

The following Message :

By the Lower House of Assembly, June 9. 1739.

May it please your Honours,

IF the Honour and Preservation of this Part of his Majesty's Dominion be so nearly concerned (as you are pleased to say) in the Act for raising *Three Pence* per Hoghead on all Tobacco exported, we cannot well see how those who have had the disposition of the Money hitherto raised to that Use, can acquit themselves for not applying it to the Purpose for which it was raised.

The uncertainty whether Peace or War in *Europe* having subsisted for some time, and there now being the Sums of £.2250 11 2 Sterling and £.34 13 7¹/₄ Current Gold in Bank arising from that Duty, besides upwards of £.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