

for their delay in investing certain funds in their hands in the stock of the Bank of England, as required by the Act of 1733. But of more serious import was the discovery that, in addition to small sums due the Province by several naval officers charged with the collection of the fifteen pence export duty per hogshead of tobacco imposed under the Paper Currency Act of 1733, the Naval Officer of the Patuxent district, Henry Darnall, owed large sums for the years 1757, 1758, 1759, and 1760, which he had failed to deposit with the trustees in London of the Loan Office, to be invested by them in Bank of England stock, as required under the Paper Currency Act of 1733 (pp. 412-419). The attention of the Governor was called to this on April 28 in an address to him from the Upper House, so that he might take immediate steps to protect the public interest (p. 420). The Governor on the same day notified Attorney-General Stephen Bordley by letter, that he was satisfied from the report of the joint committee of the two houses and from a petition he had received from John Darnall, a brother of the delinquent Naval Officer, and from Charles Carroll, the sureties for Henry Darnall, that the latter had failed to remit to the trustees in London a sum of money amounting to about £1,600, and suggested that the Attorney-General should, if it were legally possible, accept from these bondsmen the amount of their penalty without putting them to the expense of suit (Appendix pp. 519-520). Bordley replied to the Governor saying that he had accepted bills of exchange for £1,000 from these sureties (Appendix p. 520).

On April 30, 1761, the Governor, in a message to the Upper House, informed it of the payment of the £1,000 by the sureties, and asked the house to advise him as to what further steps should be taken to secure the balance due (p. 426). The Upper House on May 1 advised him that the bills of exchange for the amount of the penalty might properly be delivered to the Loan Office and by them remitted to London; that the sureties were not further liable; that a suit in equity against Darnall for the balance should be filed in the name of the Lord Proprietary together with a writ of *ne exeat provinciam*; and an injunction be secured to stop the payment to Darnall of any money that might be due him by others (pp. 426-427). Bordley, the Attorney-General, replied to the Governor that he would at once take the measures recommended by the Upper House (Appendix p. 521). The Governor then wrote to the commissioners of the Loan Office notifying them that he was instructing the Attorney-General to deliver the bills of exchange to them, and directing them to remit these to the London trustees of the sinking funds; and in a second letter to the Attorney-General ordered him to deliver the bills of exchange to the Loan Office to be by it transmitted to London (Appendix pp. 520-521). John Darnall who was on the bond was a brother of the defaulting Naval Officer, and the other surety was Charles Carroll of Annapolis, a first cousin of the defaulter. This Charles Carroll was a prominent Roman Catholic and the father of Charles Carroll of Carrollton; he was a distant relative of Charles Carroll, the Barrister, a member of the Church of England who figures so prominently in the Assembly proceedings of this time as a leader of the popular party in the Lower House.