

That your Constituents may be the better enabled to judge of the Merits of your Address, and the Sufficiency of my Answer, I have ordered Mr. Green to republish in his Gazette, the several Militia Laws that have been made here since the Year 1714, the Titles of which are as follows:

1st. *An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof;*

which was made at a Session of Assembly, begun and held in this City, the 26th Day of April 1715, to continue for Three Years, and to the End of the next Sessions of Assembly after the End of the said Three Years.

2d. *An Act reviving an Act of Assembly of this Province, entitled, An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof;*

which was made at a Session, begun and held the 14th Day of May 1719, and the Act of Assembly above-mentioned was thereby Revived and Continued in full Force, from the then present Session, for and during the Term of Three Years, and to the End of the next Session of Assembly after the End of the said Three Years, and no longer.

3d. *An Act directing how Fines shall be adjudged against such as neglect to appear at Musters;* which is a perpetual or indefinite Act, having no Time of Duration mentioned; it was made at a Session, begun and held the 10th of October 1722, and the first of the abovementioned Acts, viz. that entitled, *An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof,* is hereby revived and continued in full Force.

4th. *A Supplementary Act to the Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof;*

which likewise is a perpetual or indefinite Act, having no Term of Duration mentioned.

If, Gentlemen, you are really of Opinion, that the Act of 1715 does not at this Time exist, you might, one would think, have offered at least one Argument in support of such Opinion, which would certainly have afforded your Constituents much greater Satisfaction than any general and ambiguous Suggestions; but since you have declined that Method and rest all on your own Opinion, I must take the Liberty to inform you, that the Gentlemen of the Council, and Myself, are, on the contrary, thoroughly satisfied, that the said Act is in Force, and that it will remain so, until another shall be made to repeal it.

The original Militia Law of 1715 was, as I apprehend, a *Temporary One*, because the Legislature declared their Intention, that it should have the Force of a Law for a Term only, viz. for Three Years, and to the End of the next Session; and the Reviving Act of 1719, sets it up again as a *Temporary Law only*, by the same Method, that is, by declaring their Intention, that it should have the Force of a Law from that Session for Three Years, and to the End of the next Session that should happen after the End of the said Three Years, and no longer; for had not these Limitations of Duration been added as a Bar to its Perpetuity, it would, I conceive, either upon its being first Enacted, or on its first Revival, have continued on in a perpetual Operation; and therefore, when the Act of 1722 revives and continues it in full Force, without any Declaration of an Intention that it should operate only for a Term, it immediately, for Want of that Limitation of Time, became perpetual or indefinite, as is the Act of 1722, by which it was revived and continued. Thus an Act was made by the Legislature of New-York, in September 1708, for the Encouragement of Whaling, which was to continue, and be of Force, for and during the Space and Term of Seven Years, from the Publication thereof: You may learn from the New-York Body of Laws, which was published in the Year 1752, according to an Act of the General Assembly of that Province, that the aforesaid Act was revived and continued by several Temporary Acts, which were made for that Purpose, in the Years 1716, 1720, 1726, 1733, and 1739; but in November 1750, it was, as is observed by the Revisers and Publishers of those Laws, made perpetual by the following Clause of an Act that was passed at that Time, viz. "Be it Enacted, &c. That the aforesaid Act, entitled, *An Act for the Encouragement of Whaling*, shall be and hereby is continued, and every Article, Matter, Clause, and Thing therein contained, enacted to be, remain, and continue in full Force and Virtue, after the said first Day of December next, to all Intents, Constructions, and Purposes whatsoever."

The abovementioned Act of Assembly, made by the Legislature of this Province in 1722, does not only revive and continue that of 1715, but likewise aids and assists it, by directing, that in Case any Persons summoned to appear before the Field-Officers (holding a Court-Martial) shall not appear, or otherwise excuse themselves, it shall be lawful for such Officers to judge their Case as on Default. The subsequent Law, made in 1732-3, was certainly Enacted upon a Supposition, that the Act of 1715 was then existing, and several Acts have been made since that Time, upon the same Supposition, particularly a Temporary