

To his Excellency Thomas Bladen Esq^{re} Governor of Maryland.

L. H. J.
Liber No. 46

The humble Address of the House of Delegates of the said Province.

May it please your Excellency.

In your Message to this House you were pleased to say, "that One Pound of Tobacco per Poll has been assessed and levied from the Taxable Inhabitants of this Province, by virtue of an Act of Assembly entitled, An Act for the ordering and regulating the Militia of this Province for the better Defence and Security thereof," In answer to which permit us to observe, that the said Act being a temporary Act by a Clause of Continuance for three years and to the End of the next Session of Assembly after the said three years, was, at a Session of Assembly held at Annapolis the 14th Day of May 1719, by an Act then passed, continued in force for three Years and to the End of the next Session of Assembly after the End of the said three years (Body of Laws Fol. 209) And at a Session of Assembly held at the said City the 10th Day of October 1722 by a Clause of an Act then passed (Body of Laws Fol. 235) entitled, An Act directing how the Fines shall be adjudged against such as neglect to appear at Musters, was again continued by the Words following, viz. And be it further Enacted, that an Act entitled, An Act for ordering and regulating the Militia of this Province for the better Defence and Security thereof, made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth Day of April Anno Domini, One Thousand seven Hundred and fifteen, is hereby revived and continued in full Force."

We humbly conceive, that the last recited Act of 1722, being a supplementary, explanatory, and dependant Act on that of 1715, and the continuing Clause of the latter, viz. "For three years and to the End of the next Session of Assembly after the End of the said three years," not being repealed, but revived and continued therewith, and there not being any Expressions to shew it to be the Intention of the Legislative Power, that the Act of 1715 should be perpetual, we apprehend the same has been long since expired: And altho' this be our Opinion on that Point, we take leave further to observe to your Excellency, that if the said Act were in it's full Force, yet it does not appear to us that your Excellency, and the Honourable Board, have acted agreeable to the Letter, Meaning, or Intention thereof.

It gives us great Concern to have any Cause of Complaint, or Difference with, your Excellency, and that Honourable Board, and therefore truly wish, and hope to find, that the Welfare and Ease of the People may and will be the measure and Rule of Acting.

We therefore hope you will agree with us, that it is a high Infringement on the Liberties of the People of Maryland, to levy any Taxes on them under Colour of Law, as not only we, but our Constituents generally conceive has been done in this Case.