

Coll Ward and M^r Bordley from the Upper House deliver L. H. J. M^r Speaker, the following Message with his Excellency's p. 75 Letter Viz.

By the upper house of Assembly

April the 22nd 1720.

Gentlemen.

We think our Selves obliged by Duty as well as it is our Inclination to Act according to the best of our Judgments for the Service of our Country, and in a particular manner for the preservation of the prerogative Lodged in our Lord Proprietary and his Representative, and tho your Construction of the Act Concerning the three pence p Tonn seems in favour of that part which belongs to us to Espouse so far as is Agreeable to Right, yet the Convictions of our Reason are too Strong in this point to Disengage us from takeing on the Contrary Argument.

The Act makes three pence p Ton payable to the Governour for the time being, The present Governour Continues Governour by his Majestys approbation according to Act of Parliament till he be Superseeded Therefore while he Continues Governour he has right to all Dutys payable to the Governour for the time being of which this is one.

In Case of the present Governours Absence the Gentleman Appointed to Preside would Act as president of the Council but not as Governour for the time being.

In Case of the present Governours Death before another is Commissionated the Gentleman Appointed to preside would Act as a Governour as Coll. Lloyd Did on the death of Governour Seymour in which case there was no person in being but Coll Lloyd, that could be said to be the Governour for the time being, but as you propose in this Case there would be a Governour for the time being that would not Enjoy the three pence p Ton, which as we take it would be a Contradiction to the express Letter of that Act.

We frankly Communicate to you the Reasons of our opinion and Should be glad to know the reason of yours that we might come to a Right Understanding in this matter, tho on the whole we must conclude that neither our opinions nor yours can alter the plain Signification of the Law it Self.

Signed p Order Joh. Beale Cl: Up: Ho

M^r Speaker.

p. 76

As your answer to what I Desired you to Communicate to the house in Relation to the three pence p Ton to the Govern-