

ernment was again Restored to the Lord Proprietary; in which year an Act of Assembly was again made, which advanced the aforesaid one shilling per Hogshead, to Fifteen pence per Hogshead, Three pence of it to be applied towards the Support of a Magazine, and the other Twelve pence to the then Governor for his own proper use.

The one shilling per Hogshead for support of Government was directed to be paid to His Lordship, for the Support of His Governor, and for such other uses towards the Support of Government as His Lordship in His Discretion should think meet to apply the same which was accordingly Re-Enacted in 1717.

In mine of January the 5<sup>th</sup> I observed to you That the aforesaid Law of 1692, was by the Terms a Perpetual Law. That King William Dissented to the Law 1699 for the support of Government. Notwithstanding which, the Act of 1692 as it continued in Force before 1699—The Support of Government was raised until the Perpetual Law of 1704 was made in Col Seymour's time, by which Law, the present Support of Government is raised, and has been ever since the Act of 1717 Ceased. The latter Act being only Temporary and made as was found necessary during its Continuance, to raise Three pence per Hogshead as a Composition for His Lordship's Rents and Alienation Fines, But that Composition ceasing in September 1733. The Assembly held in 1734 made an Act to Raise the Three pence per Hogshead, well satisfied the Act of 1704 was in Force effectually for the Support of Government.

The Question on the Case as it stands is, whether the Council can justly claim any part of the aforesaid one shilling per Hogshead, for as the Law of 1692 Repealed all the former Laws for Raising the one shilling per Hogshead and applied it to other uses, exclusive of any Support of the Council, who were then provided for by another Law as aforesaid, and have been since. And the Law of 1704 which Repealed all former Laws, and is a Perpetual Law still unrepealed, by which the Support of Government is now Raised for such uses in the Government as His Lordship thinks meet, without mentioning or having any regard to the Council; The Lord Proprietor cannot be supposed to have any knowledge, that the Upper House of Assembly, at the time of making the aforesaid Laws, intended the Council should be supported out of the aforesaid one shilling per Hogshead, which His Lordship has a Right to apply to such uses of Government as He pleases. This being the Truth of the Case 'tis certain the Upper House cannot receed their Allowances to the Lower House—unless under such Consideration as My Lord's Instructions herewith Recommends.