

" Law, referred to it in several Places, and supplied some Defects in it," for besides that we have before shewn that it does not appear to be a perpetual Law, we not only think it strange, that had they looked on the Law of 1715 to have then been in Force, they should not have recited it so, or in some Part or other of that long Law have referred to it in express Terms, but we also conceive that by the before-recited Clauses of the Act of 1732, referring generally to such Laws relating to the Militia as were then in Force, they seem cautiously to have avoided saying any Thing which might thereafter be taken as an Acknowledgment that any Law whatever relating to the Militia was in Force, and choosing, from a Multiplicity of Business, or some other Reason, rather than at that Time to go into the Consideration, and perhaps a Dispute, on the Existence of any such Law, to refer the Determination of it to some other Season; and were we to admit they did think that some Law relating to the Militia was then in Force, since there is none particularly named, why must it be the Law of 1715? were there no Militia Laws prior to that? Your Excellency may easily be informed there were several Laws made long before that of 1715, and under the very same Title; why then may not this Law of 1732, if 'tis to be taken as a Supplementary Law, have been intended as a Supplement to some of those former Laws, as well as to that of 1715? If you should say those former Laws were repealed or expired, we must beg Leave to answer, that of 1715, long before the making the Law of 1732, was expired; and as this of 1732 contains no particular Description, whereby we may distinguish what former Laws might be meant, the one may as well be conjectured to be meant as the other: nor would that Apprehension, that some former Militia Law was then in Force, and that the Law of 1715 in particular was so, be any Revival of that Law, there being we conceive a manifest Difference between supposing, or taking for granted, that a Law which is actually expired is in Force, and an express Intention to revive or give a new Being to any such Law; and as to the first, they might consistently enough upon that Supposition have made a Supplement to aid some Defects in such Law, which upon considering it was not in Force, they perhaps never would have revived; and as to the latter, there is not in the Law of 1732 any Expression which shews their Intention to give new Life or Being to any Law, which had been before then expired; and a bare Apprehension, supposing there were any such, that the Law of 1715 was in Force, would be so far from having such Effect as is contended for, that it would not only not revive that Law, but would also render the Result of that Apprehension entirely void and frustrate, agreeable to that known Rule, that whatever is grounded upon an Untruth, is so far from changing its Nature into a Truth, that on the contrary such Superstructure is thereby rendered entirely void. And if your Excellency will persist in having this latter a Supplementary Law, we take the Consequence to be this, that the Law to which this Law was intended as Supplementary, and on the Existence of which it must consequently depend, having no Being at the Time, and by that Means there being no Foundation, this Supplementary Law, which is the Superstructure, must inevitably fall to the Ground.

Having already taken up so much of your Excellency's Time in the foregoing Part of this Address, and as we think, shewn the Inefficiency of any Arguments hitherto made use of to establish the Existence of the Law of 1715, under which you say the one Pound of Tobacco *per* Taxable was levied, we shall say little upon the Construction of those Clauses recited in your Message, and which being taken for the present as they stand there, we apprehend from the plain and obvious Construction of them, it will be no difficult Matter to guess at the Sincerity of " your Excellency's and the Council's Resolution not to Exercise that Power which you contend you are invested with, without the greatest Necessity;" and we shall readily leave it, according to your own Offer, to the Determination " of the unbiassed Part of Mankind, how sincerely and heartily yourself and the Council have in this Instance detested infringing the Liberties of the People of Maryland;" and also how far your Justification of your and their Conduct in this Point, by your last Message, will be a Proof of it; as also how far you and they " 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," when there not only does not appear to be any Necessity for levying that Pound of Tobacco, there being no Widows or Orphans to provide for; but also when there does appear to have been an Assembly sitting within that very Year, before the levying of it, and when the public Levy might and ought to have been laid; besides the present one now sitting, within a Year after the Order for levying it; and also how far the same Argument may be made Use of, for the levying in like Manner, larger Sums of Tobacco or Money on the People, and may be carried to dispense with the Practice of Assemblies meeting at all.

And to conclude, as we are fully satisfied that the Law of 1715 has long since expired, we must humbly hope, that neither your Excellency nor the Council, nor both together, for the Time being, will levy this 50,000 *lb.* of Tobacco on the People, not only not once in " every Year in the Interval of Assemblies," but not even " once in many Years," nor at all for the future.

Being Read, and Assented to, was Ordered, on Behalf of the House, to be Signed by the Honourable Speaker.

Dr. *Buchanan*, and Mr. *Barnes*, Ordered to acquaint his Excellency that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and acquaint Mr. Speaker, he will receive it immediately in the Conference-Chamber.

*William Stoughton*, Esq, with Thirteen others, sent to present the Address: They return and acquaint Mr. Speaker, they have presented it.

On Motion of a Member, that a Bill be brought in for Relief of insolvent Debtors; Leave is given: And,

Ordered, That the Committee of Laws prepare and bring in the same:

The House adjourns 'til To-morrow Morning at 9 of the Clock.