

Provided his Highness grant the same Conditions of Plantations he did before the happy Revolution, or the
 same that have been made to the Colony of Virginia to the Inhabitants of that Province but what
 those Conditions are it doth not appear to me otherwise than by looking in to the said Act
 of Assembly in 1671 by which the said Duty was granted to the Lord Baltimore upon
 condition that his Highness should accept a pound of Tobacco instead and in lieu of every
 two pounds Rent at any time reserved upon any Grant of Land made by his Highness
 which Condition his Highness affirms to me he always hath & still is ready to comply with
 as to the second Demand of Fourteen pounds of Silver for Tobacco exported out of
 that Province, I find by an Act of Assembly of that Province in 1667 It was
 Enacted that all vessels whatsoever not properly belonging to that Province having a
 Tonnage for the carrying in and trading within that Province, should pay for port Duties
 and Burthens a pound of powder and three pounds of Shot or so much in value for every
 Tun of Burthen to the said Proprietor and his heirs.

This Duty hath by usage been turned into Money (viz) Fourteen pounds of Silver or so 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 me, and by Order of Council of the 20th of
 February 1690 this Duty of fourteen pounds of Silver was directed to be answered to the
 Lord Baltimore as Proprietor of the Province and likewise Instructions given to the Governour
 of Maryland to permit the Lord Baltimore or his Agents to receive the same without any
 disturbance or Interruption, and I perceive 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 admit of Parol Proofs of an Intention in the
 Lawmaker different from the words of Law to say that the Duty which the Act calls a Port Duty
 Fourteen pounds of Silver doth by Law now belong to the Lord Baltimore justifying their Matter
 Royal as to an Act of Council in their Majesty.

As the Demand of Fines and Amercements I conceive upon perusal of the Charter granted by King
 Charles the first to the Lord Baltimore and of their Majesty's Commission granted to the Lord
 Baltimore in Chief of that Province that the Lord Baltimore hath not a Right to the
 Fines and Amercements that have accrued since their Majesty's said Commission to the Lord
 Baltimore whereby their Majesty have taken the whole Government of that Province into their own hands
 especially since the removal in the Courts of any Memory of which the Lord Baltimore
 is not because I do not find that Fines and Amercements are expressly granted to the
 Lord Baltimore by a Charter of King Charles the first so that I perceive he never had any
 other Title to them but as Governour of the Province, the Courts of Justice being held in
 his Name which Title is now determined by their Majesty's Assumption of the Government into
 our own hands and appointing a Governour there, who by his Commission hath Express Power
 granted to him to send Courts of Admiralty for the better administration of Justice, as likewise
 shall require, which Courts I conceive being created by their Majesty's Commission, must be held in
 their Name, and are their Courts & not the Lord Baltimore and the Fines and Amercements there
 of shall belong to their Majesty. And I conceive such a Right in the Lord Baltimore to
 Fines &c. would be inconsistent with that part of their Majesty's Commission to the Governour
 of that Province whereby he hath Power granted him of committing and Pardoning Crimes
 committed upon Offenders according as he shall think them fit Objects of Mercy, which he
 cannot do, if the Lord Baltimore be entitled to them.

As to the Demand of Waives Strays, Wild Horses and Wild Hogs I conceive that such Fines
 as are mentioned in the Proposition to be claimed as Strays are not in Law due because
 they are Marked with the Mark of the Owner or Mark being on record due Payson is obliged
 to take notice to whom they belong and I do not find that Wild Horses or Hogs are granted to
 the Lord Baltimore: by the Charter of King Charles the first, and therefore I conceive the Right to the
 same should be as being of their Nature and the Governour is in no particular bound and this
 is an Act of the Assembly which gives full Power to the Governour to take the same and the
 Governour hath a Right to the same.

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