

ance or Interruption to collect and receive by such Person or Persons as he shall thereunto authorize and appoint, the said Duty of Fourteen Pence per Ton for Port Duties or Anchorage for his own Use of Right belonging to him by Law as Lord Proprietor of the said Province, and as well Col. Copley their Majesty's present Governor, as the Lord Baltimore, and all Others whom it may concern, are to take Notice of his Majesty's Pleasure hereby signified, and to comply with the several particulars of the said Report.

John Nicholas,

After this solemn Confirmation of his Lordship's Right, it would be wonderfully strange to find it taken away by an Act in 1704, and that quite unknown to the Makers of the said Act, to those who paid the said Tonnage, or to the Proprietor himself, who not only received it that very Year, but every Year since, 'till this present Time: To set this Affair in a proper Light to all impartial Men, I apprehend I need only transcribe the excepting Clause in the said Act of 1704, viz. "Saving always to all and every Person or Persons, whatsoever was and is, his or their Rights and Benefits, which he or they had by the former Acts of Assembly, any thing in this present Act contained to the contrary notwithstanding."

The Sense of the Legislature was again declared in the Year 1733, when his Lordship's Tonnage was excepted out of the Paper Money Act and left to be paid in Sterling as formerly.

As to what you say upon this Article, and have said upon so many other Occasions, of this Government having no Right to levy any Money without Law, it seems to me to be quite out of the Question, as this Government pretends to no such Thing: But "the Right the People of this Province have, of not being subject to any Payments, whether they be Taxes, Duties, Imposts, Fees, or under any other Denomination whatsoever, but what shall be raised, settled and appointed by Laws to which by themselves or their Substitutes they give their Assent," is a Matter not so far beyond all Contradiction as you conceive, which you must allow when you consider, that at this present Time, we pay a Duty of *One Penny* per Pound upon all Tobacco exported out of this Province to any of his Majesty's Plantations in *America*, towards the maintenance of the College of *Virginia*; a Duty upon Foreign Rum, Sugar and Mollasses imported into this Province; *Six Pence* per Month out of Sailors Wages for *Greenwich* Hospital; and Postage for Letters carried by the publick Post; All which Duties and Imposts are laid on by the Parliament of *Great Britain*, without having or requiring the Assent of the People of this Province to the same, besides the many Fees levied and paid in the several Colonies of *America* and the *West Indies*, by the sole

Prerogative