

as for exempting him in Respect of his holding the Supreme Executive Power in this Government; and we hope your Honours will never presume, that the Governor will obstruct the Execution of any Law, or refuse to pay a Tax, imposed with equal Reason on Himself as on Others.

The Uncertainty of our Capital was the Reason of Continuing the Bill the Third Year, which possibly may not be sufficient; but that will soon appear; and there cannot be the least Doubt but a Provision will be made by a longer Continuance of the Act if it be found necessary. It does by no Means appear to us, that the Mode for raising Money prescribed by this Bill, is unsuitable to our Circumstances; on the contrary, we think it must be agreeable to the Circumstances of every Country, that Public Taxes should be equally imposed, and tho' the present Mode is unexperienced, and 'til this Time unessayed by Us, it has been long experienced, and is still practised by our Mother Country, and by almost all our Neighbouring Colonies, and on that account has a just Title to our Regard: It imposes that Burthen which the present Exigency of Affairs requires us to bear (and which, tho' far beyond what this Province has ever yet felt, we cheerfully submit to) more equally and justly than any other Mode can; and as the Sums to be raised annually are very large, 'tis the more necessary that the Tax should be imposed with the greatest Equality.

That this Mode will necessarily require many Officers, is certainly True; and that these Officers ought to be equally Rewarded in Proportion to the Merit of their Services, cannot be denied, and we think this is done by the Bill, and tho' the Expence attending this kind of Taxation, may be something greater than a Tax per the Poll, yet, by means of the Equality with which the Tax is laid, it will, even with that additional Expence, be less Felt, unless by those, who under a Tax by the Poll, would bear a very small Part of the Burthen, which, in all Justice and Reason, they ought to bear an equal Part of with others.

Whatever Regard is had to the Origin of our Constitution (if by That is meant the Charter) or the correspondent Usage of the Province, we cannot be of Opinion, the Proprietary ought to appoint the Officers under this Bill, unless it can be shewn, that the King, under the like Circumstances, has the Right of Appointment; and, that when the House of Commons have named Commissioners in Bills of this Kind, the King has usually objected to it as an Encroachment on his Prerogative, and the Nomination has been accordingly left to him; when this is done, we may be induced to think the Proprietary has some Right.

We are not desirous, nor do we design, to create any Dependencies upon the Government under the Bill; nor shall we expect your Honours to concur in an Attempt to strip the Lord *Baltimore* of his Right, because it is far from our Intentions to make such an Attempt: In the present Case he has not the Right, and therefore cannot be strips of it. But we must desire your Honours to be assured, that if upon the other Hand, it should be endeavoured to deprive the People of their undoubted Right, by their Representatives, to nominate Commissioners in Bills of this Nature, and vest it in the Proprietary, the Attempt will prove as fruitless, as it would be unjust and unreasonable, and could tend only to defeat the necessary Purposes for which the Bill is framed.

It is of the greatest Importance, that the just and distinct Rights and Privileges of each Branch of the Legislature, should be preserved, and therefore, as the Nomination of Commissioners in Bills of this Nature is a Right as clear and undoubted as any that belongs to this Branch, your Honours may be assured, that we shall not depart from it, but shall think it our Duty forever to assert and support it.

Having now frankly given you our Reasons in Support of our Bill, against your Objections to it, and made such Concessions as appear any way proper, we hope every Mode of Proceeding, which has been made use of between the Two Houses upon similar Occasions, will be pursued on this, for bringing about the Passage of a Bill of so great Importance; and we do assure you, that nothing on our Parts shall be wanting, which can be done without too great a Violation of our Rights and Privileges. But we think proper to let you know, that the Nomination of Commissioners by the Bill, the double Tax upon Non-Jurors, who may shew themselves to be disloyal Subjects in refusing to take the Oaths we have now proposed, the Tax upon the Proprietary Estate, and that upon Lucrative Offices and Employments, as imposed by the Bill, we cannot recede from. The military Parts of the Bill objected to, as well as some others, may probably be amended to your Satisfaction, if you do not think the Reasons we have given you, sufficient to obviate your Objections.

Signed per Order, M. MACNEMARA, Cl. Lo. Ho.

Which was Read, and Ordered to lie on the Table.

*The House adjourns till the Morrow Morning at VIII of the Clock.*