

is in full Force, without fixing or limiting any Time for its Duration. This is plain and evident from the Words of it, which Express, that it shall be revived and continued in full Force, without limiting any Time for its Continuance or Duration; and therefore I think that the Addition of any more or other Words would have been superfluous. I can't imagine that any Legislature can be supposed to be unacquainted with the Difference between a perpetual and a temporary Law; nor can it be doubted, if those, who made the Law under Consideration, had intended it should have been only temporary, but that they would have expressed such their Intention, when they might have very easily done it, and in few Words: And it is a dangerous Doctrine to set up Conjectures, or even the strongest Parol Proof of any Kind, that a Law was intended to be different from what it really appears to be by the Terms of it; as such Doctrine would introduce the greatest Confusion and Uncertainty in Laws, which ought to be expressed in the clearest Manner, as they are intended to be Rules for the Conduct of those for whom they are made.

Besides this, if you consider an Act of Assembly that was made in the Year 1732, entitled, *A supplementary Act to the Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof*; which is a perpetual Law, and I presume has escaped the Notice of your House, or at least of those who penned your Address; you will find that the Legislative Power then did not think the Act of 1715 was expired, but on the contrary looked upon it to be, as it really is, a perpetual Law, referred to in several Places, and aided some Defects in it: This last Act, if there was any Room to dispute (as I think there is not); whether the first Act was made perpetual by the Act of 1722, or was expired, would put an End to such Dispute, and would fully obviate every Supposition of the Act of 1715 being expired.

As to the second Point, Whether I and the Council have acted agreeably to the Letter, Meaning or Intention of the Act, will best appear by considering the following Paragraphs of it (*which are in Fol. 105 and 106, in the Book of Laws*): "And every Person slain in the Service of this Province, leaving behind him a Wife or Children, there shall also be allowed a competent Pension to the Wife during her Widowhood, and the Children 'til they be of Years to get their Living, or be put out Apprentices; and that this Pension be yearly paid and allowed out of the Fifty Thousand Pounds of Tobacco *per Annum*, to be raised by the Governor of this Province for the Time being, or the Council; as in this Act is hereafter provided in the Intervals of Assemblies.

"And for the preventing of the great Charges of annual Assemblies, who may meet for no other Occasion but to lay the public Levy in Time of Peace;

"Be it Enacted by the Authority aforesaid, That the Governor and Council, during the Interval of Assemblies, for the Defraying and Payment of the small Charges of this Province, be, and are hereby empowered to assess the same, equally to be levied upon all the Inhabitants of this Province, for the Defraying the said small Charges in Time of Peace as aforesaid; any Thing in this Act to the contrary notwithstanding.

"Provided always, and it is the true Intent and Meaning of this Act, The said Sums for the small Charges of this Province, so to be assessed by the Governor and Council upon the Inhabitants of this Province as aforesaid, exceed not in any one Year the Sum of Fifty Thousand Pounds of Tobacco; and the Disbursements of the same Tobacco to be accounted for at the next General Assembly, after the raising and disbursing the said Tobacco as aforesaid."

And a Paragraph, in Page 104, which describes the Times of War, shews what Times of Peace are intended by that Law; and is in these Words: "And to the Intent that whensoever it shall appear to the Governor, or Commander in Chief, of this Province for the Time being, and his Council, to be necessary to raise Forces for the suppressing of any foreign Invasion, or domestic Insurrection or Rebellion, or any War with any Indians, that the aforesaid Officers and Soldiers may be duly paid according to the Portions aforesaid, and all other Charges and Expences for the Charge and Managements of such War, may be duly paid and discharged; without which this Province cannot be defended and secured."

These Paragraphs plainly prove, that the Governor and Council are empowered to raise this Tax, not only once in many Years, but even every Year in the Interval of Assemblies; and that it's not being raised has not been for Want of a legal Authority to raise it, but from a Resolution in the Governor and Council not to exercise the Power with which they are invested, without the greatest Necessity. As to the Application of it, it is (and I am persuaded you will think so) too early to find Fault with it, because it is not yet made; and when it shall be made, I will venture to assure you, that neither myself nor the Council will convert any Part of it to our own Use, and that it shall be honestly disposed of to such Ends, as shall appear to us to be agreeable to the Intention of the Legislature, and then an Account of such Disposition shall be laid before the Assembly: And when all this is done, I am persuaded that you and your Constituents, as well as all the unbiassed Part of Mankind, will be satisfied, that there is no Foundation for charging the Governor and Council with highly, or at all, infringing on the Liberties of the People of Maryland; which is a Thing I, for my own Part, detest, and I am firmly persuaded every one of the Council is in the same Sentiments with me: On the contrary, I believe it will appear to every impartial Man, that in the Instance complained of, we have acted with a true and sincere Regard to the Welfare and Ease of the People, in charging them with only a single Pound of Tobacco *per Taxable*, instead of calling an Assembly, which would very probably have cost them more than ten Times that Quantity.

T. BLADEN.

*The House adjourns 'til 2 of the Clock.
Post Meridiem.*

The House met according to Adjournment.

A Bill to empower and direct the Clerk of Anne-Arundel County to enter and record among the said County Records, a Deed of Bargain and Sale from William Mitchel, Edward Mitchel and Grace his Wife, to Mordecai Moore, deceased:

And a Bill, entitled, *An Act to empower and direct the Clerk of Charles County, to enter and record among the said County Records, a Deed of Bargain*