

C H A P.
XVI.

Witnesses
summoned,
having their
Charges ten-
dered, and
not appear-
ing, to forfeit
10*l.* Sterling,
with such
further Da-
mage to the
Party grieved
as the Court
shall award.
*But see 1715,
ch. 37, §. 5.*

V. And be it further Enacted by the Authority aforesaid, That if any Person or Persons, upon whom any Process out of any the Courts of Record, within this Province, shall be served, to testify or depose concerning any Cause or Matter, depending in any of the same Courts, relating to the Premises, and having tendered unto him or them, according to their State or Calling, such reasonable Sums of Money, or Tobacco, for his or their Costs and Charges, as having Regard to the Distance of the Place, in that Behalf is necessary to be allowed, do not appear, according to the Tenor of the said Process, having not a lawful reasonable Let or Impediment to the contrary; that then the Party or Parties, so making Default, shall forfeit and lose, for every such Offence, Ten Pounds Sterling; and to yield to the Party grieved, such further Recompence, as by the Discretion of the Judge of that Court, out of which the said Process shall be awarded, according to the Loss and Hinderance that the Party which procured the said Process, shall sustain by the Reason of the Non-appearance of the said Witness or Witnesses: The said several Sums to be recovered by the Party so grieved, against the Offender or Offenders, by Action of Debt, Bill, Plaint or Information, in any of their Majesty's Courts of Record in this Province, wherein no Effoyn, Protection, or Wager of Law to be allowed.

Examined and Compared with the Record, REVERDY GHISELIN,
THOMAS BACON.

C H A P. XVII.

Passed 9th of June 1692. of *An Act for the Fourteen Pence Tonnage.* Lib. LL. fol. 60. and Lib. WH and L*. fol. 67. DISSENT.

N. B. This Act (1.) recites the Act of 1661, ch. 7, for Port Duties and Masters of Ships, and sets forth, that "the said Act being altogether silent for what Use the said Imposition hath been ever since levied and raised, whereby the true Intent of the said Law hath been hitherto unknown, to the great Dissatisfaction of the good People of this Province; no other apparent Reason or Cause for the same being than only the Advancement of his Lordship's Interest, who hath ever since converted the same to his own Use. This present General Assembly, having taken the Premises into their Consideration, and being fully satisfied that the Reasons and Causes for giving the said Subsidy was for the better securing the several Ports and Harbours within this Province, by erecting of Forts and finding sufficient Ammunition for maintaining the same, which his Lordship hath in no wise complied with: And forasmuch as this present General Assembly conceives his said Lordship was incapacitated of performing what (upon making the said Act) was meant and intended to have been performed, &c. pray, that it may be enacted, &c." and then enacts, (2.) That 14*d.* Sterling per Ton, &c. be paid to their Majesties, &c. for Support of Government. (3.) That 30*l.* Sterling per Annum be paid thereout to each Member of the Council having no Place of Profit, in Satisfaction of their Loss and Time attending the Council upon all Occasions; the said Councillors defraying their own Expences, without any Charge to the Public whatsoever. (4.) The Remainder of the said Subsidy to go to the Supply of the Province with sufficient Provision of Arms and Ammunition, &c.

The Reasons for passing this Act appear more amply from the following Extract from the Opinion of the House of Delegates (with which the Council concurred) upon the Petition of Henry Darnall, Esq; his Lordship's Agent and Receiver General, for Liberty peaceably and quietly to receive and collect all his Lordship's Dues and Revenues in this Province, &c. Which Opinion was sent up to the Council Board on the 25th May 1692.

"As to the 14*d.* per Ton, this House have fully searched and examined into the true Cause of making this Act (*viz.* 1661, ch. 7,) and though the Journal of that Assembly, as well as the original Law, is either by Negligence lost, or designedly made away by the late Government; yet many Persons living, and some of this Assembly, do remember and say, that the same was for building of Forts and finding of Powder and Shot for the Country's Use. And further, that that Duty ever was, and is still, by the Inhabitants called *Fort-Duties* and not *Port-Duties*, as it is now termed in the said Act: Upon which Evidence, and Perusal of the Law, and fully debating the same, This House do unanimously declare, that the said Fourteen Pence per Ton doth of Right, and according to the Intentions of the Makers of that Law, belong to the Crown. And humbly desire their Majesty's Royal Assent to an Act to invest the same in their Majesties and Successors forever. It seeming very unequal to them that the Crown of England should be at the Charge of building Forts, which is absolutely necessary for securing Ships in Time of War, and securing their Majesty's Duties in both Times of Peace and War, and the Lord Baltimore receive the Money given by his Majesty's Subjects for that End and Purpose, &c.

In Pursuance whereof the following Orders were made:

"June 6th, 1692.

"By his Excellency the Governor and Council in Assembly.

"The House, upon their Explanation of the 14*d.* per Ton, having declared their Sentiments thereof to be for Duties belonging to and vested in the King, the Board think it necessary, that of all Ships and Vessels that shall hereafter Clear, the same be secured and collected by the Naval Officer; and lodged in Bank until his Majesty's Pleasure therein shall be further known, &c.

"June