

taken by the Naval-Officers upon *his* Indulgence, at his own Risque, given to Trade, but as a *Security to the Public for the Country Duties*, and taken payable to the Head of the Government; or the Attorney-General as such, would have had nothing to do with them, nor would the Legislature have given the Officer a Fee for taking them: And as even the first of these Acts is so far from introducing into Practice, that it plainly supposes them to have been then in Use, or it never would have provided against an Abuse in suing them; I think it may be reasonably inferred, that they have been constantly and universally taken from the earliest down to the present Times, in all Cases without Exception, unless such Exception can be shewn: And as these Acts of Assembly have undoubtedly given them a legal Establishment, if they had none before, I presume a *Right* became then not only *vested in the Naval-Officer to take them as a Security to the Public for the Country Duties*, but likewise a Right of Exemption in the Trader, who had Duties to pay, from paying them down at the Time of Entry; and from hence, I presume, it is very far from appearing, "That Impost-Bonds ought not to be taken," as being "an Indulgence unknown to the Law."

But, "The Duty on such Servants is required to be paid at the Time of Entry:" This is a Discovery which I very freely confess, I have never yet been able to make, tho' I presume it must be by some Law of this Province; no less Authority being sufficient to make so considerable and pernicious an Alteration in our State of Trade as this must be; and you will give me Leave to observe, that any Act must be expressed in Terms so very clear and explicit, as to be void of all Ambiguity, before it can be allowed an Operation destructive to Two other Acts of Assembly, to a long uninterrupted Course of Trade (which of itself is always held as a Law in all Trading Countries) and so discouraging to the Trade of this Province.

The Act which I have heard mentioned as performing this Work, is that passed *for his Majesty's Service* in 1754, laying a Duty upon Servants, and other Commodities; the 9th Section of which is in the following Words:

"And be it likewise Enacted, That all Masters of Ships and Vessels, and Others, importing Servants into this Province, by Land or Water, to serve for the Term of Seven Years or upwards, at the Time of their Entry shall pay unto the Naval-Officer for the Time being, belonging to such Port or Place where they make their Entry, the Sum of Twenty Shillings Current Money *per* Poll for each Servant: And that all Masters of Ships or Vessels, and Others, importing Servants into this Province, by Land or Water, to serve by Indenture, or Custom of the Country, for a less Term than Seven Years, at the Time of their Entry shall pay unto the Naval-Officer for the Time being, belonging to such Port or Place where they make their Entry, the Sum of Five Shillings Current Money *per* Poll for each Servant: And that for every Negro imported into this Province, by Land or Water, the Importer or Importers of such Negro or Negroes shall pay to the said Naval-Officer, the Sum of Ten Shillings Current Money, over and above the Duties or Impositions already directed and appointed to be paid by any former Act or Acts of Assembly of this Province: And that there shall be paid a Duty of Two Pence Current Money *per* Gallon on all *Madeira* Wine imported into this Province by Land or Water, by the Importer or Importers, to the respective Naval-Officer of the Port or Place where the same shall be imported or brought into this Province by Land or Water as aforesaid."

Upon the bare Perusal of which, a Reader of less Sagacity than the Representatives of the People, would immediately conclude, as I confess I did, that the Expression *at the Time of Entry* must naturally relate to what *precedes*, viz. *Masters importing Servants to serve for Seven Years or upwards at the Time of Entry*, and not to what *follows*, shall pay, &c. as it necessarily must (and that with some Degree of Absurdity) to make out the Construction contended for: But that this never could be the Intention of the Legislature, appears further from their not having placed those Words *at the Time of Entry*, in a different Position from that in which they now stand, naturally and sensibly referring to the last Antecedent, to serve for Seven Years or upwards, at the Time of Entry, since it might with so much Ease and Propriety have been done, by only placing those Words, *at the Time of Entry*, after the Words shall pay, and then it would have Read thus, *shall pay at the Time of Entry*, or, shall at the Time of Entry pay; in either of which Positions the Sense would have been obvious, and the Construction clear, as contended by the last Lower House, and seconded by yourselves; and can't be imagined, that had this been their Intention, the Abilities of the Lower House in 1754, not to mention the other Branches of that Legislature, were so slight as not to hit upon so plain, easy, and clear a Manner of expressing that Intention.

But I will suppose, for Argument Sake, that it is not clear from the Frame of that Sentence, that those Words, *at the Time of Entry*, must relate to what precedes; yet it must be allowed me, that it is not more so, that they must relate to what follows; and it being equally uncertain to which Part of the Two, the Reference ought to be, I hope it will never be contended that it shall have such a Relation, as by Construction