

ration. But your Excellency has very unfortunately entertained an Opinion, that the Act in this Sense of it would operate to the Destruction of Two old Acts of Assembly, and a long uninterrupted Course of Trade, and would introduce Inconveniencies to the Trader; however, when you have considered that tho' our Construction of this Act should take place, yet those old Laws not being repealed by it, would still exist, and that the Attorney-General would still lay under the Restrictions of the first, and the Naval-Officers under the Limitation (as to the Fee on Impost-Bonds) of the last, and that the long uninterrupted Course of Trade (if by that you mean the Practice of taking Impost-Bonds) could be affected, or the Naval-Officers restrained, only in a single Instance, you will perhaps think there was little Occasion to take up a forced Construction of those Words, in order to obviate Inconveniencies and Difficulties which could not possibly flow from the true one; we are persuaded what we have already said on this Head is sufficient to convince every Man (if it was not abundantly plain by the Act itself) that the Construction which the late Lower House, as well as ourselves, have given that Act of Assembly, is clearly right, and we hope by this Time, it sufficiently appears that the late Lower House were right in their Opinion,

That the Naval-Officers ought not to have taken Impost-Bonds for the Duty on Convicts, because it was an Indulgence unknown to the Law:

That the Duty on such Servants is required to be paid at the Time of Entry:

And that it was the Duty of those Officers to have refused to have Entered the Vessels Importing them, until the Duty was paid:

And consequently that their Conclusion, drawn from those Premises ("for which those Officers ought to be answerable") cannot be wrong.

We can by no Means allow, that the Report of the Committee of the late Lower House, omits doing that Justice to the Naval Officers which is strictly their due; for though perhaps the Committee in that Report, might have more clearly expressed by what Means they came by their Knowledge of the Refusal of the Masters to pay the Duty on Convicts, and might have mentioned the *N. B.* placed at the Foot of the List of Entries, in which the Naval-Officer of *Annapolis* mentions his being in possession of Impost Bonds, on which the Duties, if due, might be Recovered, yet the nature of the Charge must still have been the same, *viz.* That they had omitted to collect the Duty on Convicts: And as the late Lower House, by their Address, gave it as their Opinion, that the Naval-Officers ought not to have taken Impost Bonds for that Duty, we must presume they were informed that such Bonds were taken, and very probably from the abovementioned *N. B.* and since there is no room to imagine they would have been of a different Opinion, upon receiving their Information from the Report of the Committee, it seems very clear, that every thing done, in consequence of the Report as it now stands, must have been done, if the Report in the most clear and-express Manner, had mentioned the *N. B.* at the Foot of the List of Entries: Where then is the Foundation for your Excellency's Insinuations, "that Facts were not mentioned, and that some Transactions were noticed, when others appearing upon the Face of the same Evidence, were concealed, merely for the Sake of patching up a Charge against the Naval-Officers, in order to get their Office Bonds sued; that the Representations of the late Lower House were unjust, and our Complaints in Consequence of them unreasonable?" We are really concerned to find your Excellency, on such slight Pretences, charging the Representatives of a People, with Want of Firmness and Candour, and determining not to pay the least Regard to their Representations.

And now to conclude this Part of our Address; since it is clear to us that Convicts are liable to the Duty imposed on Servants for Seven Years or upwards, by the Act in Question; since it is the plain Construction of that Act, that the Duty on such Servants shall be paid by the Importer at the Time of his Entry; since all Duties are to be paid at the Time of Entry, unless it be otherwise directed by the particular Law imposing them; and since it is Clear, that Impost Bonds, except where the Law in any particular Case directs them to be Taken, are no more than an Indulgence in the Officer at his own Risque, and by no Means an established Security for Country Duties; we think it must follow, that the Naval-Officers of the Ports of *Patowmack* and *Annapolis* have been guilty of a direct Breach of Duty, in not collecting from the Importers of Convicts the Duties imposed by the Act in 1754 on Servants for Seven Years or upwards, among which Convicts are undoubtedly included: And though your Excellency is pleased to say, "But if nothing less than Suits on those Officers Bonds will Content you, I must beg to be excused;" yet we hope what we have now said may induce you to alter your Resolution; and therefore we do again request, we do insist upon it as a Matter we have a Right to expect from your Excellency, who has the Supreme Executive Power in this Government, and whose Duty it is to preserve the Laws in their full Strength, that Directions be given for the putting the Bonds of these Officers in Suit immediately: And now permit us to assure your Excellency, that as it is our indispensable Duty, so it is our fixed and unalterable Resolution, as faithful Guardians