

"Soldiers which had been raised for the more immediate Defence of our Frontier Inhabitants, would disband themselves when they found that the Assembly had broke up, without making any further Provision for their Support: You thought it your indispensable Duty to order Two Companies of Militia to the Frontiers, lest the People that were settled there, being left without any Hopes of Assistance or Protection, should desert their Habitations, or fall an easy Prey to the Enemy." But as a Bill was sent up from this House last Session, making Provision for supporting Three Companies of the Soldiers, which had been raised for his Majesty's Service, and the more immediate Defence of our Frontier Inhabitants; (tho' the other Branch of the Legislature did not concur therein) it would seem that those Soldiers thought they had sufficient Reason to depend, that the several Branches (the Assembly being prorogued only for a few Weeks) would soon agree upon some Bill for that Purpose; and that reasonable Dependence, we presume, prevented their Disbanding themselves then, and has even to this Time: And supposing those Soldiers to have been employed in the Duty of their Station, the Occasion your Excellency is pleased to mention for ordering the Militia of *Queen-Anne's* and *Kent* Counties to the Frontier, could not exist; even if there had been a Power of ordering them out, which we humbly conceive there was not.

As we chouse at present to avoid entering into a Dispute with your Excellency, in Relation to the Existence of the Law beforementioned, we shall now proceed to represent to your Excellency wherein you have exercised a Power not given you by that Law (supposing it were really in Force) in marching the Militia of *Queen-Anne's* and *Kent* Counties to the Frontiers of this Province, and that the Exercise of that Power (supposing it had been strictly legal) at the most severe Season of the Year, was unnecessary and extremely grievous, and ruinous to them, and unreasonably burthenfome to the Country:

That Law (supposing it to be in Force) seems to give Power to every Colonel, &c. to enlist the Inhabitants of this Province to be of the Militia, and to muster, exercise, and train them; and seems to subject them to a Fine of One Hundred Pounds of Tobacco for Non-Apperance or Refusal to be enlisted in the Militia or Trained Bands; agreeable to a reasonable Construction of that Law (supposing it were in Force) the Inhabitants of this Province are to be Mustered and Trained in the Counties where they Reside, and are not to be compelled to Muster or Train out of their own Counties.

That Law next proceeds to settle the Pay of the Officers and Soldiers of the Militia, while they shall be in actual Service, and provides how they shall be Paid: But it gives no Power to the Governor or Commander in Chief, or any Person Commissioned by him, to Compel the Militia of one County to March into another; nor does it Oblige the Militia to Obey the Commands of their Officers, or subject them to any Penalty for Disobedience. In a subsequent Clause of the same Law, there is a very severe Penalty laid upon those Persons that shall, upon any Foreign Invasion, obstinately refuse to appear and serve in Arms for the necessary Defence of this Province; but, we conceive, it's Clear they are not Punishable, by that Clause; for Refusing to serve in Arms upon any other Occasion than upon an actual Foreign Invasion, and then, no longer than until the Invaders shall be Repelled; for when that is done, the Country cannot be said to be under an Invasion; and that Clause is the only One which inflicts any Penalty upon a Refusal to appear and serve in Arms.

When the Militia of *Queen-Anne's* and *Kent* Counties, were forced to leave their Habitations and Families, and those of *Queen-Anne's* were transported across the Bay, and Marched to the Western Frontiers, this Province was not under any Invasion; nor had there been even any Incurfions made by the Enemy for a long Time before their March, that we have heard of: Add to this, That our good Friends the *Cherokees*, with some of our own People, were then, as we are informed, on an Excursion against the Enemy. But, upon a Supposition there had been an Incurfion of a few *Indians* at the Time the Militia of those Counties marched (which we cannot learn was the Case) To what End or Purpose could they be ordered to march? It could not be to repel a foreign Invasion, for there was not, at that Time, even any Report of one; and it is well known to your Excellency, that the small Parties of our Enemies, that have heretofore made Incurfions into this Province, have always departed within a very few Hours after they have done their intended Mis-

chief; even so soon that the Rangers that have been paid by this Province, for the Defence and Protection of the Frontier Inhabitants, have either not been able to overtake them, or have not complied with their Duty in making a speedy and proper Pursuit. How then could it be necessary or lawful to march those Militia of *Queen-Anne's* and *Kent* Counties to the Western Frontier, if there had been such Incurfions of our Enemies, since such March could not possibly tend to repel, what perhaps your Excellency may think proper to call an Invasion! as such Invasion must cease to exist long before they could possibly arrive at the Place, from whence the Enemy were to be repelled.

We really are at a Loss to conceive what could induce your Excellency to be of Opinion, that you had a Power, under that Law, to march the Militia beforementioned, unless you supposed you had an Authority under it, to march the Militia of this Province whenever and wheresoever you pleased, and that in order to prevent, as well as repel, an Invasion. But surely there are no Words in that Law that can give you that Authority; nor can any Thing be further from the Intent and Design of it; for such an Authority would put it in the Power of a Governor of this Province, whenever he found himself opposed in any Views or Designs that he might have, tending to destroy the Liberties of the People, to compel the whole Militia of the Province, at any Time when he might suggest Danger, to march to any Part of the Province he pleased, and keep them there, until their Representatives had complied with all his Demands, let them be never so extravagant or injurious to the People. Such a Power, we conceive, is not given, nor could ever have been intended to be given by any Men in their Senses. But, suppose your Excellency has, by that Law, all the Powers given you that you can suggest, we beg Leave humbly to Remonstrate to your Excellency, that the Exercise of the Power of marching the Militia of the Eastern Shore to the Frontier, upon the late Occasion, and the Orders for marching a Company of Militia from *Calvert* County thither at this Time, when we are informed there are near Four Hundred Men there, most, if not all of whom, your Excellency has sufficient Reason to be convinced, will be paid by this Province; and when the Presence of our good Friends and Brothers the *Cherokees*, which have continued with us ever since *November* last, and (as you have been pleased to inform us by your Message of the 29th of *March* last) "will be of great Service, and in "all Probability contribute much to the Security "of the Inhabitants," has already, and must undoubtedly continue to raise great Discontents and Uneasiness in the Minds of his Majesty's good Subjects of this Province, committed to your Care, and to alienate their Affections from his Lordship's Government; and if not desisted from, but attempted to be continued in Practice, may, we are apprehensive, be productive of the worst of Consequences; for we are informed it is the general Opinion of the People (even of those for whose Protection the Militia of *Queen-Anne's* and *Kent* Counties were marched, at that severe Season of the Year) that it was not necessary for the Protection of the Frontier Inhabitants, to have any Militia there at the Time those Militia were ordered out. From whence, we are apprehensive, unprejudiced Persons may infer, that those who advised your Excellency to take that Measure, intended, under the specious Pretence of affording present Protection to a Few, by Degrees to introduce an Arbitrary Power, the Exercise of which must, in the End, inevitably enslave the Whole.

If the March of those Militia had been lawful and necessary (which we are clearly of Opinion it was not) yet we are humbly of Opinion, that the Impressing large Quantities of Provisions for them, in the Counties they marched from, and consequently putting the Country to the Expence of Carriages from the several Places where they were Impressed, when they might have been got at a much cheaper Rate in the Frontier County, and thereby the heavy Charge of Carriage mostly prevented, is imposing an unnecessary and heavy Burthen and Tax upon the People; and with what View it has been done, we are at a Loss to imagine.

We cannot suppose that your Excellency would pursue such Measures, in order to disquiet and distress the good People of any particular Part of this Province: But should a Power of marching the Militia, even when there may be any trifling Incurfion (tho' in the present Case there was none) and that from Counties far distant from the Place where it may happen, and carrying their Provi-

ons from those Counties, when they may be had much cheaper on the Frontier and the Expence of Carriage prevented, be once established by frequent Use, under even plausible Pretences; if ever this Province should be so unfortunate as to be under the Government of a Gentleman of less humane and benevolent Disposition than we are persuaded possesses your Excellency's Breast, we tremble to reflect upon the Consequences! Might it not justly be feared (among many other Evils) that every Man, and every Set of Men, who might in Discharge of the indispensable Duty of their Stations, be obliged to act in such a Manner as might embarrass such a Gentleman in his unjust Views, and their Favourers, Adherents, and Dependents, would soon feel the Weight of his Resentment, in being compelled to march to the Frontiers of this Province, there to be stationed during his Pleasure? Not in order to repel a foreign Invasion, but to disgust the People against their Representatives, and thereby procure a Compliance with all his unjust Demands, let them be never so ruinous and destructive to the Liberties and Properties of the People? We are sorry to say there is too much Room to fear it might. And we hope we shall be excused, if, on this Occasion, we trespass upon your Excellency's Patience, while we bring to public View, the Behaviour of some of the good People of this Province, when, from concurrent Accounts, a Probability of a foreign Invasion appeared to them; and that not in This, but in a neighbouring Province; and compare it with their Behaviour in the present Case.

Upon a Report's prevailing some Time about the Month of *November* 1755, that a Body of about Twelve Hundred *French* and *Indians* had invaded *Pennsylvania*, and penetrated as far as the Town of *Lancaster* in that Government; How did the People of this Province behave? Did they shew any Disloyalty or Disaffection to our present happy Establishment? Did they shew any Want of Zeal for the Common Cause, or Unwillingness to assist their Neighbours? Did they wait till all the Influence of Government was made use of to persuade, and all it's Powers were stretched to the utmost, and new ones assumed, to compel them to march? No, on the contrary, they made the most speedy Applications they possibly could to the Government, for Leave to march to the Assistance of their Neighbours, believed, by them, to be in Distress; and accordingly in a very few Days at least Eight Hundred Men of *Kent* and *Cecil*, were far advanced towards the Northern Frontier of this Province, on their Way to meet the Enemy; and the Militia of several other Counties had, in the same Time, we are informed, got themselves in Readiness (as well as they could) to march on the same Occasion; when happily, the Report proved to be groundless. The Alacrity, with which many Gentlemen accompanied your Excellency to the Western Frontier, after the unhappy Defeat of his Majesty's Troops under General *Braddock*, upon only the bare Suggestion of an Invasion, we presume you cannot but be mindful of. But upon the present Occasion, as there was not so much as a Report of even an Incurfion of a single Enemy, among the most distant of the Frontier Settlers, it cannot be wondered at that the Militia of *Queen-Anne's* and *Kent* Counties shewed so great an Unwillingness to march out, and expose themselves to the Severities of the most rigorous Season of the Year, to do a Duty they pay others to perform; and which never was, by any Law of this Province, intended to be imposed upon them; till at Length by Threats of Punishment, we presume, they were induced to move; for we cannot learn, that any compulsive Methods have yet been made use of, agreeable to the Mode prescribed by the aforesaid Law, against any who refused to go.

And we presume it will be as little wondered at, if the Militia of *Calvert*, or any other County, at this Time ordered to march, should to a Man refuse; as this Province is happily free from any Invasion, or any Report of one, and is preparing, in Conjunction with the neighbouring Colonies, and his Majesty's Regular Forces, to act vigorously and offensively against the Enemy; and there is no small Reason, from a late Message of his Honour Governor *Denny*, to the Assembly of *Pennsylvania*, to hope, that most of the *Indians* to the Westward of us are well inclined, at least to forbear their Incurfions.

Upon the Whole, we cannot but entertain the warmest Hopes, that your Excellency, moved by the calamitous Circumstances, which many of his Majesty's faithful and truly loyal Subjects have already been and must inevitably be reduced to, by being marched to the Frontier of this Province, at a Season of the Year the most severe, and there stationed

stationed for so long a Time, as must be necessary, in order to procure Subsistence to their Families, and to pay the Public Taxes, necessary and which must be hereafter imposed, for his Majesty's Service, and their own Security: We are sensible of the slavish Condition your Majesty's Posterity must be reduced to (for we are from your Excellency's real Inclination introducing into Practice, and establishing Power, under the aforesaid Law (were it really in Force, which we cannot allow your Excellency in the present Case has been carry into Execution: We say, we cannot depend, that your Excellency's really Disposition will so far excite your Comrades our Fellow-Subjects, who have suffered, and who may suffer on the present Occasion, and our latest Posterity who must suffer on occasions, that it will induce you to take a dispassionate Review of the whole, from which we must express our Confiance in your Goodness will prompt you to give Directions for preventing any further marching the Militia from *Kent* County, so greatly suffered already; and to recede from the March of the Militia of any other Counties, now under Order Purpose (those of *Queen-Anne's* County not mention, as their Sufferings are not dress) that they may all, at least while so many to protect them, remain quiet Homes, in the Pursuit of their several Callings and Employments, for the Support of Families, and the Benefit of the Public.

And we must further express our Confidence that your Excellency will not for the sake of any Orders for the March of any of the Militia of this Province, unless at a Time when the same, mentioned in the aforesaid Law, are really and manifestly exist; and when they are persuaded the People will readily undergo an extraordinary Exertion of Power, that the same Circumstances might render absolutely necessary for their Safety.

HENRY HOOPER,
April 17, 1758.

From the LONDON GAZETTE
WHITEHALL, January 28.

HIS Majesty in Council was this Day pleased to appoint the following Persons to be Governors and Lieutenant-Governors in America: George Haldane, Esq; to be Captain and Governor in Chief of the Island of Grenada, in the Room of Charles Knowles, Esq; resigned.

Francis Bernard, Esq; to be Captain and Governor in Chief of his Majesty's Colony of New-Jersey, in the Room of Jonathan Boscawen, Esq; deceased.

Francis Fauquier, Esq; to be Lieutenant-Governor of his Majesty's Colony of Virginia, in the Room of Robert Dinwiddie, Esq; who resigned.

And, Thomas Hutchinson, Esq; to be Lieutenant-Governor of his Majesty's Province of Massachusetts-Bay, in the Room of Spencer Sturges, Esq; deceased.

LONDON, February

Extract of a Letter from Portsmouth.
"Yesterday arrived here, with the following Particulars have transported Person was some Time since Master of a Vessel, trading from Port to Port in America, particularly up the River St. Lawrence, being taken by the Enemy, has been Prisoner the General Moncalm and Others near who would not admit of any Exchange on Account of his extensive Knowledge of the Coast, more particularly the Strength and Weakness of Quebec and Louisburg; the came to a Resolution to send him to the next Packet-Boat, there to be taken to the End of the War. He was accompanied by the only Englishman and the only American on board. In their Voyage he was taken on board the Cabin, where he took Notice of a Bundle up the Packet, and put it into a Bag, having previously thereto made a List of the Goods to be thrown overboard, upon any Danger taken.

"They were constrained to put in some Provisions, as also to gain some