

THE FACT, upon which this Reasoning was founded, was mistaken, the Act of 1692 was not re-enacted, or continued, and the Revenue was received under it, till the Act of 1704 was made.

AGAIN, the Act of 1704 was in the same Terms of indefinite Duration with the Act of 1692, and the Revenue was received under it by Governor *Hart*, as well as by Governor *Seymour*, in whose Time it was enacted, and it is admitted in the Report that the Act of 1704 was in Force till 1715, which destroys the very Argument of it.

2^d. " THAT Acts granting to the Proprietary for the Support of the Government did not extend to the Crown, otherwise the Government might have been supported under the Act of 1671 (called the Act of 1676 in the Report by Mistake) that Act being unrepealed till the Act of 1692 was made, and having Duration for the Life of Lord *Charles*, and that the Act of 1671 not extending to the Crown was the Occasion of making the Act of 1692."

THE FACT was mistaken for the One Shilling per Hogshead was received under the Act of 1671 by Mr. *Copley* their Majesty's Governor, and therefore upon the Principle of the Report, the Act of 1704 remained in Force after his Lordship's Restoration.

THE ASSEMBLY were so far from thinking the Act of 1671 did not extend to the Crown, that in the Repealing Act of 1692 they proposed to save the Act of 1671, and it was at the Request of the Government the Act of 1692 was framed, which made the Revenue for the Support of the Governor more agreeable to the Royal Instructions requiring a further Supply, and an established Income: [^{ss}] For by the Act of 1671 the One Shilling per Hogshead was given to support the Governor, and the Privy Council, as well as to maintain a constant Magazine, and was limited to endure for the Life only of Lord *Charles*, and by the Act of 1692 the Shilling was given entirely for the Support of the Governor only, and was indefinite, or perpetual.

3^d. It appears by the Act " transferring the Payment of all such Fines and Forfeitures as shall hereafter arise, or happen upon the Breach of any Penal Laws of this Province, to the Right Honourable the Lord Proprietor, that the Law-Makers in the Year [^{hh}] 1717 apprehended the Act of 1704 did not extend to Lord *Baltimore*."

THE SUBSTANCE of the Act referred to is—That where any Fines Penalties or Forfeitures are made payable to, or recoverable by the King's Majesty by any Laws of this Province, the same shall be payable to, and recoverable in his Lordship's Name—That where they are given for Support of Government, his Lordship's should be understood—That all Prosecutions shall be in his Lordship's, instead of the King's Name. That the Difference of Name shall not be assignable for Error, and that all Exception or pretended Fault, or Cause of Error shall be aided.

If this Act is not to be considered as [ⁱⁱ] declaratory, or made to prevent pretended Exceptions, and may be applied to prove the Opinion of the Legislature in 1717, that his Lordship's

ledged that the Act of 1692 was continued in 1699; but the Fact was otherwise. In the Year 1699 there was a general Repealing Law, which only saved the Act of 1692 from being affected by the Repealing Words. The Repealing Act, which saved the Tonnage Act was of the same Kind, and so was the Repealing Act of 1704 which saved " the Act for Establishment of Religious Worship," and had the Act been continued in 1699, the Argument would fail: For Mr. *Copley* died in 1693, and was succeeded by Mr. *Nicholson*, who received during his Government the Revenue granted by the Act of 1692, and Mr. *Blakiston* who succeeded Mr. *Nicholson*, received also the same Revenue, and the Addition of Three Pence per Hogshead over and above the One Shilling given by the Act of 1692, was given to Mr. *Nicholson*, and afterwards to Mr. *Blakiston* before the Act of 1699 passed, and the additional Revenue was also in the same Manner granted to Mr. *Seymour* before the Act of 1704 was passed, and by him too was the One Shilling per Hogshead received, and after Mr. *Seymour's* Death, Mr. *Hart* received till the Year 1715 the One Shilling granted in 1704, when Mr. *Seymour* was Governor, and to Mr. *Hart* the additional Revenue was given over and above the One Shilling per Hogshead granted by the Act of 1704—This Argument therefore fails in every Respect.

[^{ss}] And also gave an Opportunity to preserve the Substance of the Impeachment against the Proprietaries, and, in that, a Pretence for dropping it.

[^{hh}] The Report speaks generally of the Law-Makers, and refers to the Act of 1704; but what was done in 1717 could only shew the Sense of the Law-Makers then.

[ⁱⁱ] According to the Opinion of Sir *Thomas Trevor*, and the Determination confirming it, all Fines, &c. were annexed to the Government.