

By the Lower House of Assembly, April 27, 1757.

*May it please your HONOURS,*

**W**E have considered the Amendments and Alterations, proposed by your Honours to our Bill for his Majesty's Service, and the more immediate Defence and Security of this Province; and though we have thought expedient to consent to many of them, yet there are some to which the Circumstances of our Constituents will never permit us to agree.

As to your First, we are unanimously of Opinion, that Five Hundred Men are more than are necessary for our own immediate Defence and Protection, but have agreed to Raise that Number, that we may, as far as can be reasonably expected, comply with the Earl of Loudoun's Requisition; and as it is but just, our Motive should appear, we are determined not to agree to your Alteration.

Your Second Amendment depending on the First, falls of Course.

Upon Enquiry, it does not appear to us, that any Part of the Two Thousand Four Hundred Pounds, applied by the Act, entitled, *An Act for his Majesty's Service, and further Defence and Security of this Province*, for the Completion of Fort Frederick, is included in the Sums applied by this Bill; and therefore we think your Third Amendment is entirely unnecessary.

Your Fourth, Fifth, and Sixth Amendments, we agree to.

We think it expedient, that a sufficient Number of the Five Hundred Men, while the Rest are Ranging, should be left at Fort Frederick, for the Safety and Protection of any Military Stores that may be lodged therein; and therefore cannot agree to the Seventh Amendment.

To the Eighth we cannot agree, for the following, among many other Reasons; it will empower the Commander in Chief, or other Person properly authorized, to Order away from the Frontier all the Five Hundred Men, except so many as the Governor or Commander in Chief of this Province, for the Time being, shall think expedient, for the Protection and Security of Fort Frederick; in which Case the Frontier Inhabitants would be deprived of that Protection by Ranging, which the Bill now provides for; and thereby the Country put to an additional and extraordinary Expence, and our Militia harassed in that Service, for which the Men proposed to be Raised by this Bill are designed.

To the Ninth we cannot agree, as we think it our indispensable Duty, by every reasonable Method, to secure the Public Money from Embezzlement, especially at this Juncture, when the greatest Economy is necessary.

To the Tenth we agree.

To the Eleventh we cannot agree, as we judge the obliging the Officer to return his Muster-Rolls on Oath, will be a stronger Security to the Public against any Fraud, than one signed by himself and one other Commission Officer, as we are not convinced that one Officer may not connive at the false Return of another.

To the Twelfth and Thirteenth we agree.

'Tis well known, that Soldiers absent on Furlow, do not receive Pay nor Provisions, and therefore 'tis undoubtedly necessary they should be returned in the Muster-Roll; and those absent on Duty, not receiving Provisions from the Garrison, it would seem as expedient should be returned also: And we cannot think the Penalty of being cashiered, so great a Security against the false Returns of an Officer, as a pecuniary Penalty, recoverable in a Court of Law; because the Judges in a Court of Law must be supposed to be more impartial than Judges in a Court-Martial, many of whom may probably have strong Attachment to the Party charged; for these Reasons we cannot agree to your Fourteenth Amendment.

To the Fifteenth, Sixteenth, and Seventeenth, we agree.

And we agree to the Forfeiture you propose by the Eighteenth Amendment: But as we cannot think it reasonable to subject the Body of the Person to Imprisonment, when he has Effects to discharge the Penalty, we cannot agree to establish a discretionary Power of either Fining or Imprisoning.

As we see no Reason for departing from the usual Method of providing for Persons, who shall adventure their Lives in the Defence of this Province and his Majesty's Service, and shall be maimed, or rendered incapable to get a Livelihood for themselves or Families, we shall adhere to it; and therefore cannot agree to your Nineteenth Amendment.

To the Twentieth, Twenty-first, and Twenty-second, we agree.

And now, *May it please your Honours*, having given you our Reasons for not agreeing to several of your Amendments, and noted such as we do agree to, we return you herewith the Bill for his Majesty's Service, and the more immediate Defence and Security of this Province, in full Confidence, that, on more mature Deliberation, you will consent to Pass it with such of your Amendments as we have agreed to, that the Purpose of our Meeting may be Answered, and a speedy End be put to this Session.

Signed per Order,

M. Macnemara, Cl. Lo. Ho.

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