

THE Act of 1704, and that of 1692 exactly agree, except that, in the former the Words *her Government* stand in the Place of the Words *their Governor* used in the latter, and that there is an Omission, in the Act of 1704, of the Words taken Notice of in the last Note.

How this Omission happened, as well as the Variation in the Expression, I have, I apprehend, discovered.

THERE are two Books of Laws in the Secretary's Office, the one distinguished by *Liber LL. N° 1* containing Eighty-four Laws in Number, and Two Hundred and Forty-nine Pages, and attested by Sir Thomas Lawrence Secretary of the Province to have been carefully copied from the Original Acts in the Plantation Office in *Whitehall*, and examined by himself. The Act of 1692 as it stands in this Book is perfect, supplies the Words omitted in the second enacting Clause of the Act of 1704, and has the Words "*their Governor.*"

THE other Book distinguished by *Liber LL. N° 2* contains the Act of 1692; but, as it stands in this Book, it is imperfect, the Omission in the Act of 1704 is not supplied by it, and it has the Words "*their Government.*"

UPON Collation I find, that the Act of 1704 agrees with the Act of 1692 exactly, as it stands in *Liber LL. N° 2*, and it is evident therefore that by following this, as their Exemplar, they intended to re-enact the Act of 1692 in the same Words, but fell into the Variation I have pointed out, in Consequence of the Mistake in the Transcript of the Act of 1692 into *Liber LL. N° 2*.

IN the Year 1739 the Committee of the Lower House fell into the same Mistake by copying the Act of 1692 from *Liber LL. N° 2*.

I PRESUME it can't be questioned, but that the Book distinguished by *LL. N° 1* is to be relied upon as containing a true Transcript of the Original Act of 1692, not only because *Liber LL. N° 2* contains, without any Method, or Respect to the Order of Time when they were passed, various Acts in a confused, and indistinct Manner, is without Attestation, or Authentication, and the Act of 1692, is imperfect, as it stands in that Book, but because the Transcript was not from the original Act of 1692, which, as appears by the Journals of 1694, was with the other Acts that passed the same Session immediately transmitted, instead of a Copy, to the Plantation Office in *Whitehall*, by Mistake, and the other Book contains a regular Series of the Acts of 1692 in Order of Time, as they were passed, is attested to have been carefully compared by Sir Thomas Lawrence with the Original Act, and is perfect.

I HAVE not accounted for the Variation in the Act of 1704 from that of 1692, merely to entertain you with what is rather curious, than useful, nor would I be understood to urge the Circumstance beyond what it will bear.

EVERY one knew that the One Shilling per Hogshead was received under the Act of 1692, as a Revenue for their Support by the Governors *Copley, Nicholson, Blakiston*, (as well as during the Presidency of Mr. *Tench*) and *Seymour*, 'till the Act of 1704 was passed—That the indefinite Act of 1692 would have continued, unless superseded by some subsequent Law, and it is hardly credible that any Governor, and especially Mr. *Seymour*, would have consented to give up the Revenue he was entitled to under the Act of 1692, and to accept in Lieu of it, the Provision made by the Act of 1704, if the latter had not been deemed to be equal to the former. My Inference therefore from these Premises is, that if the same Title to both Acts, and the Words Support of the Governor, and of the Government had not been deemed to be æquipollent, a Difference of Intent on would have been discovered, and Care taken to prevent its Effect. The Duty, as well as Interest of the Governor would have effectually prevented a Diminution of the Revenue; for there was a Royal Instruction not to assent to any Act derogatory from this Revenue, and if he had failed in his Observance of this Instruction, still the Matter fell under the Cognizance of the Board of Trade, who would probably have made such a Report, as would have brought on the Royal Dissent, had the two Acts varied in their Operation.

IF however there could be any Reason for preferring *Liber LL. N° 2* to *Liber LL. N° 1*, and thence contending that the Words, in the original Act of 1692, were for the Support of the Government, and not of the Governor, then the Act that passed in the same Session of 1692 would prove beyond any possible Contradiction that the Terms *Government*, and *Governor* were taken by the very Legislature who passed both Acts to import the same Purpose, for the Act entitled "A Supplementary Act to the Act entitled an Act for Settlement of an annual Revenue upon their Majesty's Governor for the Time being, enacted that Three Pence over and above the One Shilling per Hogshead on every Hogshead of Tobacco, &c. shall be paid, &c. to their Majesty's for the Support of their Governor in such Manner and Form as by the aforesaid Act for One Shilling per Hogshead is limited and allowed.