

OPINION

Upon the whole Your Opinion is Desired upon Consideration of the Maryland Act together with M.^r Stuarts Memorial and the Observations Arising upon it

MSS.
Calvert
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1.st Qu[aere]. Whether this Act of Assembly be in any Respect Repugnant to the Laws of England or an Improper Exortion of the Legislative Powers of this Province so far as it Respects the Matter of M.^r Stuarts Complaint.

This Question is very extensive and difficult to be Answered as it seems to refer to all the Laws of Great Britain Relative to the Colonies, but as far as those Laws are particularised with the Case, I do not see that the Act of Assembly is repugnant to them or any improper Exortion of the Legislative Power in Maryland.

2.^d Qu[aere]. Supposing there be any foundation for that Complaint Can it now be Advisable for Lord Baltimore to Repeal or vary the Law (after so long an Acquiescence) as Required by M.^r Stuart and what will be the Consequences of such Repeal or Variation and what Answer will it be proper for His Lordship to return to the Memorial. And Is there any pretence for Requiring his Lordship to Refund Personally any money which may have been Levied upon M.^r Stuart by Virtue of this Act (Supposing the Act to have been over so injurious or illegal).

I think it would not be proper for Lord Baltimore to vary the Law after so long an Acquiescence especially as the Gov.^t hath not remonstrated against It, as a Repeal might be Attended with great Confusion in the Province. Nor do I see why Lord Baltimore sh.^d Personally refund this Money. But if there are any Acts of Parliament that seem to restrain the Legislature of Maryland from Affecting with a Duty any Imports from Great Britain it may be prudent for Lord Baltimore to Stop this Precedent least it sh.^d occasion the Parliam.^t to impose further Restraints

R: Henley

27. June 1757.

[Endorsed on back]

Attor.^y General's S.^r Robt. Henley Opinion on the Act of Assembly 1754 £6000 for His Majestys Service with relation to M.^r Stuart's Memorial ab.^t the Duty Collect'd on transported Convicts in Maryland & Lord Baltimore's Answ.^{rs} delivered By M.^r Hemersley Attor.^y to M.^r Stuart July 14.th 1757.