

The Act makes three pence of Ton payable to the Govern<sup>t</sup> for the time being  
the present Govern<sup>t</sup> Continues Govern<sup>t</sup> by his Majesty's Approbation according  
to Act of Parliament till he be superseded Therefore while he Continues Govern<sup>t</sup>  
he has right to all Duties payable to the Govern<sup>t</sup> for the time being of which  
is One In Case of the present Govern<sup>t</sup>'s Absence the Gentlemen appointed to  
preside would sit as president of the Council but not as Governour for the  
time being

In Case of the present Govern<sup>t</sup>'s Death before another Commission  
the Gentlemen appointed to preside would sit as a Govern<sup>t</sup> as Sir Lloyd did  
on the Death of Govern<sup>t</sup> Seymour in which Case there was not person in being but  
Sir Lloyd that could be said to be the Govern<sup>t</sup> for the time being but as you propose in  
this Case there would be a Govern<sup>t</sup> for the time being that would not enjoy the three pence  
of Ton of us we take it would be a Contradiction to the Express Letter of that Act —  
We frankly Communicate to you the reasons of our Opinions. 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 J<sup>r</sup> Order J<sup>r</sup> D'Arcy C<sup>o</sup> in: House —  
Mr Speaker — As your answer to what I Desired you to Communicate  
to the House in relation to the three pence of Ton to the Govern<sup>t</sup> was that it is the  
Sense of your House it is due to the person presiding in the absence of the Govern<sup>t</sup>  
and accordingly have passed a Vote on it —

I must observe to you that the House have not duly  
Considered that Law and also that this Law was Enacted when this Govern<sup>t</sup>  
was immediately under the Crown and still lies before it for its Liberty and  
Again I cannot take those to be Friends either to the Lord  
Prop<sup>r</sup> or their Country who would have his Majesty's Inclination alone (tho  
Signified in an Instruction to have the Sanction of a Law —

In a word I insist upon it the three pence of Ton is due to  
as Govern<sup>t</sup> until my Commission is lawfully superseded and resolved to make all  
proper Methods to maintain it —  
April the 21<sup>th</sup> 1720 —

John Hart —  
Sir Mankell and the other Gent appointed being in the report from the Com<sup>t</sup>  
appointed by both Houses to make a further Representation of the Agreements  
w<sup>ch</sup> Mr Maurice Birchfield Esq<sup>r</sup> was read & ordered to be Entered as  
follows Viz<sup>t</sup> — April the 21<sup>th</sup> 1720 —

By the Committee appointed to address his Majesty —  
It seems necessary to this Committee in furtherance of y<sup>e</sup> Subject  
(Mankell)