

they do . . . most heartily co-operate with his Majesty and their Neighboring Governments by granting such effectual Supplies and prosecuting such Vigorous Measures against the Common Enemy," as necessity required.

Primed for a struggle with the Proprietary forces as represented by the Governor and the Upper House, the Lower House proceeded to adopt a series of resolves, or declarations of principles, which had been in great part previously adopted at the October 1722 Assembly, which were ordered to be entered on the Journal (*Arch. Md.*, xxxiv, 440, 441, 442). By these resolves the Committee on Grievances and Courts of Justice, as part of its duty, was directed to scrutinize carefully all new commissions to judges of the several courts of the Province and the forms of oath to be taken by them; to see that no alterations or omissions were made in their wording under which they were required to try and determine cases "according to the Laws, Statutes, Ordinances, and reasonable Customs of England, and of this Province"; and they were further to see to it that a similar oath of office to that made by judges in England should be taken in this Province, which shall specifically declare that they will administer justice without delay to rich and poor notwithstanding any "Letters of the King, the Lord Proprietary, or of any other" to the contrary. It was further declared "That this Province is not under the Circumstances of a conquered Country; that if it were, the present Christian Inhabitants . . . would be . . . not of the Conquered, but of the Conqueror, it being a Colony of the English Nation," nor are the native Indian infidels to be looked upon as conquered "because the Christian Inhabitants purchased great part of the Land they at first took up from the Indians, as well as from the Lord Proprietary." The resolution further asserted that "this Province hath always hitherto had the Common Law, and such general Statutes of England, as are securitative of the Rights and Liberties of the Subject, and such Acts of Assembly as were made in the Province to suit it's particular Constitution," and that in no case should commissions to judges be issued without directions of that nature. The resolves concluded with a protest against a grievance not mentioned in the resolution of 1722, but which in recent years had perhaps rankled more than any other. This related to the export duty upon tobacco shipped out of the Province, all of which went to the Proprietary. The Lower House declared that the levying of twelve pence sterling upon every hogshead of tobacco, and its appropriation by the Proprietary to himself under the act of 1704, was not warranted by law, because it was their conviction that the law terminated when the Province was returned to the Calverts in 1715; but even if it be asserted that the law had continued in force since their restoration, then agreeable to the instructions of Queen Anne, when the act was admittedly in operation, under which she directed that threepence out of the twelve pence be applied to the purchase