore hath had held used and enjoyed or of Right could or ought to have hold use or enjoy and to constitute and ordain Judges Justices Magistrates and Officers of what kind for what Cause and with what Power soever and in such form as to him or his Heirs should seem most fitting and also to remit and Pardon all Crimes and