

to the Lord Baltimore & of their Majesty's Commission granted to Coll. Spilley to be Governor in chief of that Province that the Lord Baltimore hath not a right to the fines & Amerciaments that have accrued since their Majesty's said Commission to Coll. Spilley where by their Majesty's have taken the whole Gov^t of that Province into their own hands except only fines & amerciaments in the Courts of any manner of which the Lord Baltimore is Lord because I do not find that fines & Amerciaments are expressly granted to the Lord Baltimore by the Charter of King Charles the first so that I conceive he never had any other Title to them than as Gov^t of the province the Courts of Justice being held in his name which Title is now determined by their Majesty's assumption of the Gov^t into their own hands & appointing a Gov^t there who by his Commission hath express power granted to him to erect Courts of Judicature for the better administration of Justice as Occasion shall require which Courts I conceive being erected by their Majesty's Commission must be held in their Names & are their Courts & not the Lord Baltimore's & the fines & Amerciaments there set will belong to their Majesty's & I conceive such a right in the Lord Baltimore to all Fines &c^{as} would be inconsistent with that part of their Majesty's Commission to the Gov^t of that Province whereby he hath power granted of Remitting & pardon of fines set upon Offenders according as he shall think them fit Objects of Mercy which he cannot do if the Lord Baltimore be Entitled to them

As to the demand of Waives Strays Wild horses & wild Hogs I conceive that such Cattle as are mentioned in the Representation to be claimed as Strays are not in Law such because they are Marked with the Marks of the Owner which Marks being on Record every person is obliged to take Notice to whom they belong & I do not find that wild Horses or Hogs are granted to the Lord Baltimore by the Charter of King Charles the First & therefore I conceive the right therein is in the Crown as being fera Naturae & the property thereof in no particular person & tho' there be any Act of the Assembly which gives such Goods to which no Person hath a Right to the Lord Proprietor yet I conceive that Act cannot take away their Majesty's right thereto unless