

Lord 1704; under Colour of which Act, 12 *d.* Sterling *per* Hoghead has been levied and taken by the Right Honourable the Lord Proprietary of this Province, on all Tobacco exported out of the same, ever since the Year of our Lord 1733; at which Time an Act entituled, *An Act ascertaining the Gauge and Tare of Tobacco Hogheads*, expired: Which said Act of 1704 is in the following Words.

An Act for Settlement of an annual Revenue upon her Majesty's Governor within this Province, for the Time being.

W Hereas, by an Act of Assembly formerly made, entituled, *An Act for providing a Support for the Lord Proprietary of this Province, and likewise a Supply for defraying the public Charge of the Government*; it was by the said Act published and declared, That from and after the first Day of September then next ensuing, there should be raised, levied, collected, and paid to the said Lord Proprietary, the Sum of Two Shillings Sterling for every Hoghead, or Quantity of a Hoghead, of Tobacco, which should be at any Time thereafter shipped in any Ship or Vessel, to be exported out of this Province; on Condition that his said Lordship should receive his Rents, and Fines for Alienation of Lands, in good sound merchantable Tobacco, when tendered, at the Rate of two Pence *per* Pound for one Moiety of the said Imposition; the other Moiety by the said Act raised, to be employed towards maintaining a constant Magazine, and defraying other public and necessary Charges of the Government. And whereas former Assemblies, upon strict Enquiry made into the Premises, did find his said Lordship had not only been very deficient, and at small Charge and Expence in maintaining a Magazine as aforesaid; but that this Province hath been obliged to defray all public Charges arising for the Support of Government, by Way of an equal Assessment upon the Inhabitants thereof; the several Provisoos in the afore-recited Act to the contrary notwithstanding. And whereas also his said Lordship the aforesaid Moiety of two Shillings *per* Hoghead, under Pretext of maintaining a Magazine as aforesaid (until the Time of their late Majesties King *William* and Queen *Mary* taking this Province under their immediate Protection), did convert to his own Use, to the Impoverishing of the Country, and Defraud of the Public; and being incapacitated of complying with what by the said Act, for the said Moiety of two Shillings *per* Hoghead, is required.

Be it therefore Enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That the said One Shilling per Hoghead for defraying the Charges of Government aforesaid, as well for such Ships or Vessels as have already cleared before the making of this Act, as for such remaining in this Province, be raised, levied, collected, and paid unto our Sovereign Lady the Queen's most excellent Majesty, her Heirs and Successors, for the Support of her Government for the Time being, in and over this her Majesty's Province aforesaid, and the Territories to the same belonging, for every Hoghead and Quantity of an Hoghead of Tobacco, which hath been for and during the Time aforesaid, or which hereafter shall be at any Time shipped in any Ship or Vessel, to be exported out of this Province, or any the Territories, Islands, Ports, Rivers, Creeks, or Places thereunto belonging, as aforesaid.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the said Duty and Imposition shall be from time to time paid and satisfied by the Master or Masters of every such Ship or Vessel respect vely, in which any such Tobacco shall be exported, upon his or their clearing, or taking out his or their Dispatch or Dispatches, for every such respective Ship or Vessel, and before the Departure of such Ship or Vessel coming into this Province, shall at their first Arrival here, and before their loading on board any Goods or Commodities of the Growth, Production, or Manufacture of this Province, give good and sufficient Security to his Excellency, or to the Officer thereunto especially appointed, for the Payment of the said Duty or Imposition accordingly.

*Provided always, and it is the true Intent and Meaning hereof, That this Act, nor any Thing herein contained, shall be adjudged, construed, reputed, or taken (any Thing herein expressed to the contrary notwithstanding), to disannul or make void his Lordship's Right to the other Moiety of the said two Shillings *per* Hoghead, to be paid in Consideration of his Rents and Alienation Money in Tobacco at two Pence *per* Pound, during the Term of his natural Life (but that the same be kept and hereby preserved to his Lordship in as full and ample Manner as by the said Law is expressed or intended), or in the least to discharge his Lordship of receiving the Rents aforesaid at two Pence *per* Pound, as by the said Act is enjoined, during also the Term of his natural Life; nor to discharge his Lordship from accounting for the Arrears of the one Shilling *per* Hoghead, for supporting the Government and providing Arms and Ammunition, but that he be obliged to all the aforesaid Matters and Things as fully and strongly as if the said Law were in full Force.*

And be it further Enacted by the Authority aforesaid, That every Master of a Ship or Vessel as aforesaid, at the Time of his Clearing, shall upon Oath declare the Quality and Quantity of his Loading; and that the Naval Officer, by the Governor aforesaid appointed for the Time being, shall, and is hereby empowered to administer the said Oath; and in case the said Master shall refuse the said Oath, or upon Suspicion of having Goods on board for which he hath not cleared, it shall be lawful for the said Naval Officer to enter on board any such Ship or Vessel, and the same to search for any such Goods as aforesaid; any Thing in this Act beforementioned notwithstanding.

Thereupon the Question was put, Whether the following Entry, *viz.*
 [Resolved, That the levying and taking the Sum of Twelve Pence Sterling
per Hoghead, by the Right Honourable the Lord Proprietary of this Pro-
 vince;