

Limits or Precincts of this Province without the Consent and Approbation of the General Assembly of this Province first had and declared, the Freemen of this Province shall be no ways obliged or compelled against their Consents to aid or assist with their Persons or Estates in the Prosecution or Maintenance of such War, but are and shall be discharged of all Attendance or Supply concerning or in relation to such War; any Law, Usage or Custom to the contrary hereof in any wise notwithstanding." It is afterwards enacted by the same Law, "that no Martial Law shall at any Time hereafter be exercised within this Province, but only in time of Camp or Garrison, and that within such Camp or Garrison;" but not a Syllable is to be found in this or any other Act which has ever been made in this Province, whereby the Service of the Militia, or any of them, is restrained to any particular County or Place within the Limits of this Province, or whereby they are exempted from Marching to any Part of it, that the Governor, with Advice of his Council, may think proper to order them; and in a Word, neither the Practice of this or any other Colony on the Continent (not to mention the Law or Custom of our Mother Country) will give the least Countenance to the Construction you contend for.

L. H. J.  
Liber No. 50  
May 5

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Lest my Answer to your Address should be protracted to too great a length, I admit all you say relative to the Marching and Service of the Militia that were ordered to the Frontiers in September and October 1756, tho' I am of Opinion, that such of them as were Drafted and went against their Inclination (and many such there were) could not properly be called Voluntiers: But as the next part of your Address, and indeed the whole of it, seems calculated to make your Constituents believe, that in September 1756, when the late Lower House approved of my having Ordered out Two Companies of Militia to the Frontiers, and moreover Addressed me to Order out Others to relieve them, there were not a sufficient Number of Troops there, to protect the Inhabitants, but that at the Time the Companies were lately ordered to march from Kent, Queen-Anne's, and Calvert Counties, there was an armed Force in the Pay of this Province on the Frontiers more than sufficient, had they been compelled to do their Duty, not only to protect the Inhabitants, but to make them easy and quiet: I must, in order to prevent your Constituents being imposed on and disquieted by such a Representation, observe to you, that the Two Companies of Soldiers which were Stationed at Fort Frederick in September 1756, and were commanded by Capt. Dagworthy and Capt. Beall, amounted to upwards of 190, including Officers, and there was also at that Time a strong Garrison of Virginia Forces in Fort Cumberland.

Now it will appear by the Muster-Rolls, that the whole Number of Private Soldiers in the Service of this Province the 9th Day of December last, did not amount to 360, about 100 of these, with a