

wards of 1.2500 Sterling unaccounted for in any manner, we have as we think, justly concluded that his Excellency and your Honours have been of Opinion, either that Arms and Ammunition were useless to the Province, or that there is a sufficient Stock already provided, otherwise that you would never have neglected so essential a Part of your Duty, as is the Care of and laying out that Money, had you thought it necessary for the Safety of the People; wherefore, until that Money is accounted for, and that in Bank laid out, that we may then judge what more Arms and Ammunition may be wanting, and further, that inasmuch as his Lordship hath possessed himself of a considerable annual Sum, amounting to at least 2200 l. Sterling arising on the Shipping Trading into, and Staple Export of this Province, without any Law that appears to us to levy the same, and which were it legal to raise, was intended to Support the Government here, and particularly to supply a Magazine with Arms and Ammunition, we do not think the Revival of that Law at present necessary.

We never heard, unless from your Honours by your Message of Yesterday, that the Act concerning Ordinaries is greatly desired, or thought proper or necessary to the Ease and Happiness of the Province, we have on the contrary known it much complained of, and that no part of it has been put in Execution, except the Payment of Fines and Fees arising on Licences, which being of no Benefit to the Province, we do not think it necessary to revive that Law.

As we had sent a new Bill to your House this Session, for Tryal of Matters of Fact in the Counties where they arise, very near the same in Substance with the Former, save some few Alterations which were from Experience found Necessary, and one Paragraph changed, which by a late mistaken Construction put upon that in the former Law, was, and is yet thought very dangerous to continue, and as we had that new Bill returned with your Negative thereon, we wonder you should now charge us with the Omission of a Bill so useful in itself and so much desired by the People, when the real Cause of it's not being carried into a Law proceeds from your Honours positive Refusal to pass it in your House; nor do we think the Revival of the other Law mentioned in your Message to be necessary.

What Influence your Honours Advice may have on his Excellency we cannot say, but conceive the Representatives of a Free People have a Right to consider of the Necessity of Taxes, and from thence alone Impose them, and not be Threatned into it, as we seem plainly to be by your Message of Yesterday by Col. Gale.

By the Upper House of Assembly, June 11. 1739.

Gentlemen,

THe first Reason you are pleased to give in your Message of the 9th Instant, for not reviving the Act for Arms and Ammunition, is,
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that