

L. H. J.
Liber No. 46

Which Bills were severally thus indorsed viz.

By the Upper House of Assembly, “The ingrossed Bill, whereof this is the Original is read and assented to.

Signed per Order I. Ross Ct. Up. Ho.

The House adjourns to 2 of the Clock.

Post Meridieum

The House met according to Adjournment

The Message brought in by M^r George was sent, with the Journal of Accounts, to the Upper House by M^r Worthington, and M^r Pemberton

p. 54I Samuel Chamberlaine Esq. from the Upper House, delivers M^r Speaker the Journal of Accounts, Indorsed, (See page)

Col Lloyd from the Upper House delivers M^r Speaker the Bill entituled, An Act for the Relief of John Penny &^a Indorsed, (See page 55)

M^r Speaker communicates the House the following Message from the Governor viz.

Gentlemen of the Lower House of Assembly.

It is really a Pity your Earnestness to deprive the Province of a perpetual Law for ordering the Militia in its Defence, and to divest the Government of a Power to raise 50000 lb of Tobacco in a year, should engage your House to use so much Time and Paper, in order to confound the sense of yourselves and every Body else, on so plain a Point as the Perpetuity of the present Militia Laws: But I must confess your long Address on this Subject is the less wonderful, as there was a necessity for attempting to justify your House in resolving that the Pound of Tobacco was unjustly levied, before any Reasons could be considered or offered, to shew that it was lawfully levied: And also when, in the first Page thereof, you set off with a notorious wrong Principle in Reasoning, upon which all the Rest of your Address seems chiefly to depend. I had before laid down as a Rule with regard to a perpetual and temporary Law,” That there is no Time limited for the Duration, Operation, or Continuance of the former, and therefore it must continue in force ’til it is repealed; That the latter having a fixed or limited Time for it’s Duration, or Operation, it must certainly expire when the Time so fixed or limited expires, or the End for which it was made is fully answered; unless it is continued by another Law.” As there is no Time limited for the Continuance of the Law in 1722, which revived the Law of 1715, it necessarily follows that Revival must be perpetual: This appeared in so strong a Light to you, that it seemed necessary you should first endeavour to get clear of that Distinction, before you could promise yourselves any Success in amusing one another further on this Subject. And pray how do you manage this Point? Why,