

struction to destroy Two old Acts of Assembly, a long uninterrupted Course of Trade, and to introduce Inconveniencies to the Trader, consequently a Discouragement to Trade itself, when it may, upon my present Supposition, as well bear another Construction, clear of all these Difficulties, by only giving those Words their natural and proper Reference, and thereby to shew that the Master is to pay the Duty of Twenty Shillings per Head on all Servants, *who have Seven Years to serve, at the Time of Entry.*

I have only hitherto considered such Part of that Paragraph as relates to *Seven Years Servants*, and shall wave such Part thereof as relates to Servants to serve *for a less Time than Seven Years*, because, tho' I think an Advantage might be made of some Expressions, in that Part of it, yet since the Expression *at the Time of Entry* stands there in much the same Position, as in the former Part, I am content it takes the same Construction.

I shall make but one Remark more upon this Paragraph of that Act; and I must own it is such as gives me the fullest Conviction, that the Legislature in passing that Law, had no Intention to affect those two old Acts of Assembly, or to alter the Course of, and introduce a Discouragement to Trade, by obliging the Masters to *pay the Duties down at the Time of Entry*; and that is, that the Expression *at the Time of Entry*, is no where in that Paragraph made use of but in such Parts of it as relate to Servants, and there it seems to have been particularly useful, for there being Servants of Two different Terms of Servitude, with a different Duty imposed on each, that Expression, *at the Time of Entry*, seems thrown in, the better to distinguish the Two Kinds of Servants, with the Duty imposed on each, according to the Time of his Service: Thus, *for every Servant to serve for the Term of Seven Years or upwards, at the Time of Entry, Twenty Shillings; and for every Servant to serve by Indenture, or Custom of the Country, for a less Term than Seven Years, at the Time of Entry, Five Shillings.* And is merely descriptive to shew upon *what Servant the Duty of Twenty Shillings is laid, and on what the Duty of Five Shillings; for, Why otherwise was that Expression dropt in that Part relating to Negroes? Why, in that relating to Madeira Wine? Should it be said, that Lower House intended the Duties upon Convicts to be paid at the Time of Entry, as a Discouragement to the Importation of them; I am somewhat doubtful, whether such an Answer might not be considered as a Mark of the Want of Duty to our Mother-Country, in thus passing Laws to discourage, what they have passed a Statute to promote, I mean, the Transporting their Felons to the Plantations, as well as of a Want of Prudence in publicly making such a Confession; and if they were intended as a Discouragement to the Importation of Servants not being Convicts? Would it not be thought a Stain upon our Prudence, in thus obstructing the Increase of Labourers amongst us, which have always been considered, as the most certain and speedy Method of increasing the Stock and Riches of a young Country? Since therefore a Discouragement to the Importation of Labourers of *any Denomination*, could not have been the Motive for inserting that Expression; Was it that the Public might be the sooner in Credit by these Duties, by their Payment at the Time of Entry? But this cannot have been the Design, because, tho' they were paid down at the Time of Entry, yet the Naval-Officer is by that Act only *to account, as he does for other Duties, and to pay yearly*; so that this End will not be answered; besides, if this was the Motive, since that good End might, tho' in a less Degree, have been promoted by pursuing the same Course with Regard to the Negroes and Madeira Wine, Why was not that Expression continued to them, as well as to Servants? But to them so precise a Description was unnecessary, since there is *but one Duty per Head on every Negro imported, and but one Duty per Gallon, on all Madeira Wine imported*; whereas the *different Kinds of Servants, with a different Duty upon each*, must necessarily require to *each Kind a different Description*; but tho' that Expression, *at the Time of Entry*, plainly imports nothing more than a *mere Description* of the different Kinds of Servants, you nevertheless, as well as the late Lower House, seem fond of understanding them, as *obligatory upon the Naval-Officers, to receive those Duties at the Time of Entry, or, to have refused to have Entered those Vessels, until the said Duty was paid down*; expressly contrary to the plain and obvious Constructions of that Paragraph, to Two former Acts of Assembly, and to a long and uninterrupted Course of Trade in this Province.*

Tho' many Observations might still be made, to shew that the Construction, which you, as well as the late Lower House, are desirous of giving that Act of Assembly, is egregiously wrong; I shall, however (this Message having already run out into an unusual Length) reserve them for another Occasion, and conclude this Head with hoping, that by this Time it sufficiently appears, that the late Lower House were wrong in asserting that the Naval-Officers

“Ought not to have taken any Impost-Bonds,” because,

“It is an Indulgence unknown to the Law:”

“That the Duty of such Servants is required to be paid down at the Time of Entry,” —And,

“That it was the Duty of those Officers to have refused to have Entered such Vessels, until the said Duty was paid down.”

And