

The within Petition being read, is recommended to the Consideration of the Lower House of Assembly.
Sign'd per Order, John Roj, Cl. Up. Ho.

Which Petition was read here, and rejected.

Col. Ward, and Benjamin Tasker, Esq; from the Upper House, delivered to Mr. Speaker, the Governor's Answer to the last Address of this House, which was thus:

Gentlemen,

In Answer to your Address, presented me on Saturday last, wherein you request to know the Reasons and Inducements for his Lordship's late Dissents; I hope the following Particulars, will give you some Satisfaction therein; and it is a more sensible Pleasure to me, to observe the great Prudence and Caution wherewith you seem desirous to proceed. — As to the Dilett to the Act prescribing the Form of Oath of Fudge or Justice, I apprehend, that the Words thereof are thought liable to ambiguous Construction, and that the Import of them may be carried farther than the real Usage and Constitution of this Province. The Lord Proprietary, in great Tenderness to this Province, transmitted such Form of Oath, as by mature Advice, he thought would answer your just Desires. If you have any reasonable Objections thereto, it were, I think, proper to represent them in a dutiful Manner to his Lordship.

I send you herewith some Reasons offered against the late Tobacco-Law, which, I presume, will lead you into the Causes of that Dissent; besides the Infringement, that Law was thought to make on the Establishment of the Clergy in this Province.

I send you also the Case stated in Relation to the Attorney's Law, with his Majesty's Attorney and Solicitor-General's Opinions thereon; which, I suppose, were the Grounds of the Dilett to that Law.

The Law for the Division of Parishes in St. Mary's and Charles Counties, received a Dilett, as not agreeable to the Laws and Usage of England, which never deprive a present Incumbent, without his own Consent, of any Profits of the Parish, whereunto he was inducted.

Against the Supplementary Act to the Act for Establishing Religious Worship, &c. that Clause thereof, whereby the Incumbent of a Parish was made liable to the same Penalties for Non-Attendance as a Vestry-man, as other Vestry-men are, was objected unto, as subjecting the Minister too much to the Power of the Vestry.

I hope these Observations will give you some Light into what you desire, and induce you to avoid the like Objections for the future, that we may not make Laws that may prove ineffectual.

BENEDICT LEONARD CALVERT.

And the following Paper, viz.

REASONS against the Act of Assembly, for Improving the Staple of Tobacco, in Maryland.

BECAUSE, as to the General View of the Act, it appears very doubtful, whether it will, in any Measure, answer the End intended, so as either to diminish the Quantity of Tobacco to be made in the Province, or raise the Price in Proportion to such Diminution; since the Value of the Tobacco depends upon the Demands of Foreign Markets, which are not confin'd in their Supply to Maryland, but may be supply'd from divers other Plantations, as well of English, as of Dutch, and French.

2. Because, the Method prescrib'd by the Act, for adjusting future Payments in Tobacco, upon the Foot of a supposed rise of its Value, is unequal, and consequently, unjust; for let the Value rise as it will, that can be no Reason, why the Property of the Publick, or any Private Man, should be in any Degree substantially diminished, which must necessarily be the Effect of this Act; For, suppose the Value should rise One-Fourth above its Price, precedent to the Act, the future Payments ought, at least, in all Events, to be Three-Fourths of the whole Tobacco, that would otherwise be due; and these Three-Fourths ought not to be put upon a worse Foot, than the Whole was, before the Act, by forcing the Owners to sell those Three-Fourths at any certain Price, and much less, at the certain Price of Ten Shillings per Cent.; which is, as I'm inform'd, not more than the usual Price of Tobacco, precedent to the Act.

3. But, supposing, on the other Side, it is uncertain, whether Tobacco will rise in that Proportion, it is still more unjust, that the Creditor, whether the Publick, or any Private Person, should run all the Hazard of the Act, without a Possibility of gaining by it; which must be the Case, where the Election is given to the Debtor, either to pay it in Tobacco or Money at a certain Rate.

4. Because, if the future Payments of Tobacco were to stand upon their old Foot, without any Deduction, tho' the Tobacco should rise in Value, by the Diminution of its Quantity; yet, in the Event, neither the Receivers of the Tobacco, when at that advanc'd Price, would be Gainers, nor those who pay, be Losers by it, because the Riches of the People, and the Price of all other Commodities will probably increase in Proportion.

5. That the Riches will be increas'd in that Case, is manifest, because a lesser Quantity of Tobacco will be equal in Value, to a greater Quantity that was made before; and consequently, all that Time, Labour, Land, and Expence, which were employ'd before, in providing the Overplus, will be clear Gains; and be used by industrious People, in gaining Riches in another Way.

6. That other Commodities will probably rise proportionably in their Price, is plain, not only from common Experience, which shews, that Things gradually rise, in Proportion to the Riches of a People, but from the Nature of the Thing, as an Increase of Riches, naturally increases the Demands of the People, for the Conveniences and Accommodations of Life.

7. Because, tho' the Diminution in future Payments, is an Injury to all, who have any growing Payments within the Intent of the Act, whether the Publick or Private Persons, Lawyers or Clergy, yet it is a peculiar Hardship upon the Clergy, whose Maintenance arises solely from the Parochial