

In Pursuance of the Resolutions of the foregoing Questions, Ordered, That the following be entered on the Journal as the Resolves of this House, viz.

L. H. J.
Liber No. 50
May 8

Resolved Unanimously, That it is the undoubted Right and indispensable Duty, of the Representatives of the Freemen of this Province in Assembly convened, to enquire into, represent, and remonstrate against, every Measure in the Administration, or Exercise of the Executive Powers of Government, within this Province, which, in their Opinion, may tend to affect the Lives, Liberties, or Properties of the People, in any Manner not clearly warranted by the known Laws or Customs thereof.

Resolved, That no Person is Punishable for obstinately refusing to appear and serve in Arms for the necessary Defence of this Province, by Virtue of that Clause of the Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, (admitting it were in Force) which vests a Power in the Justices of the Provincial Court to Fine and Imprison, after a Procedure according to the due Course of Law, and Conviction of such obstinate Refusal and Disobedience as aforesaid, except upon a foreign Invasion.

Resolved, That agreeable to a reasonable Construction of the said Act, there was not a foreign Invasion of this Province in December last, when his Excellency the Governor, with the Advice of his Council, Ordered the Companies of Militia of Queen-Anne's and Kent Counties to march to the Western Frontier; nor was there one when the Companies were Ordered out from Calvert and Cæcil Counties in March last.

Resolved, That the marching the said Militia of Queen-Anne's and Kent Counties, was not only Illegal, but not Necessary for the Security of the Western Frontier of this Province; and however promising the Aspect might be at the Time of issuing the Orders for their March, yet, as in the ordinary Course of the Seasons, Storms and the most severe Weather could not but be then expected, it was Oppressive and Cruel; and the Impressing Provisions for those Companies, in those Counties so far distant from the Frontier, was Inconvenient and unnecessarily Expensive.

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Resolved, That upon a Foreign Invasion (supposing there is not any Act of Assembly to Compel them) every loyal Subject in this Province, who is capable (or as many as may be necessary) ought, and it is the Opinion of this House would, take up Arms, with the Appropriation and Consent of the Governor or Commander in Chief of the Province for the Time being, for the necessary Defence thereof; but that no Person is Compellable to serve in Arms after such Invasion is suppressed.