

In August Session 1716 the Assembly came to a new Composition with Lord Baltimore in respect of his Quit-Rents, and Fines on Alienation, and passed a new Act giving his Lordship Two Shillings per Hogshead in Satisfaction for all his Rents, and Fines on Alienation, and Fifteen Pence per Hogshead, *in Lieu and Stead* of the Twelve Pence formerly imposed, [1] Three Pence of the Fifteen to be applied by the Governor, and Council, in purchasing Arms, and Ammunition for the maintaining a Magazine, and Twelve Pence thereof to his Lordship's Governor.

THE Twelve Pence formerly imposed, referred to in the Act of 1716 were given by the Act of 1704, and the Fifteen Pence being granted *in Lieu and Stead* thereof by the Act of 1716, the Twelve Pence under the Act of 1704 could not be received, as long as the Fifteen Pence given *in Lieu and Stead* thereof were payable.

WHEN this Act was received in England, Lord Guildford, the Proprietary's Guardian, objected to the Application of the Twelve Pence *so strictly* to the Support of his Lordship's Governor for the Time being *actually inhabiting, and residing within this Province*, and this being communicated to the Assembly gave Occasion for the above Act of 1717.

THE Act of 1717 endured till September 1720, and was from Time to Time continued till 1723 with this Difference that, upon dropping the Stunt Law, the Assembly divided the Matters contained in the Act of 1717 into Three Acts, *viz.* "An Act ascertaining the Gauge, and Tax of Tobacco Hogsheads, &c." Another Act for laying an Imposition on Tobacco for Support of Government, and for Payment of his Lordship's Quit-Rents, &c." And a Third Act giving "Three Pence for Arms and Ammunition." In these Three Acts the Duties and Provisions were contained, which had before been thrown together in the Acts of 1716, and 1717.

In the Year 1733 it was thought proper to let the Revenue Act expire and to refer his Lordship to his Patents for his Rents, and Fines on Alienation, not much, as it hath turned out, to his Disadvantage. The Acts from 1715 to 1733, which hindered the Operation of the Act of 1704 during that Period, being temporary, and having expired, the Obstruction to the Operation of the Act of 1704 was removed, and the Act of 1704 therefore regained its original Force—A perpetual, or indefinite Act imposed a Duty, temporary Acts imposed another Duty *in Lieu, and Stead* of the former Duty, both Duties could not be received at the same Time, the subsequent Acts controul'd the Operation of the first Act of 1704—The controuling subsequent Acts expired by Effluxion of Time. I presume that no Lawyer in a Court of Law, or in an Opinion in his Study, would assert, that the perpetual, or indefinite Act did not of Course resume its Operation, on the Determination of the temporary Acts.

NEITHER is there any Room for an Argument that it was apprehended by the Legislators, who passed the temporary Acts, the Act of 1704 had dropped on his Lordship's Restoration, when they gave a new Duty *in Lieu, or Stead* of the *old*, which implied the Existence of the Act of 1704, by which the *old* Duty was given, and there is as little Reason to infer from his Lordship's not receiving the Twelve Pence, under the Act of 1704, during the Time the temporary Acts were in Force, that it was his Opinion the Act of 1704 had dropped upon his Restoration, since the temporary Acts shew why his Lordship did not receive the *old* Duty, by shewing that a new Duty was introduced *in Lieu and Stead* of the *old*.

THIS Point of the Act of 1704 resuming its Activity, upon the Expiration of the temporary Acts, appears to me to be so clear in the State, as to need very little Illustration, and perhaps by endeavouring to make what was before clear, still clearer, I may run the Risque of obscuring it.

WHEN the Will of the Legislature is expressed that a Law shall be indefinite, or perpetual, it can be neither rescinded, nor suspended till the Persons vested with the same legislative Authority declare the one, or the other to be their Will—They have not declared it to be their Will that the Law of 1704 should be abrogated, tho' they did declare their Will, that it should not operate whilst the temporary Acts endured, and therefore whilst the temporary Acts were in

[1] See the preceding Page for the Act of 1715, which made use of the same Expressions to wit "in Lieu and Stead of the Twelve Pence formerly imposed" I have observed that this Act of 1715 passed, when Mr. Hart acted under an immediate Commission to him from the Crown, and received the Twelve Pence under the Act of 1704, to which the Words "formerly imposed" related. The Repetition of the same Passage in the Act of 1716, when Mr. Hart acted under his Lordship's Commission shews that it was the Sense of the Legislature in 1716, that the Commission from his Lordship had no Effect on the Operation of the Act of 1704, and that the Words "in Lieu and Stead" were as necessary in 1716 and 1717, as in 1715, to prevent the Payment of the Twelve Pence per Hogshead imposed by the Act of 1704.