

the said Duty was granted to the Lord Baltimore upon Condition that his Lordship should accept a T of tobacco Indian & his of every two pence Rent at any time risen upon any Grant of Land made by his Lordship which Condition his Lordship affirms to me he always hath & still is ready to comply with

2. As to the second demand of fourteen pence p Ton for all Tobacco's exported out of that Province I find by an Act of the Assembly of that Province in 1661 it was enacted that all Vessels whatsoever not properly belonging to that Province having a Deck, Mast, fore & Aft coming in & trading within that Province should pay for Port Duties & Anchorage a pound of powder & three pounds of Shot or so much in Value for every ton of Burthen to the said Proprietor & his heirs

Which Duty hath by usage been turned into Money viz fourteen pence p Ton & so answered to the Lord Baltimore & constantly applied to his own use & not to the Support of the Government as the Lord Baltimore affirms to me & by Order of Council of the 20 of February 1690 this duty was directed to be answered to the Lord Baltimore as Proprietor of the Province & likewise Instructions given Coll<sup>ly</sup> Copley Gov<sup>r</sup> of Maryland to permit the Lord Baltimore or his Agents to receive the same without any disturbance or Interruption & I conceive that upon the words of the Act this Duty doth belong to my Lord Baltimore as Proprietor to be received by him to his own use & it would be a thing of Dangerous Consequence to admit of Parol proof of an intention in the Law makers different from the words of Law to say that the Duty which the Act calls a port Duty was intended to be a Port Duty & it seems to be admitted by the Assembly that this Duty of fourteen pence p Ton doth by Law now belong to the Lord Baltimore by desiring their Majestys Royal Assent to an Act to invest it in their Majestys

As to the demand of fines & Amerciaments I conceive upon perusal of the Charter granted by King Charles the first