

Mr *Attorney* reported that the Managers for the House, had, according to Order, met the Managers for the Council in the Conference Chamber, who had acquainted them that the Council had considered the Address of the House to his Majesty, and approved of the same; and that they had likewise considered the two Memorials to the Lords and Commons, and had made several Amendments to them, to which they desire the Concurrence of this House.

The *Order* of the Day being read, the House immediately resolved itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had gone through the said Bill, and had made several Amendments thereto; which he read in his Place, and then delivered in at the Table, where they were twice read, and agreed to.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time. 228

On a *Motion* made,

Ordered, That a Committee be appointed to examine and state the Accounts of the Expenses incurred by Mr *Rutherford* on his Information exhibited to this House against Col. *Adam Stephen*, and that it do consist of the following Persons, viz. Mr *Edmund Pendleton*, Mr *Fleming*, and Mr *Walker*.

An engrossed *Bill* entitled *An Act for giving a greater Reward for killing Wolves* was read the third Time, and the Blanks therein filled up; and the Question being put that the said Bill do pass,

It passed in the Negative.

Resolved, That the said Bill be rejected.

And then the House adjourned until Tomorrow Morning 10 o'Clock

Tuesday, the 18th of December, 5 Geo. III. 1764.

AN engrossed *Bill* entitled *An Act for making an equal Division of a Donation of one Matthew Godfrey, between the several Parishes in the County of Norfolk, for the Benefit of their Poor*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Bradley* do carry up the said Bill to the Council for their Concurrence.

On a *Motion* made, 229

Ordered, That Leave be given to bring in a Bill To amend an Act entitled *An Act for giving a Reward for killing Wolves*, and it is referred to Mr *James Mercer* to prepare and bring in the same.

On a *Motion* made,

Resolved, That the Clerk of the Publick Treasury be allowed the annual Salary of £300 for his Services in that Office.

Mr *Pendleton*, from the Committee to whom it was referred to examine and state an Account of the Expenses incurred by Mr *Rutherford* on his Information exhibited against Col. *Adam Stephen*, reported that they had had the same under their Consideration, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read and agreed to by the House, as follows:

Resolved, That Mr *Thomas Rutherford* be paid by the Publick the Sum of £41 for his Expenses in the Information against Col. *Adam Stephen*.

Ordered, That the said Resolve be engrossed, and that Mr *Edmund Pendleton* do carry it up to the Council for their Concurrence.

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¹ Hening, VIII, p. 48.

² Not passed until Oct. 1765.

³ Hening, VI, p. 152.

The House took into Consideration the Amendments proposed by the Council to the Memorials to the Lords and Commons; and the same being read were agreed to, with an Amendment.

Ordered, That the Managers appointed by this House do go up with a Message to the Council to acquaint them therewith, and that this House do desire another Conference with them thereupon, and had appointed the same Managers for that Purpose as before.

A Message from the Council by Mr *Walthoe*.

That they have agreed to the Book of Claims.

Also that they have agreed to the Bill entitled An Act¹ to dock the Entail of certain Lands whereof John Gregg is seized, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses.

Also to the Bill entitled An Act² for making an equal Division of a Donation of one Matthew Godfrey between the several Parishes in the County of Norfolk, for the Benefit of their Poor.

Also to the Bill entitled An Act³ for appointing several new Ferries, and for other Purposes therein mentioned.

Also to a Resolve of this House For allowing Mr Aaron Miller the Sum of £30 for the Services therein mentioned.

And that a Petition of John Earnshaw, Gabriel Cay and Walter Hatton, addressed to the Governour and Council, had been read in Council, and was by them referred to the Consideration of this House.

Ordered, That Mr *Cary* do wait on his Honour the Governour with the Book of Claims, and desire his Assent thereto.

The House proceeded to the Consideration of the Petition of the said *Earnshaw, Cay, and Hatton*; and the same was read, setting forth that the Petitioner *John Earnshaw* is appointed Comptroller of his Majesty's Customs for the Upper District of *James River*, with a Salary of £30 Sterling *Per Annum*; that the Petitioner *Gabriel Cay* is appointed Comptroller of the Lower District of the said River, with a Salary of £50 Sterling *per Annum*; and your Petitioner *Walter Hatton* is appointed Comptroller of the District of *Accomack*, with a Salary of £40 Sterling *per Annum*; to be paid by the Commissioners of his Majesty's Customs in *London*: That the said Salaries are too small and inconsiderable for their Trouble in their said Offices, as well as insufficient for their Support and Maintenance; and praying that they may be allowed the same Fees on all Vessels trading to this Colony as are allowed by Law to the Collectors of his Majesty's Customs in this Colony, or such other Fees as shall be thought reasonable; or that their Salaries may be increased in such Manner as this House shall think fit. And the Question being put that the said Petition be referred to a Committee.

It passed in the Negative.

Resolved, That the said Petition be rejected.

A Message from the Council by Mr *Walthoe*.

That they have agreed to the Conference desired by this House, and that their Managers are now ready in the Conference Chamber.

Ordered, That the Managers appointed by this House do attend those appointed by the Council in the Conference Chamber; and they accordingly withdrew.

Mr *Attorney*, according to Order, reported that the Amendments proposed by the Committee of the whole House to the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned; and he read the same in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House.

Ordered,

¹ Not passed until Oct. 1765.

² Not passed until Oct. 1765.

³ Hening, VIII, p. 44.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr Attorney reported that the Members of the Council and this House had met in the Conference Chamber, and that the Council had agreed to the Amendments proposed by this House to those made by the Council to the Memorials to the Lords and Commons.

Ordered, That the Committee of Correspondence do transmit fair Copies of the Address to his Majesty, and the Memorials to the Lords and Commons, to the Agent for this Colony, in Order to their being respectively presented; and that the same be inserted in the Journal of this House, as follow: 233

To the King's Most Excellent Majesty.

Most gracious Sovereign,

We your Majesty's dutiful and loyal Subjects, the Council and Burgeses of your ancient Colony and Dominion of Virginia, now met in General Assembly, beg Leave to assure your Majesty of our firm and inviolable Attachment to your sacred Person and Government; and as your faithful Subjects here have at all Times been zealous to demonstrate this Truth, by a ready Compliance with the Royal Requisitions during the late War, by which a heavy and oppressive Debt of near Half a Million hath been incurred, so at this Time they implore Permission to approach the Throne with humble Confidence, and to intreat that your Majesty will be graciously pleased to protect your People of this Colony in the Enjoyment of their ancient and inestimable Right of being governed by such Laws respecting their internal Polity and Taxation as are derived from their own Consent, with the Approbation of their Sovereign or his Substitute: A Right which as Men, and Descendants of Britons, they have ever quietly possessed since first by Royal Permission and Encouragement they left the Mother Kingdom to extend its Commerce and Dominion. 234

Your Majesty's dutiful Subjects of Virginia most humbly and unanimously hope that this invaluable Birthright, descended to them from their Ancestors, and in which they have been protected by your Royal Predecessors, will not be suffered to receive an Injury under the Reign of your Sacred Majesty, already so illustriously distinguished by your gracious Attention to the Liberties of the People.

That your Majesty may long live to make Nations happy is the ardent Prayer of your faithful Subjects, the Council and Burgeses of Virginia.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled:

The Memorial of the Council and Burgeses of Virginia, now met in General Assembly,

Humbly represents,

That your Memorialists hope on Application to your Lordships, the fixed and hereditary Guardians of British Liberty, will not be thought improper at this Time, when Measures are proposed subversive, as they conceive, of that Freedom which all Men, especially those who derive their Constitution from Britain, have a Right to enjoy; and they flatter themselves that your Lordships will not look upon them as Objects so unworthy your Attention as to regard any Impropriety in the Form or Manner of their Application, for your Lordships Protection of their just and undoubted Rights as Britons. 235

It cannot be Presumption in your Memorialists to call themselves by this distinguished Name, since they are descended from Britons who left their native Country to extend its Territory and Dominion, and who happily for Britain, and as your Memorialists once thought for themselves too, effected this Purpose. As our Ancestors brought with them every Right and Privilege they could with Justice claim in their Mother Kingdom, their Descendants may conclude they cannot be deprived of those Rights without Injustice.

Your Memorialists conceive it to be a fundamental Principle of the British Constitution, without which Freedom can no Where exist, that the People are not subject to any Taxes but such as are laid on them by their own Consent, or by those who are legally appointed to represent them: Property must become too precarious for the Genius of a free People which can be taken from them at the Will of others, who cannot know what Taxes such People can bear, or the easiest Mode of raising them; and who are not under that Restraint, which

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236 *is the greatest Security against a burthenfome Taxation, when the Representatives themselves must be affected by every Tax imposed on the People.*

Your Memorialists are therefore led into an humble Confidence that your Lordships will not think any Reason sufficient to support such a Power in the British Parliament, where the Colonies cannot be represented; a Power never before constitutionally assumed, and which if they have a Right to exercise on any Occasion must necessarily establish this melancholy Truth, that the Inhabitants of the Colonies are the Slaves of Britons, from whom they are descended, and from whom they might expect every Indulgence that the Obligations of Interest and Affection can entitle them to.

Your Memorialists have been invested with the Right of taxing their own People from the first Establishment of a regular Government in the Colony, and Requisitions have been constantly made to them by their Sovereigns on all Occasions when the Assistance of the Colony was thought necessary to preserve the British Interest in America; from whence they must conclude they cannot now be deprived of a Right they have so long enjoyed, and which they have never forfeited.

237 *The Expenses incurred during the last War, in Compliance with the Demands on this Colony by our late and present most gracious Sovereigns, have involved us in a Debt of near Half a Million; a Debt not likely to decrease under the continued Expense we are at in providing for the Security of the People against the Incurfions of our savage Neighbours, at a Time when the low state of our Staple Commodity, the total Want of Specie, and the late Restrictions upon the Trade of the Colonies, render the Circumstances of the People extremely distressful, and which, if Taxes are accumulated upon them by the British Parliament, will make them truly deplorable.*

Your Memorialists cannot suggest to themselves any Reason why they should not still be trusted with the Property of their People, with whose Abilities, and the least burthenfome Mode of taxing (with great Deference to the superior Wisdom of Parliament) they must be best acquainted.

Your Memorialists hope they shall not be suspected of being actuated on this Occasion by any Principles but those of the purest Loyalty and Affection as they always endeavoured by their Conduct to demonstrate that they consider their Connexions with Great Britain, the Seat of Liberty, as their greatest Happiness.

238 *The Duty they owe to themselves and their Posterity lays your Memorialists under the Necessity of endeavouring to establish their Constitution upon its proper Foundation; and they do most humbly pray your Lordships to take this Subject into your Consideration with the Attention that is due to the Well being of the Colonies, on which the Prosperity of Great Britain does in a great Measure depend.*

To the Honourable the Knights, Citizens, and Burgeffes of Great Britain, in Parliament assembled:

The Remonstrance of the Council and Burgeffes of Virginia.

It appearing by the printed Votes of the House of Commons of Great Britain in Parliament assembled that in a Committee of the whole House, the 17th Day of March last, it was resolved that towards defending, protecting, and securing the British Colonies and Plantations in America, it may be proper to charge certain Stamp Duties in the said Colonies and Plantations; and it being apprehended that the same Subject, which was then declined, may be resumed and further pursued in a succeeding Session, the Council and Burgeffes of Virginia, met in General Assembly, judge it their indispensable Duty, in a respectful Manner, but with decent Firmness, to remonstrate against such a Measure, that at least a Cession of those Rights, which in their Opinion must be infringed by that Procedure, may not be inferred from their Silence, at so important a Crisis.

239 *They conceive it is essential to British Liberty that Laws imposing Taxes on the People ought not to be made without the Consent of Representatives chosen by themselves; who, at the same Time that they are acquainted with the Circumstances of their Constituents, sustain a Proportion of the Burthen laid on them. This Privilege, inherent in the Persons who discovered and settled these Regions, could not be renounced or forfeited by their Removal
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hither, not as Vagabonds or Fugitives, but licensed and encouraged by their Prince and animated with a laudable Desire of enlarging the British Dominion, and extending its Commerce: On the contrary, it was secured to them and their Descendants, with all other Rights and Immunities of British Subjects, by a Royal Charter, which hath been invariably recognised and confirmed by his Majesty and his Predecessors in their Commissions to the several Governours, granting a Power, and prescribing a Form of Legislation; according to which, Laws for the Administration of Justice, and for the Welfare and good Government of the Colony, have been hitherto enacted by the Governour, Council, and General Assembly, and to them Requisitions and Applications for Supplies have been directed by the Crown. As an Instance of the Opinion which former Sovereigns entertained of these Rights and Privileges, we beg Leave to refer to three Acts of the General Assembly passed in the 32^d Year of the Reign of King Charles II (one of which is entitled An Act for raising a Publick Revenue for the better Support of the Government of his Majesty's Colony of Virginia, imposing several Duties for that Purpose) which they thought absolutely necessary, were prepared in England, and sent over by their then Governour, the Lord Culpeper, to be passed by the General Assembly, with a full Power to give the Royal Assent thereto; and which were accordingly passed, after several Amendments were made to them here: Thus tender was his Majesty of the Rights of his American Subjects; and the Remonstrants do not discern by what Distinction they can be deprived of that sacred Birthright and most valuable Inheritance by their Fellow Subjects, nor with what Propriety they can be taxed or affected in their Estates by the Parliament, wherein they are not, and indeed cannot, constitutionally be represented.

And if it were proper for the Parliament to impose Taxes on the Colonies at all, which the Remonstrants take Leave to think would be inconsistent with the fundamental Principles of the Constitution, the Exercise of that Power at this Time would be ruinous to Virginia, who exerted herself in the late War it is feared beyond her Strength, insomuch that to redeem the Money granted for that Exigence her People are taxed for several Years to come: This, with the large Expenses incurred for defending the Frontiers against the restless Indians, who have infested her as much since the Peace as before, is so grievous that an Increase of the Burthen will be intolerable; especially as the People are very greatly distressed already from the Scarcity of circulating Cash amongst them, and from the little Value of their Staple at the British Markets.

And it is presumed that adding to that Load which the Colony now labours under will not be more oppressive to her People than destructive of the Interests of Great Britain: For the Plantation Trade, confined as it is to the Mother Country, hath been a principal Means of multiplying and enriching her Inhabitants; and, if not too much discouraged, may prove an inexhaustible Source of Treasure to the Nation. For Satisfaction in this Point, let the present State of the British Fleets and Trade be compared with what they were before the Settlement of the Colonies; and let it be considered that whilst Property in Land may be acquired on very easy Terms, in the vast uncultivated Territory of North America, the Colonists will be mostly, if not wholly, employed in Agriculture; whereby the Exportation of their Commodities of Great Britain, and the Consumption of their Manufactures supplied from thence, will be daily increasing. But this most desirable Connexion between Great Britain and her Colonies, supported by such a happy Intercourse of reciprocal Benefits as is continually advancing the Prosperity of both, must be interrupted, if the People of the latter, reduced to extreme Poverty, should be compelled to manufacture those Articles they have been hitherto furnished with from the former.

From these Considerations, it is hoped that the Honourable House of Commons will not prosecute a Measure which those who may suffer under it cannot but look upon as fitter for Exiles driven from their native Country after ignominiously forfeiting her Favours and Protection, than for the Prosperity of Britons who have at all Times been forward to demonstrate all due Reverence to the Mother Kingdom, and are so instrumental in promoting her Glory and Felicity; and that British Patriots will never consent to the Exercise of anticonstitutional Power, which even in this remote Corner may be dangerous in its Example to the interior Parts of the British Empire, and will certainly be detrimental to its Commerce.

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A *Bill* For paying the Burgeffes Wages in Money for this present Seffion of Affem-
bly was read a second Time; and an Amendment being made thereto, it was ordered to
be engrossed and read a third Time.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Wednesday, the 19th of December. 5 Geo. III. 1764.

MR. *Mercer* presented to the House, according to Order, a *Bill* To amend an Act
entitled *An Act for giving a Reward for killing Wolves*; and the same was
read the first Time, and ordered to be read a second Time.

An engrossed *Bill* entitled *An Act to enable Tenants in Taille to make
Leases of their Lands*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Edmund Pendleton* do carry up the said *Bill* to the Council for
their Concurrence.

On a *Motion* made,

Ordered, That all such Depositions as shall be taken, pursuant to several former
Resolutions of the House, on the controverted Elections now undetermined, be returned
to the House the 2^d Day of *May* next.

On a *Motion* made,

The *Bill* To amend an Act entitled *An Act for giving a Reward for killing Wolves* was
read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

²⁴⁴ An engrossed *Bill* entitled *An Act for paying the Burgeffes Wages in Money for this
present Session of Assembly*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Henry Lee* do carry up the said *Bill* to the Council for their Concur-
rence.

Ordered, That a Committee be appointed to examine the Treasurers's Accounts; and
that it consist of the following Persons, *viz.* Mr *Edmund Pendleton*, Mr *Bland*, Mr *John
Page*, Mr *Dudley Digges*, Mr *Benjamin Harrison*, Mr *Cary*, Mr *Richard Henry Lee*, and
Mr *Lewis Burwell*, that they examine the several Articles thereof, and report the
Balance as it shall appear to them to the House.

Ordered, That a Committee be appointed to examine the enrolled Bills, and that it
consist of the following Persons, *viz.* Mr *Lemuel Riddick*, Mr *Henry Lee*, Mr *William Cab-
bell*, Mr *James Mercer*, Mr *John Pendleton*, and Mr *Adams*.

Ordered, That a Committee be appointed to proportion the publick Levy, and that
it consist of the following Persons, *viz.* Mr *Cary*, Mr *Walker*, Mr *Upshaw*, Mr *Wager*, Mr
Fleming, and Mr *Read*.

Mr *Cary*, from the Committee appointed, reported that they had, according to Order,
examined into the Condition of the Publick Gaol, and had found the same much out of
Repair.

On a *Motion* made,

Ordered, That a Committee be appointed of the following Persons, *viz.* Mr *Attor-
ney*, Mr *Wythe*, Mr *Randolph*, Mr *Waller*, and Mr *Everard* to agree with Workmen to
repair the same.

A *Bill* For the Relief of Parishes from such Charges as may arise from Bastard
Children born within the same, was read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

A *Bill* To prevent the Practice of selling Persons for Slaves that are not so, was read
a second Time, and committed to the Committee of Propositions and Grievances.

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¹ Hening, VI, p. 152.

³ Hening, VI, p. 152.

⁴ Not in Hening.

² Not Passed until Oct. 1765.