

If the Term *Trust* had been confined to the Subject, its Propriety might have been admitted, but it would not have justified the Pretension set up; for the Amount of the Argument would have been, that what was given, or resulted by legal Operation to support the Office or Station of the Governor ought to be applied to that Purpose, that the People might not be called upon for a Supply, which was before provided, and that if they should be called upon, they ought to have an Account to enable them to form an Estimate of the Income for the Support of the Governor, before they could prudently make an Addition to it.

THE Fines and Forfeitures, as the Message supposed, would of Course devolve upon his Lordship's Successor, upon his Lordship's being divested of his Government. This Devolution in Fact happened upon the Revolution.

In this Message, the Lower House expressed the Sentiments I have endeavoured to maintain.

“ If his Lordship should be divested of the Government” what does this Passage imply more than if his Lordship should be divested of the Office of Governor? What he was entitled to as Governor would go to his Successor. Who would be this Successor? It appears by the Determination in the Year 1692, that the Fines and Forfeitures devolved upon the Crown, all the Powers his Lordship had before his Incapacity belonged to the Crown, and would again upon another Deprivation, and, with these, the Fines and Forfeitures would fall to his Majesty as Successor of Lord Baltimore together with every other Revenue annexed to the Government, or to the Office of Governor. The Language of this Message corresponded with the Opinion of other Assemblies, and the general Practice under the Acts of Assembly I have cited, and applied, by which it appears that Lord Baltimore has been held to be comprehended in the Designation Successor, when that Term was used in Acts that passed in the Queen's, or King's Time.

THE Governor's Answer to the Message of the Lower House entered into a large Discussion of the Subject; but there being many legal technical Terms in it I shall state the Purport of it, and give its Sense in Words of more familiar Use—The Governor contended that “ Lord Baltimore had the same Right to the Fines, &c. that the King has in England, and Lords of Manors have in their Courts—That they have always been received by the King, as a casual Revenue unaccountable to Parliament in the same Manner with any other of his Demesnes, and that Lords of Manors had received them as they did their Rents—That the King is entitled to Fines in Right of his Crown, his Lordship in Right of his Dominion, and Lords of Manors in Right of Tenure, and that as the King was not accountable to Parliament, nor Lords of Manors to their Tenants, neither was Lord Baltimore accountable to the Assembly.”

THAT the King is entitled to Fines, &c. set in his Courts, unless where there is an Appropriation of them to other Uses by Act of Parliament, and that no Account of them is ever rendered to, or demanded by Parliament, no one, I presume, will deny.—If the immediate Government of this Province should be again assumed by the Crown, I presume also, no Account of Fines and Forfeitures, or of their Application would be rendered, or expected, and if an Account of them, and of their Application, is now due, it may be proved that his Lordship in his Office of Hereditary Governor, or as the Representative of the Crown, has less Right, or Power under the Charter than he would have, if he acted in the Office of Governor under an immediate Commission from the Crown; but I am bold in saying this Position can't be maintained. No Change of the Person exercising the Office of Governor can alter our Constitution, the Rights and Privileges of the People, and consequently the Rights and Prerogatives of Government, on that Event, would remain the same, and a contrary Doctrine is pregnant with too many Evils to be advanced upon sedate, and mature Reflection.

THO' what hath been stated in the Course of this Letter may be applied in Answer to all the Objections that have been urged against his Lordship's Claim to the One Shilling per Hoghead, yet as I am solicitous to give you as full a View as I can of the Matters insisted upon in Opposition to it, I must beg your Patience a little longer, whilst I go through the Substance of the Report of the Lower House in the Year 1739.

1st. It was alledged in the Report that “ by the Continuance and Re-enacting the Act of 1692 during the Time the Government and Protection of this Province was in the Crown, the Law-Makers did not deem the same, or any of them to be [] perpetual, but only to have a Duration with such Governor or Government.”

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[¹] The Committee were aware that the Act of 1704 was indefinite, and therefore endeavoured to shew that the Act of 1692, which was in the like indefinite Terms, was deemed to endure only with the Governor, &c. in whose Time it passed, and as a Foundation for this Argument they alledged