

DESIGNING to re-enact the Act of 1692 the Assembly repeated, in the Act of 1704, the severe Reflections on the Proprietary, contained in the Act of 1692, and not only from the Journals of 1704, but from the Act itself it appears, that no Enquiry was made in the Year 1704 into the Facts charged in the Act of 1692; for in the Preamble of the Act of 1704 the Facts are mentioned as having been found by the Assembly, who passed the Act of 1692, in the usual Style of a Recital, in a former Proceeding, repeated in a subsequent.

WHEREFORE the severe Accusations of the Proprietaries, transcribed from the Act of 1692 into the Act of 1704, depend upon the Credit of the Assembly of 1692, which I have examined at large, because the One Shilling per Hoghead being received under the Act of 1704, the repeated Recitals from the Act of 1692 have continued the Odium, which this last mentioned Law was calculated to excite, very much to the Obstruction of Public Business.

THE Title of the Act which passed in 1692 in the Reign of *William and Mary* was, "for Settlement of an annual Revenue upon *their* Majesties Governor within this Province for the Time being."

THE Title of the Act, which passed in 1704 in the Reign of *Queen Anne*, was "for Settlement of an annual Revenue upon *her* Majesty's Governor within this Province for the Time being."

HAD it not been understood that the One Shilling per Hoghead was to be received, according to the respective Titles of the Two Acts, to the same Use, and that the Governor was to have the same Income under the Act of 1704, that had been provided for him by the Act of 1692 not only the Title of the Act of 1704 would have been improper, but, without Doubt, Mr. *Seymour*, the Governor, would have thought it also extremely improper to have accepted a smaller, in Lieu of a greater Revenue.

I SHALL now transcribe such Parts of the Act of 1704 as are material, and where it varies from the Act of 1692 point out the Variation.

I HAVE shewn that the Titles of the two Acts are the same.

THE Act of 1704 recites as the Act of 1692 did "the Act for providing a Support for the Lord Proprietary, &c." that passed in 1671, and then recites also that "Whereas [ ' ] former Assemblies upon strict Enquiry made into the Premises did find his said Lordship had not only been very deficient, and at small Charges, and Expences in maintaining a Magazine as aforesaid; but that this Province hath been obliged to defray all Public Charges arising for Support of Government by Way of equal Assessment upon the Inhabitants thereof, the several Proviso'es 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, 'till 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 the 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, &c. That the said One Shilling per Hoghead for the defraying of the Charges of Government aforesaid, as well for such Ships, or Vessels as have been already cleared before the making of this Act, as for such remaining in this Province be, &c. paid unto our Sovereign Lady the Queen's most Excellent Majesty, her Heirs, and Successors for the Support of her Government (in the Act of 1692 in the Time of *William and Mary*, the Words are "their Governor") for the Time being, in and over this her Majesty's Province aforesaid, and the Territories to the same belonging, for every Hoghead, &c. or which shall be at any Time shipped, &c.

"AND be it further Enacted, &c. That the said Duty, and Imposition shall be, &c. paid, &c. by the Master or Masters of every such Ship, &c. in which any such Tobacco shall be exported, upon his, or their clearing, and 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, &c. give good, and sufficient Security, &c. for the Payment of the said Duty, &c."

[ ' ] The Assembly of 1692, the only Assembly that had before charged his Lordship with the Matters contained in this Recital. See for the Act of 1692 Page 16.

[ ' ] Between the Words Province, and shall, there is an Omission, of the following Words, viz. "and that every Master of such Ship or Vessel" which are in the Act of 1692.