

serve, and consequently would only be liable to the Duty of 5 s. it therefore cannot be imagined the other Branches of the Legislature, whatever might have been done by the Lower House, could possibly have overlooked or fallen into so absurd and ridiculous a Scheme; nor can we believe your Excellency ever could have seen these Words in any other Light than what we contend for, or could ever have put a different Construction on them, had it not been suggested to you by a Person whose Interest it was to have them misconstrued and misunderstood; and what still makes this Matter more plain, if it is possible to make it plainer, is a Clause in the said Act of 1754, by which it is provided, "That in Case any Duty shall be paid for any Negroes or Servants, in Virtue of this Act, and that such Negroes and Servants cannot be sold by the Importers, and that such Importer shall desire to export such Slaves or Servants, and shall give Bond, with sufficient Sureties, to the Naval-Officer, to whom such Duties hath been paid, that he or they shall and will export such Slaves or Servants to any other his Majesty's Plantations, it shall and may be lawful for such Naval-Officer to repay the same Duty for such Slaves or Servants, so as aforesaid by him received, in Proportion to the Number of Slaves or Servants so bonded to be exported;" which evidently shews that it was the Meaning of the Legislature, that the Duty should be paid at the Time of Entry, otherwise the Act would not have made a Provision of a Repayment of the Duty in Case of Exportation. But your Excellency has very unfortunately entertained an Opinion, that the Act in this Sense of it would operate to the Destruction of Two old Acts of Assembly, and a long uninterrupted Course of Trade, and would introduce Inconveniencies to the Trader; however, when you have considered that tho' our Construction of this Act should take place, yet those old Laws not being repealed by it, would still exist, and that the Attorney-General would still lay under the Restrictions of the first, and the Naval-Officers under the Limitation (as to the Fee on Impost-Bonds) of the last, and that the long uninterrupted Course of Trade (if by that you mean the Practice of taking Impost-Bonds) could be affected, or the Naval-Officers restrained, only in a single Instance, you will perhaps think there was little Occasion to take up a forced Construction of those Words, in order to obviate Inconveniencies and Difficulties which could not possibly flow from the true one; we are persuaded what we have already said on this Head is sufficient to convince every Man (if it was not abundantly plain by the Act itself) that the Construction which the late Lower House, as well as ourselves, have given that Act of Assembly, is clearly right, and we hope by this Time, it sufficiently appears that the late Lower House were right in their Opinion,

That the Naval-Officers ought not to have taken Impost-Bonds for the Duty on Convicts, because it was an Indulgence unknown to the Law :

L. H. J.  
Liber No. 50  
April 19  
p. 81

p. 82