

The following Message prepared and agreed Upon by this U. H. J. house Viz.

By the Upp^r house of Assembly July the 26th 1721

Gentl. We are not willing to believe but that you have read and in some Measure Considered our Message the 22^d Instant by Coll Ward thô by your Opinion of the 24th in relation thereto It might seem otherwise

We did not propose to you the Enlargement of the punishment but that the punishment already appointed (the Quantity whereof you do not object against) might be duly inflicted p. 36 on the Offenders. In vain is it to proportion Punishments to Offences if the Method of bringing the Offenders to punishm^t be rendered Impracticable as many Years Experience Sufficiently Demonstrates this to be

Gent. We take it that thô this fine of One Hundred pounds of Tob^o be but small in it Self Yet in the Consequence of it the Honour & Safety of our Country is much Concern'd Upon the due Execution of this Law Depends the whole Regulation of the Militia for that is the only tye upon them to obey and Obedience is Essentiall to Discipline, and Discipline to Defence and even in the Time of the most happy Tranquility

A Well regulated Militia is not only an Honour but a Preservative of Peace by keeping in Awe a less Disciplined Neighbour. Whereas the neglect of this is even an Invitation to others to take Advantage of our not being in a Posture of Defence

We take this Oppertunity to Acquaint you that many the most Capable p^{ns}ons have refused to Accept Commissions And those that have them Desire to lay them down Because they are only Called Commanders but have no legall power to Induce p. 37 Obedience we likewise observe that the fine is what you Approve of and the Judges of it (proposed) are the Same the p^{sent} Act appoints Wherever the party fined Pleases to make them so for, if he Dislikes the Judgm^t of the Capt he may then Complain to and have the same Judges w^{ch} that Law already appoints If he likes the Capt^s Judgment the Alteration we propose can be no Grievance to him to which if you Agree may be Added that no such Fines be Executed for without the Approbation & Certificate of the field Officers Certainly

Gent Should you refuse to Amend this Act in the points Proposed w^{ch} Alter not the Substance but render the due Execution of it more practicable it must be necessarily Understood as the Effect of your Dislike to the Act it Self And by Consequence a dislike to Any Militia for the Deffence of the Country

Signed p Ord^r Joh Beale Cl Up Ho.