

Majesties had the *same* Right to Fines, &c. set in *their* Courts in *Maryland* that they had to those that were set in *their* Courts in *Westminster-Hall*, and since it can't be pretended that the Crown is accountable to Parliament for his Application of Fines, &c. in *Britain*, it is contending for what can't be supported upon any Principle of Law, that Lord *Baltimore* is accountable for them to the Assembly of *Maryland*.

IT was agreed in the Year 1692 on all Hands that the Fines incurred *before* the Revolution belonged to his Lordship *afterwards*, tho' he was stripped of his *Office of Governor*, when being reduced to a *private* Station, he could have no *public* Trust reposed in him, all *political* Relation between him and the Province being determined. This concludes to the Point.

IN the Year 1732 when the Paper Currency Act was depending, the Upper House proposed that it should not extend to his Lordship's *Rents*, or *other Dues*.

THE Lower House agreed that his Lordship's *Rents* and *Alienation Fines* should be excepted; but thought it hard that *Fines and Forfeitures* for Breaches of the Peace, or of penal Laws should be excepted, and proposed that the Exception should be restrained to *Rents*; *Alienation Fines*, the *Duties* on *Tobacco*, and the *Tonnage* being before excepted.

HERE was a plain Acknowledgment that the *Fines and Forfeitures* were his Lordship's *Dues*.

I HAVE inspected the Journals, in order to discover upon what Principle his Lordship's Right to the *Fines*, and *Forfeitures* hath been called in Question, and I find that in the Year 1745 an Account was called for, which drew on a Discussion in some Messages between the Governor, and the Lower House; but I have not found that the Subject hath since been argued upon at large. The Lower House having contented themselves with alledging, that his Lordship received the *Fines and Forfeitures in Trust for the Public*, and the Upper with contradicting that Position. From the Messages therefore in 1745, I shall collect the Substance of the Arguments advanced for and against his Lordship's Title.

THE Lower House contended that "the *Fines and Forfeitures* whether by the *Common Law*, or by Acts of Assembly are taken by his Lordship under the Authority lodged in him as *Governor*, and having the Executive Power of the Laws in *Trust*, and for the Benefit of the People, among whom they are levied—That tho' his Lordship hath the Disposal of them, yet they ought to be applied for the Ease, and Welfare of the People for whose Benefit the Trust was raised—That there is no real Difference between the Two Kinds of *Fines*, whether they arise at *Common Law*, or are given by Act of Assembly for Support of the Government—That they both belong to his Lordship as he is *Governor* of the Province, and in that Capacity only, and would be both equally vested in his Successor in the same Capacity, if the Time should come when his Lordship should be divested of the Government—That they ought not to be paid to his Lordship, being Part of the *Public Treasure*; but ought to be retained to supply the Occasions of this Government to prevent the Necessity of loading, and oppressing the People with Taxes to supply such Occasions."

THE Notion advanced in this Message was, that in receiving the *Fines and Forfeitures* his Lordship acts as a [ " ] Trustee in such Manner as that the Application of them ought to supply such Occasions as would otherwise call for a Tax upon the People, or, in plainer Terms, that tho' Lord *Baltimore* received the *Fines*, &c. yet they belonged to the People in Effect, and in Proof of this it was alledged that his Lordship received the *Fines* as *Governor*, and that, if he should be divested of his Government, they would be transferred to his Successor.

THE Idea of a general Trust suggested in this Message will not bear Examination. If the *Fines and Forfeitures* constituted Part of the *Public Treasure* as the Message supposes, they might be applied to defray any Expence whatever, but the Proof advanced to support it gives no Colour for the Assertion; for if any Sum or Revenue were expressly given for the Support of the Governor, or if the Law granting it, should, *ex abundanti*, direct that no Account should be rendered, in either Case, on his Lordship's Deprivation, the Revenue would devolve on his Successor, and yet it could not be alledged, that because there was a Devolution, the Revenue might be applied as *Public Treasure* to any Public Purpose, or to any other than the Use, for which it was granted.

[ " ] I have observed before, that Lord *Baltimore* in the Year 1692 was held to be entitled to receive the *Fines*, &c. that had arisen on Breaches of the Laws, when they, as well as the Courts were in his Name, and that his Office of Governor having determined, he could not be said to receive them as Trustee, in his Capacity of Governor.