

Act of the present King, or of any former King of *England*, and whether hereditary, or temporary. According to the Idea suggested, the Instructions from the Crown to Lord *Baltimore* have been directed to him by the Title of "his Majesty's Governor of the Province of *Maryland*, or Governor of his Majesty's Province of *Maryland*" and those to his Lieutenant Governor by the Appellation of "his Majesty's Deputy Governor of *Maryland*, or of the Deputy Governor of his Majesty's Province of *Maryland*."

In the Year 1715 Mr. *Hart*, who had been Governor of this Province by Commission immediately from the Crown, having received a new Appointment from the late Lord *Baltimore* on his Restoration laid it before his Majesty's Council here, together with a Letter from Lord *Guildford*, his Lordship's Guardian, informing him of the Death of Lord *Benedict*, of the new Commission, and of his Majesty's Approbation; but Mr. *Hart* not having received any Notice or Instruction from the Crown, relative to his Lordship's Restoration, the Opinion of the Council was, and they accordingly advised Mr. *Hart*, that "he ought not to act under the new Appointment till he should receive some particular Instruction, Direction, Notification, or other legal Notice from his Majesty of his Lordship's Restoration."

AFTERWARDS, in the same Year, Mr. *Hart* laid before the Council a Letter from Lord *Baltimore*, and his Guardian Lord *Guildford* to the following Effect, "As to your Excuse for not giving up your Government till the King's Pleasure should be known, you are answered by the Commission you have from us with the King's Approbation according to ["] Law, and so your Authority under your old Commission is determined," and his Excellency produced also to the Board "his Majesty's Instructions under his Sign Manual, and Privy Seal, dated at *St. James's* 1st July Anno 1715, entitled Orders and Instructions to our trusty, and well beloved *Francis Guildford*, for and on the Behalf of *Charles* Lord *Baltimore* a Minor, Proprietor, and Governor of our Province of *Maryland*."

THE first Royal Instruction is in these Words,

"FIRST—You shall give Directions to take especial Care, that *John Hart*, Esq; Deputy Governor of our Province of *Maryland*, do in the first Place conform himself with the principal Laws relating to the Plantation Trade."

THE Commission of Mr. *Hart*, approved of by his Majesty, recites the Charter of the Province by which "King *Charles* for himself, his Heirs, and Successors had granted to *Cæcilius* Lord "Baron of *Baltimore*, and his Heirs, all Powers and Authorities necessary to the well governing of the Province of *Maryland*."

THE Distinction taken in 1692 already mentioned, the Principle on which Lord *Charles* was deprived of the Government after the Revolution, the Tenor of the Charter, the Royal Authority under which the present Lord holds his Office of Hereditary Governor, and the Style of the King's Instructions to his Lordship, and to his Lieutenant Governor being considered, you will judge whether his Lordship may not with the strictest Propriety be called his Majesty's Governor, and his Lieutenant, his Majesty's Deputy Governor, and especially since by the Statute 7 and 8 *William* III. his Majesty's Approbation, or Consent, is necessary to the Validity of his Lordship's Appointment of a Lieutenant Governor.

MOREOVER, the Act of 1704 was passed when Mr. *Seymour* was Governor, and Mr. *Hart*, who succeeded Mr. *Seymour*, laid before the Assembly Two Instructions from the Crown, by one of which he was ordered, and directed "not to pass any Law, or do any Act by Grant, Settlement, or otherwise, whereby the Revenue might be ["] lessened, or impaired." The other Instruction recited that "whereas several Inconveniencies have arisen to our Governments in our Plantations by Gifts, and Presents made to our Governors by the Assemblies," and declared it to be her Majesty's Royal Will, and Pleasure, that neither you our Governor, Lieutenant Governor, Commander in Chief, or President of our Council of our Province of *Maryland* do give your, or their Consent to the passing of any Law, or Act for any Gift, or Present to be made to you, or them by the Assembly, and that neither you, nor they do receive any Gift, or Present from the Assembly upon any Account, or in any Manner, upon Pain of our highest Displeasure, and of being recalled from that our Government, excepting Three-pence per Hogshead as granted to *J. Seymour*, Esq; We are pleased to permit the Assembly

["] The 7 and 8 W. III. c. 22.

["] An Act ascertaining the Gauge of Tobacco Hogsheads passed in the Year 1704 was Dissented to by the Crown in 1708 for this Reason.