

[tions I have received from my royal master, which have by his special direction been laid before this court. I am fully persuaded, that to act any way contrary thereto, after the many debates and votes which have been upon that head, would rather destroy than preserve those privileges we justly prize. Gentlemen, I desire your serious consideration of what I have hinted, that so the important affairs of the province yet lying before you may have a speedy and happy conclusion."

This speech which, a year or two after, when the prejudices against the governor were at the height, would have been excepted to as irregular and anticipating matters, which it would have been time enough for the governor to have declared his sense of when they came to be laid before him, had now a good effect, and the house, the same day, resolved that a new impost bill should be brought in, and that the controverted clause in the former bill should be left out, but in the preamble to their resolve they make a heavy charge against the council for not concurring in their former bill.

"Whereas this house have voted and passed a bill granting to his Majesty several rates and duties of impost and tonnage of shipping, in which was included one per cent. on European merchandize, for which article or clause the honourable council have several times non-concurred the said bill, notwithstanding all proper endeavours have been used by this house to attain the same, which have hitherto proved fruitless, whereby a considerable part of the revenue, which would have accrued to this province, is for this present session foregone, which also tends to the depriving this government of their just rights, powers, and privileges granted by the royal charter, Resolved," &c.

The council were fond of peace, and as soon as this resolve came to their knowledge, they sent a message to the house, desiring they would not print the resolve in their votes, as it would have an ill effect and would oblige the council, in their own vindication, to reply, although they wished that all controversy between the two houses might cease. The house printed it notwithstanding, and the next day the council sent the following answer.

"The board are very much concerned to find, among the votes of the honourable house, a declaration as if the council in non-concurring the bill of impost as it was first framed, had done that whereby a considerable part of the revenue, which would have accrued to this province, is for this present session foregone, which also tends to the depriving this government of their just rights,

powers, and privileges granted by the royal charter.

"This declaration contains or implies such a charge as the council can, by no means, suffer themselves to lie under, without asserting and solemnly declaring their integrity, and they are more surprised at the imputation of doing a thing which tends to deprive this government of their just rights, powers, and privileges granted by the royal charter, because on the 23d current the board sent down a message to the honourable house, "that they were always ready and desirous to concur with the honourable house of representatives in such proposals relating to an impost, as may not tend to alter or expose our present happy constitution under the royal charter;" so that it was from a sincere and just regard to the rights, powers, and privileges of this government granted by the royal charter, that the council chose rather to omit the duty of one per cent. on English goods for this session.

"That the council apprehended the duty of one per cent. on English goods affected the trade of Great Britain, and so came within the meaning of his Majesty's late additional instruction is certain: and being of that opinion, it would have been inconsistent for the board to concur the bill of impost as it was sent up, however, they can boldly and truly say, they have acted from a principle of duty to his Majesty, love and fidelity to their country, and have nothing more at heart than the just, wise, and careful preservation of those invaluable rights, powers, and privileges granted by the royal charter, which God long continue."

This controversy being over, the court was prorogued.

Before the next sessions in November, the governor received a reprimand from the lords justices, the king being absent, for consenting to the duty on English goods, &c. by the impost act in 1718. This he laid before the court. The same house which had so long contended with the council the session before, for this clause in the bill, now "readily acknowledge the exceptions taken to it are just and reasonable." An instruction to the governor to support the surveyor of the woods in the execution of his office, which was communicated to the house at the same time, was not so favourably received, and in an answer or remonstrance occasioned by the governor's speech they charge the surveyor with instances of very gross mal-conduct. What evidence they had of it does not now fully appear. The governor, by a message, desired they would not print their