

Act was deemed to be in Force after his Lordship's Restoration, and the said Duty to be payable, and Part of it was therefore repealed in the Year 1724.

MANY other similar Instances might be produced to shew, that according to the general Opinion, Usage, and uninterrupted Practice of the Province, his Lordship hath, ever since the Restoration of the Government to his Family, been deemed to stand in the Place of the Crown, except of late Years with Respect to the Act of 1704, under which his Lordship's Officers have received the Twelve Pence per Hoghead; but I must confess that I can't guess upon what Principle his Lordship may be justly considered as representing, or succeeding the Queen, or King with Respect to one Law, and not to another.

If his Lordship may be properly considered either as his Majesty's Governor, or, according to the Subject Matter, as the Successor of Queen Anne, then he has a Right to receive the Duty of One Shilling per Hoghead, which the People are obliged to pay under the indefinite, or perpetual Act of 1704, and I might have urged it as a Proof of his Lordship's Right to receive it, that the Successors of Queen ANNE, with Respect to the Crown, have permitted him to receive it.

THE next general Question, on the Supposition of his Lordship's Right to receive it, is, To what Use, or Purpose ought he to apply it?

AT present it is applied to the Support of his Lordship's Lieutenant Governor.

I HAVE observed, that the Title of the Act of 1704 is "for the Settlement of an annual Revenue upon her Majesty's Governor within this Province for the Time being"—That the Act of 1692 had the same Title, and expressly gave the One Shilling per Hoghead for the Support of the Governor—That the Assembly in 1704 had no Intention to vary from the Act of 1692, on the contrary, it was their Design to re-enact it—That they were led into a Variation, in Point of Expression, by following an inaccurate Transcript of the Act of 1692—That if a different Intention, derogatory from the Revenue established for the Support of the Governor by the perpetual Act of 1692 had been entertained, the Act would, most probably, have been dissented to here, not only because it would have been against Mr. Seymour's Interest, but against his Duty to have passed it—That if Mr. Seymour could be supposed, which considering not only the Station, but the Character of that Gentleman, is most unlikely, to have assented to the Repeal of a Law giving him One Shilling per Hoghead for his Support, and the Enaction of another Law giving him less, still such an Infringement of his Instruction would not, probably, have secured the new Act, as it fell afterwards under the Cognizance of those, from whom he received his Instruction—From these Considerations I should be inclined to infer from the accidental Variation in the enacting Part of the Act of 1704 from that in 1692, that the same Idea was annexed to the Terms Support of the Governor in the Act of 1692, and the Support of the Government in the Act of 1704; but whether this Idea was proper, or not, I am now to enquire.

THE Term Government, in my Apprehension, imports the Office of Governor, the Term Governor, the Person exercising the Office, and therefore, I conceive, the Assembly had good Grounds for thinking that they had made as ample Provision for the Governor by the Act of 1704, as had been established by the Act of 1692, and Mr. Seymour, that his Support would be equal to what Mr. Copley, Mr. Nicholson, or Mr. Blakiston received under the Act of 1692.

THE Word Government taken in its largest Sense is very extensive, may be divided, and subdivided.

IT can't be imagined, nor hath it ever been contended, that it was used in a Sense comprehending the legislative, and executive, the ecclesiastical, civil, and military Appointments.

THERE seems to be no Difficulty in determining that there are various Matters, to which the Terms "Support of Government" do not apply, such as those for which independant Provisions have been constantly made by distinct Acts—The Laws subsequent to the Act of 1704 shew the Sense affixed to the Terms by subsequent Legislatures, Co-temporary Laws, enacted by the Legislature that passed the Act of 1704, are immediate Declarations of the Meaning of the Terms.

THE Members of the Two Houses of Assembly, and their Clerks, the Clerk of the Council, the Clergy, Magistrates, Officers of the Militia, and many others, are not comprehended therefore in the Terms.

SOME Sense, or Meaning, then, more confined, or appropriated is to be established.

CHAMBERS defines Government "to be a Quality, or Office which gives a Man Power, or Right to command, or Rule over a Place, a City, a Province, a Kingdom, or the like, either Supremely, or by Deputation."