

Which Bills were severally thus Indorsed, *viz.* " By the Upper House of Assembly; The ingrossed Bill, whereof this is the Original, is Read and Assented to.

Signed *per Order*, J. Ross, Cl. Up. Ho."

*The House adjourns to 2 of the Clock.*

*Post Meridiem.*

The House met according to Adjournment.

The Message brought in by Mr. George, was sent, with the Journal of Accounts, to the Upper House, by Mr. Wortbington, and Mr. Pemberton.

Samuel Chamberlain, Esq; from the Upper House, delivers Mr. Speaker the Journal of Accounts, Indorsed, " Sept. 28, 1745, Read, and will not be Assented to by the Upper House of Assembly.

" Signed *per Order*, J. Ross, Cl. Up. Ho."

Col. Lloyd, from the Upper House, delivers Mr. Speaker the Bill, entitled, *An Act for the Relief of John Penny, &c.* Indorsed, " By the Upper House of Assembly, Sept. 28, 1745, Read the Second Time, and will not Pass.

Signed *per Order*, J. Ross, Cl. Up. Ho."

Mr. Speaker communicates to the House the following Message from the Governor, *viz.*

*Gentlemen of the Lower House of Assembly,*

IT is really a Pity your Earnestness to deprive the Province of a perpetual Law for ordering the Militia in it's Defence, and to divest the Government of a Power to raise 50000 *lb.* of Tobacco in a Year, should engage your House to use so much Time and Paper, in order to confound the Sense of yourselves and every Body else, on so plain a Point as the Perpetuity of the present Militia Laws; but I must confess, your long Address on this Subject is the less wonderful, as there was a Necessity for attempting to justify your House in resolving that the Pound of Tobacco was unjustly levied, before any Reasons could be considered or offered, to shew that it was lawfully levied: And also when, in the first Page thereof, you set off with a notorious wrong Principle in Reasoning, upon which all the rest of your Address seems chiefly to depend. I had before laid down as a Rule, with regard to a perpetual and temporary Law, " That there is no Time limited for the Duration, Operation, or Continuance, of the former; and therefore it must continue in Force 'til it is repealed: That the latter having a fixed or limited Time for it's Duration, or Operation, it must certainly expire when the Time so fixed or limited expires, or the End for which it was made is fully answered; unless it is continued by another Law." As there is no Time limited for the Continuance of the Law in 1722, which revived the Law of 1715, it necessarily follows, that Revival must be perpetual: This appeared in so strong a Light to you, that it seemed necessary you should first endeavour to get clear of that Distinction, before you could promise yourselves any Success in amusing one another further on this Subject; and pray how do you manage this Point? Why, you admit my Distinction, but then you urge it will not serve my Purpose, because (you say), " Altho' in the Enacting a Law in the first Instance, it must necessarily be supposed, from the not giving it a Limitation, to be the Intention of the Legislature that it should be perpetual, unless it be in it's own Nature made but for a temporary Purpose; yet you apprehend there is no Room for the like Supposition in the present Dispute: " And you say further, " That if there be *no Necessity to suppose* it the Intention of the Legislature, that the Law of 1715 should, by that of 1722, be made perpetual, this Case is then clearly without Distinction." I cannot comprehend why the same Reason will not hold in a Reviving Law without Limitation, which you admit to be in a Law in the first Instance; but I cannot help expressing my Surprize at such palpable Misconceptions as you have entertained concerning the Continuance of Laws, for your Reasoning tends to prove, that a Law once made must cease, unless some Intention of the Legislature can be proved that it should continue: This Proposition, however harsh, and even absurd in Terms, it must now appear, yet is really the Scope of your whole Argument; whereas, had you thought fit to have considered, that when a Law is once made, or has an Operation or Force, either in the first Instance or by Revival, it must necessarily always continue in Force, unless the Cause, Nature, or some express Limitation in the Law determine it; you would have saved me and yourselves much Trouble and Time on this Subject. A Command or Law, in the Nature of the Thing once in Force, tho' but for a Moment, must necessarily always continue, unless determined by some of the foregoing Circumstances; for there is no Necessity to shew any Intention to continue it, but to determine it; and if you should deny this plain Proposition, I will not pretend further to convince you: This being so, my Distinction is applicable to the Law of 1715, which was put in Force without any Limitation of Time, by the express Words of the Reviving Law of 1722, and now continues, since there is no Circumstance in the Nature of the Thing commanded, or Occasion of making it, to determine it. You have started another Notion yet more extraordinary, *viz.* That the Clause of Limitation in the Law of 1715 was revived by the Law of 1722: Was such an Assertion ever thought of by any Lawyer, or even other Person whatsoever, as, that when a Law is revived, the very continuing Clause is revived? What Jargon and Clashing must arise in the Exposition of the Continuance of Laws, by such Doctrine? The Law of 1715 is, by the continuing Clause in the Law itself to be in Force for three Years, and to the End of the next Session; which must mean three Years from that Session in 1715; or nothing: The Law in 1719 revived that Law for three Years, &c. which must be from 1719; and the Law in 1722 continued that Law without any Limitation. But if the Law of 1719 and 1722 revived the continued Clause of 1725 with the other Parts of the Law, I am at a Loss to know to what Purpose; since the three Years, &c. intended