

**TO BE SOLD,**  
Three following TRACTS of LAND  
merly mortgaged to Mr. Robert Swan  
ynn, late of Somerset County) lying on  
at the Head of Nanticoke River, viz.  
Book, containing 260 } Acres.  
's Lott, — — — 100 }  
's Folly, — — — 150 }  
son inclinable to purchase all or either  
acts, may apply for Terms to JAMES  
in Annapolis, or  
ROBERT COUDEN, Attorney  
in Fact for Robert Swan.

**A S C H E M E  
O F A  
L O T T E R Y,**  
ing the SUM of FOUR HUNDRED and  
FIVE POUNDS, for further Securing  
CK in ANNAPOLIS, and other Public  
thin the said CITY; to consist of 4000  
ry, at 15/6 each, 1204 of which are  
fortunate, viz.  
Value. Amount.  
of 100 £. is 100 £.  
of 75 are 150  
of 50 are 200  
of 25 are 200  
of 15 are 180  
of 10 are 200  
of 5 are 150  
of 2 are 250  
of 1:2:6 are 1125  
Drawn, not otherwise a Prize 6  
Drawn, Ditto, — — — 4  
Prizes, Amounting to 2365  
Blanks, Sum raised, £. 435 for above Uses  
Tickets at 15s. each, make 3000 £.

Uses to which the above Sum of 435 £.  
to be applied, tending to the Public Good  
of the Community, as well without as  
s City; the best Expedient that could be  
at this Time for raising that Sum, being  
RY, and the Scheme thereof calculated  
to the Advantage of the Adventurers  
being Two Blanks and a Half to a Prize,  
Reduction on the whole not 15 per Cent.)  
more need be said for its Recommendation.  
It is not doubted but the Tickets will  
all Sold, as near One Thousand of them  
ly engaged.  
the Tickets are dispos'd of, the Drawing  
in immediately, in the Court-House in  
and in the Presence of Five of the Managers  
as many of the Adventurers as shall  
per to attend.  
Managers, viz. Messieurs John Brice,  
Bordley, Nicholas Maccubbin, James Dick,  
ulinary, John Raist, William Roberts, Lan-  
ues, William Reynolds, Jonas Green, Hen-  
ard, James Johnson, John Clapham, and  
bew, are to give Bond and be upon Oath  
ithful Discharge of their Trust.  
T OF THE PRIZES to be published in the  
GAZETTE; and Paid off, without any  
n, as soon as the Drawing is finish'd:  
e not demanded in Six Months afterwards,  
as generously given to the Public,  
ses above-mentioned.  
hole to be conducted, as near as may be,  
ne Manner as State Lotteries in England.  
to be had of any of the Managers.  
Fourteen Days Notice, at least, will be  
the GAZETTE, of the Time of Drawing.

Charles County, New-Port, Feb. 14, 1758.  
Subscriber once more gives this public  
notice, that those who are indebted to him  
unt of the Store he lately kept here, at  
e of Mr. John Winter, and do not imme-  
ay off their respective Ballances, or secure  
Bond or otherwise; to the Satisfaction of  
ew Buchanan, who now keeps Store at  
Place, and has full Power to collect and  
hose Debts, may depend on being sued,  
Loss of Time or Respect of Persons.  
who have any Demands against the said  
are likewise desired to bring in their  
directly, and apply to the said Mr. Buc-  
Payment. ALEXANDER LOTHIAN.

is Office in Charles-street;  
6d. per Year. ADVERTISE-  
first Week, and One Shilling

**M A R Y L A N D G A Z E T T E,**

Containing the freshest Advices foreign and domestic.

THURSDAY, May 25, 1758.

His Excellency Governor SHARPE'S MES-  
SAGE, in Answer to the ADDRESS and RE-  
MONSTRANCE Printed in last GAZETTE.

Gentlemen of the Lower House of Assembly,  
**A**LTHO' I am not satisfied of the Propriety of your Address of the 17th of April, or that you keep yourselves within the Bounds of your Duty, when you undertake to direct the Executive Power in it's Administration, and endeavour to influence or anticipate the Determinations of the Ordinary Jurisdictions; yet as such Pains have been taken to infuse Suspicions and Jealousies into the Minds of the People, I shall Answer that Address, and explain the Reasons which induced me, with Advice of the Council, to Order several Companies of Militia to the Western Frontier of this Province since the last Session, not doubting but they will convince every impartial Person, that what you would represent as the Result of an Arbitrary and Oppressive Design, was in fact both a Legal and Necessary Measure.

Since no Person, however fond he may be of censuring my Conduct, will blame or make me accountable for the violent Storm, or the severe Weather that happened after Captain Browne, and Captain Casson, received my Orders to march, I pass over what you relate concerning these Accidents; neither do I think it necessary to make any Apology for proroguing the Assembly on the 8th of March last, after your House (as appears by your Journal) dropt all Thoughts of doing the Business for which alone you were called together; but shall proceed at once to examine the most material Parts of your Address, and endeavour to shew that I have not issued any Orders which can be called illegal or unnecessary, and that none of the Inconveniencies or Hardships which any Companies of Militia are said to have suffered, can, with the least Appearance of Justice, be imputed to me.

Were I not desirous of avoiding all unnecessary Disputes with you, I might enumerate many Instances of Governors exercising far greater Authority over the Militia of this Province, before they received any additional Power from an Act of Assembly, than has ever been exercised since I came to this Government; but as you tell me that you have, in your Address, proceeded on a Presumption, that the Orders which were sent to the above-mentioned Captains of Militia, were given by Virtue of the Law, for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, I shall endeavour to shew, that on that Presumption, those Orders were in no Respect unlawful.

That your Constituents may be the better enabled to judge of the Merits of your Address, and the Sufficiency of my Answer, I have ordered Mr. Green to republish in his Gazette, the several Militia Laws that have been made here since the Year 1714, the Titles of which are as follows:

- 1st. An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof; which was made at a Session of Assembly, begun and held in this City, the 26th Day of April 1715, to continue for Three Years, and to the End of the next Sessions of Assembly after the End of the said Three Years.
- 2d. An Act reviving an Act of Assembly of this Province, entituled, An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof; which was made at a Session, begun and held the 14th Day of May 1719, and the Act of Assembly above-mentioned was thereby Revived and Continued in full Force, from the then present Session, for and during the Term of Three Years, and to the End of the next Session of Assembly after the End of the said Three Years, and no longer.

3d. An Act directing how Fines shall be adjudged against such as neglect to appear at Musters; which is a perpetual or indefinite Act, having no Time of Duration mentioned; it was made at a Session, begun and held the 10th of October 1722, and the first of the above-mentioned Acts, viz. that entituled, An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, is hereby revived and continued in full Force.

4th. A Supplementary Act to the Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof; which likewise is a perpetual or indefinite Act, having no Term of Duration mentioned.

If, Gentlemen, you are really of Opinion, that the Act of 1715 does not at this Time exist, you might, one would think, have offered at least one Argument in support of such Opinion, which would certainly have afforded your Constituents much greater Satisfaction than any general and ambiguous Suggestions; but since you have declined that Method and rest all on your own Opinion, I must take the Liberty to inform you, that the Gentlemen of the Council, and Myself, are, on the contrary, thoroughly satisfied, that the said Act is in Force, and that it will remain so, until another shall be made to repeal it.

The original Militia Law of 1715 was, as I apprehend, a Temporary One, because the Legislature declared their Intention, that it should have the Force of a Law for a Term only, viz. for Three Years, and to the End of the next Session; and the reviving Act of 1719, sets it up again as a Temporary Law only, by the same Method, that is, by declaring their Intention, that it should have the Force of a Law, from that Session for Three Years, and to the End of the next Session that should happen after the End of the said Three Years, and no longer; for had not these Limitations of Duration been added as a Bar to it's Perpetuity, it would, I conceive, either upon it's being first Enacted, or on it's first Revival, have continued on in a perpetual Operation; and therefore, when the Act of 1722 revives and continues it in full Force, without any Declaration of an Intention that it should operate only for a Term, it immediately, for Want of that Limitation of Time, became perpetual or indefinite, as is the Act of 1722, by which it was revived and continued. Thus an Act was made by the Legislature of New-York, in September 1708, for the Encouragement of Whaling, which was to continue, and be of Force, for and during the Space and Term of Seven Years, from the Publication thereof: You may learn from the New-York Body of Laws, which was published in the Year 1752, according to an Act of the General Assembly of that Province, that the aforesaid Act was revived and continued by several Temporary Acts, which were made for that Purpose, in the Years 1716, 1720, 1726, 1733, and 1739; but in November 1750, it was, as is observed by the Revisers and Publishers of those Laws, made perpetual by the following Clause of an Act that was passed at that Time, viz. "Be it Enacted, &c. That the aforesaid Act, entituled, An Act for the Encouragement of Whaling, shall be and here- by is continued, and every Article, Matter, Clause, and Thing therein contained, enacted to be, re- main, and continue in full Force and Virtue, after the said first Day of December next, to all In- tents, Constructions, and Purposes whatsoever."

The above-mentioned Act of Assembly, made by the Legislature of this Province in 1722, does not only revive and continue that of 1715, but likewise aids and assists it, by directing, that in Case any Persons summoned to appear before the Field- Officers (holding a Court-Martial) shall not appear, or otherwise excuse themselves, it shall be lawful for such Officers to judge their Case as on Default. The subsequent Law, made in 1733-3,

was certainly enacted upon a Supposition, that the Act of 1715 was then existing, and several Acts have been made since that Time, upon the same Supposition, particularly a Temporary One, in 1748, To exempt Persons appearing at Musters from Arrests in Civil Cases; which has been revived and continued by an Act that you have yourselves framed within these Eight Months. By the Supply Bill, that was passed in May 1756, Draughts were directed to be made out of the Militia of this Province; and so lately as in the Month of March last, you inserted in a Bill which was then offered to the Upper House, a Clause to exempt certain Persons from serving in the Militia.

The Militia of this Province have been Mustered and Trained under the Act of 1715, ever since it was made, to this Time; Courts Martial have been held by the Officers agreeable to the Directions of this Act; Defaulters have been fined and compelled to pay; the Justices of the several County Courts have continued to nominate and appoint Prefs-Masters annually in their respective Counties; and the Prefs-Masters, when called upon, have regularly performed their Duty, as indeed they were obliged, under Pain of being prosecuted: Wherefore, then, would you endeavour to bring your Constituents into Trouble, by encouraging them to disobey the legal Orders of those who have a Right to command them; or why will you, contrary to the Practice of your Predecessors, appear so anxious to render this Province Naked and Defenceless, at a Time when every Body, besides yourselves, will acknowledge, we are in imminent Danger; and when our most gracious Sovereign, out of his paternal Care for us, has enjoined me to have the Militia of the Province carefully Trained and Disciplined, that they may be able and ready to defend themselves, and to annoy his Majesty's Enemies?

Supposing then that this Act of Assembly, which was made in 1715, for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, is in full Force and Virtue, (and if any Thing could have been said to invalidate it, I am, as I have already hinted, apt to think you would not so studiously have avoided entering into a Dispute with me about it's Existence): It not only seems to give, but expressly does give Power to every Colonel, Lieutenant Colonel, Major or Captain, to enlist the Inhabitants of this Province to be of the Militia, and to muster, exercise and train them, and it likewise subjects such Inhabitants to a Fine for Non-Appearance, or Refusal to be enlisted in the Militia, or Train-Bands; but whence you would deduce, that the Inhabitants of this Province are to be only mustered in, and not liable to be marched out of the Counties where they respectively reside, I cannot conceive, since the Act plainly and expressly declares, that the Officers shall muster, exercise, and train the Persons so enlisted, "in and at such Places, and at such certain Times as to them shall seem meet, and as the Service, Safety, or Defence of this Province shall require, or as his Excellency the Governor of this Province, or Commander in Chief for the Time being, shall see Cause to Order."

After this Act has settled or regulated the Pay of the Officers and Soldiers of Militia, while in actual Service, it proceeds by another Clause, beginning with the Words, "and to the Intent that whensoever, &c." and by the following enacting Clause, to vest, or it supposes the Governor and his Council already vested, with the sole Power of determining when it is necessary to raise Men for suppressing any foreign Invasion, domestic Insurrection or Rebellion, or War with any Indians; it consequently makes, or supposes, them the only Judges of what is to be deemed a foreign Invasion, domestic Insurrection, &c. and does not leave that to the Determination of every Individual, or any Number