

*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 Parole 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 Fort Duty, and it seems to be admitted by the Assembly, that this Duty of Fourteen Pence per Ton, doth by Law now belong to the Lord Baltimore, by desiring Their Majesty's Royal Assent to an Act to invest it in their Majesties, &c.*

Nov. 2d. 1692.

Tho. Trevor.

*His Majesty was pleased to approve of the said Report, and did Order, as it is hereby Ordered, that the Act lately Passed in Maryland, for the Fourteen Pence Tonnage, be, and it is hereby, set aside and disallowed, and that the Lord Baltimore be permitted without any Disturbance or Interruption to collect and receive by such Person or Persons as he shall thereunto authorize and appoint, the said Duty of Fourteen Pence per Ton for Port Duties or Anchorage for his own Use of Right belonging to him by Law as Lord Proprietor of the said Province, and as well Col. Copley their Majesty's present Governor, as the Lord Baltimore, and all Others whom it may concern, are to take Notice of his Majesty's Pleasure hereby signified, and to comply with the several particulars of the said Report.*

John Nicholas.

After this solemn Confirmation of his Lordship's Right, it would be wonderfully strange to find it taken away by an Act in 1704, and that quite unknown to the Makers of the said Act, to those who paid the said Tonnage, or to the Proprietor himself, who not only received it that very Year, but every Year since, 'till this present Time: To set this Affair in a proper Light to all impartial Men, I apprehend I need only transcribe the excepting Clause in the said Act of 1704, *viz.* "Saving always to all and every Person or Persons, whatsoever was and is, his or their Rights and Benefits, which he or they had by the former Acts of Assembly, any thing in this present Act contained to the contrary notwithstanding."

The Sense of the Legislature was again declared in the Year 1733, when his Lordship's Tonnage was excepted out of the Paper Money Act and left to be paid in Sterling as formerly.

As to what you say upon this Article, and have said upon so many other Occasions, of this Government having no Right to levy any Money without Law, it seems to me to be quite out of the Question, as this Government pretends to no such Thing: But "the Right the People of this Province have, of not being subject to any Payments, whether they be Taxes, Duties, Imposts, Fees, or under any other Denomination whatsoever, but what shall be raised, settled and appointed by Laws to which by themselves or their Substitutes they give their Assent," is a Matter not so far beyond all Contradiction as you conceive, which you must