

was [^{bb}] favourably applied to the purchasing of Arms and Ammunition when *three fourths* of the Revenue might have afforded a *competent* Support for the Governor, therefore One Fourth of the Twelve Pence ought *now* to be applied to the same Use, when the *whole* Revenue is not equal to what was the *Amount* of the *three fourths*, when the Instruction was given.

THE nett Revenue from the Twelve Pence per Hoghead [^{cc}] in the Three Districts of *Patuxent*, *Patuxent*, and *Pocomoke*, between *July* 1694 and *August* 1695 amounted to 2794*l.* 17*s.* 3¹/₂ Sterling. What the Revenue was after this Time till the Enlargement of the Gauge of the Tobacco Hogheads took Place, I have not been able to discover from the Journals, but it is not to be presumed that the Revenue decreased.

FROM the 27th of *September* 1756 to the 29th of *September* 1765 the nett annual Revenue from the One Shilling per Hoghead has been only 1284*l.* 12*s.* Sterling.

THE former Estimate is taken from the Council Books, and I have the *best* Authority for the latter.

HAVING largely considered the Import of the Terms “ *Support of the Government* ” I shall have the less Occasion to take up much Time on the Subject of Fines, and Forfeitures, since the same Reasoning applies to these, when given for the [^{dd}] *Support of the Government* by Acts of Assembly.

THAT Fines and Forfeitures at Common Law belong to the supreme Magistrate is as certain, as any Principle of the Law.

IN the Year 1692 the Report against Lord *Baltimore's* Claim to Fines, &c. was in these Words. “ As to the Demand of the Fines, and Amercements till the late happy Revolution, so far as “ as they were legal, his *Lordship* ought to have them; but what have since legally accrued, and “ for ever for the future, are the undoubted Rights of the Crown, the one arising from the “ *Breach of their Majesty's Laws*, and the other an *antient Prerogative* of the Crown by Custom “ immemorial (*i. e.* the Common Law) for false Clamour in the Courts of Judicature.”

AGREEABLE to the above Report were Sir *Thomas Trevor's* Opinion, and the Determination before his Majesty in Council, “ that Lord *Baltimore* had not a Right to the Fines and Amercements that had accrued since their Majesties had taken the whole Government of the Province “ into their own Hands—That his Title to them was as *Governor*, the *Courts of Justice* being held “ in his Name, which Title was determined by their Majesty's Assumption, and appointing a *Governor*—That the Courts of Justice must be held in their Majesty's Name, and become *their* “ Courts, and not Lord *Baltimore's*, and the Fines and Amercements there will belong to *their* “ *Majesties*—A Right in his Lordship would be inconsistent with the Power of remitting, and “ pardoning Fines vested in *their Majesty's Governor* by his Commission.”

THE Crown, and his Lordship were considered in the same Light. His Lordship was entitled till the Revolution because he was Governor, the Courts were held in his Name, the Laws also were enacted in his Name, and Offences committed against them were Breaches of his *Lordship's* Laws, and so were they charged to be, in the Style of legal Proceeding, against his Peace, and Government. He had Power to pardon or remit; but upon the Revolution, the Laws were their Majesty's, and so were the Courts—The Power of pardoning, or remitting was transferred to their Majesties, &c.

LORD BALTIMORE, since the Restoration has been in the same Situation his Ancestors were in before the Revolution, and the Crown after the Revolution, and before the Restoration. Their

[^{bb}] In Consequence of this Instruction, an Address of Thanks to the Crown was framed.

[^{cc}] See before, Page 16.

[^{dd}] The Supposition, that the Common Law Fines, and Act of Assembly Forfeitures granted for Support of Government exceed annually 400*l.* Currency, is extremely erroneous. What these Articles do, in Fact, amount to annually, I have not been able to procure an Account, because they are blended with other; but I can, I think, with great Certainty say that the annual Amount not only of the Common Law Fines, and Act of Assembly Forfeitures, but also of the Common Law Forfeitures such as of Recognizances, &c. has not for 10 Years exceeded on an Average 21. 17*s.* 3¹/₂ Sterling and 121*l.* 19*s.* 8*d.* Currency per Annum, reckoning from the Year 1754 to 1763 both inclusive. I have not seen, nor can I procure an Account of the Fines, and Forfeitures for the Years 1764 and 1765