

You perceive that I have not preferred *Liber LL. N° 1* to *Liber LL. N° 2* with the View of supporting my Inference respecting the Intention of the Assembly in 1704, since if *Liber LL. N° 2* should be relied upon, the above Supplementary Act would directly prove, without the Trouble of much Deduction, that the Expressions Support of the Government, and of the Governor were used by the *same Men in the same Sense*.

HAVING stated the Act of 1704, pointed out its Variation from the Act of 1692, and accounted for that Variation, as well as shewn the Consequence of it, I shall proceed to enquire how far the One Shilling per Hoghead is payable at this Time in Virtue of the Act of 1704 under the two following general Questions.

1st. WHETHER Lord *Baltimore* has a Right to receive it?

2^d. IF he has, to what Purpose he ought to apply it?

THE Act of 1704 is indefinite, or perpetual, and having never been repealed the Tax, or Duty imposed by it must be paid *at all Events* by the People, and therefore, in Reality, the Question, in which they are concerned, is not *to whom* the Duty shall be paid, but *to what Purpose*, the Revenue arising from it shall be applied.

WHOEVER receives it, whether his Majesty, as Successor of Queen *Anne*, or Lord *Baltimore* as his Majesty's Governor, or as Successor of Queen *ANNE* in Respect of this Government, it ought to be applied to the Support of Government. The Act of 1704 granted it for this Purpose, and no Power, except the legislative, can divert it to any other. It was in Contemplation of the Benefit they were to derive from the Protection, which Government, properly supported, is able to afford that the People consented to the Tax, and if Government is supported, whether you give it the Epithet of his Majesty's, or his Lordship's it is neither more, nor less Government, its Authorities, and the Benefit derived to the People are the same. However in Conformity with the Method, others have chosen to observe, I have stated the two usual general Questions.

UNDER the First, two Points arise;—

First. WHETHER Lord *Baltimore* may properly be considered as the King's Governor?

Second. WHETHER as Successor to Queen *ANNE* in Respect of this Government?

I TAKE it for granted that if Lord *Baltimore* had never been Restored, the One Shilling per Hoghead would undeniably be payable under the Act of 1704 at this Day to his present Majesty, as Successor of Queen *Anne*, according to the Limitation of the Act of Settlement.

IF it be duly considered upon what Principle Lord *Charles Baltimore* was deprived of the Powers of Government upon the Revolution, it will go a great Way to determine the first Point.

You have seen that Lord *Charles* was deprived of *no* Rights he had as Lord, or Proprietary of the Soil. These remained to him after the Revolution—He received the stipulated Compensation for his Rents and Alienation Fines—He would have been deprived of the Tonnage had it not been deemed to be part of his *private* Estate. He was deprived of the Fines, and Amercements, because they were deemed to belong to him not as Proprietary in his *private* Estate, but as Governor. The Distinction was taken by Sir *Thomas Trevor* (and confirmed by his Majesty in Council who was assisted with the Advice (*among others*) of Lord *Nottingham*, and Lord Chief Justice *Holt*) between the Rights incident to his Office as Governor, and his *private* Estate as Proprietary. He was incapacitated in Consequence of the Laws introduced upon the Revolution to discharge the Powers of his Office, and, with these, all Incidents were transferred.

SINCE it has been determined that he was Governor of *Maryland*, whose Governor was he? From whose Grant did he derive his Office? From the Grant of the King of *England*, without Doubt, contained in the Charter of the Province: Under this Royal Grant his Lordship administered the Powers of Government, King *Charles* the First having for himself, his Heirs, and Successors constituted, and appointed *Cæcilius* Lord *Baltimore*, and his Heirs Governors of *Maryland*. The present Lord *Baltimore* is his Majesty's Hereditary Governor, and derives his Office from the same Source Mr. *Seymour* did, who acted under a Commission from Queen *Anne*, viz. the Authority of a Royal Grant, or Appointment.

THE Duke of *Norfolk* is the Hereditary Earl Marshal. This Office has been for Ages in his Family, but his present Grace is his present Majesty's Earl Marshal, and the Earl of *Suffolk* his Majesty's Deputy Earl Marshal. The Office being exercised under a Royal Appointment, the Person invested with it is his Majesty's Officer, whether the Royal Appointment flowed from the Act