

And that it be an Instruction to the said Committee, as a Committee of Courts of Justice, that they observe the Nature of all the Commissions to the several Courts of Judicature within this Province, and that they especially observe any Alterations that may at any Time happen, by accidental Omission, or otherwise, therein: and particularly relating to such Words therein, as require the several Judges and Justices to Hear, Try and Determine, according to the Laws, Statutes, Ordinances, and reasonable Customs of England, and of this Province, or to such other Words as have Relation thereto, and that they shall immediately make Report to the House, of any Alteration that shall at any Time happen in such Commission, and likewise to have regard as near as may be, to observe wherein they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in England.

Likewise Resolved, That it be an Instruction to the said Committee, to inspect the Form of the Oaths of Office, that have been, and now are usually taken by the several Magistrates; and that in case the following Clause be not inserted in the said Oath, it be reported to the House, such Clause being agreeable to the Oath taken by the Judges in England, and resolved to be necessary here; viz.

“ To do equal Law and Right to all the King's Subjects, rich and poor, and not to delay any Person of common Right, for the Letters of the King, the Lord Proprietary, or of any other, or for any other Cause; but if any such Letters come to them, they shall proceed to do the Law, the same Letters notwithstanding.”

And that a Copy of these Resolves be made and given to the said Committee, when they first go out every Sessions, and that making and giving such Copies be the undoubted Duty of the Clerk of this House, and within the Purview of his Oath.

Resolved, also, That this Province is not under the Circumstances of a conquered Country; that if it were, the present Christian Inhabitants thereof would be in the Circumstances, not of the Conquered, but of the Conqueror, it being a Colony of the English Nation, encouraged by the Crown to transplant themselves hither, for the Sake of improving and enlarging it's Dominions; which by the Blessing of God upon their Endeavours, at their own Expence and Labour, has been in great Measure obtained: And 'tis unanimously Resolved, that whoever shall advance, that his Majesty's Subjects, by such their Endeavours and Success have forfeited any Part of their English Liberties, are not Well-wishers to the Country, and mistake it's happy Constitution.

Resolved also, That if there be any Pretence of Conquest, it can be only supposed against the Native Indian Infidels, which Supposition cannot be admitted, 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, and have ever since continued in an amicable Courte of Trade with them; except some partial Outrages and Skirmishes, which never amounted to a general War, much less to a general Conquest; the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the English, of whom we yet frequently purchase their Rights, of such Lands as we take up, as well as of the Lord Proprietary.

Resolved further, 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, as the Rule and Standard of it's Government and Judicature; such Statutes and Acts of Assembly being subject to the like Rules of Common Law, or equitable Construction, as are used by the Judges in construing Statutes in England: Which happy Rules have, by his Majesty and his Royal Ancestors, and also by his Lordship and his noble Ancestors, or some of them, been hitherto approved, by having the Commissions of Judicature, to include Directions of that Nature to the several Judicial Magistrates; unless those Words have at any Time been casually or carelessly omitted by the Officers in this Province, that drew such Commissions.

Resolved, That the Subject Matter of Governor Shirley's Letter, communicated to this House, be taken into Consideration To-morrow Morning.

Mr. Brome, a Returned Member for Calvert County, Appears in the House.

Mr. Wootton, and Mr. Mackall, are sent to the Upper House to see him Qualified: They return, and acquaint Mr. Speaker, that they saw him qualified by taking the several Oaths to the Government required by Law, Signing the Oath of Abjuration, and Repearing and Signing the Test.

The Gentleman takes his Seat in the House.

Ordered, That Mr. Worthington acquaint the Reverend Mr. Gordon with the Request of this House to Read Divine Service at the Hour of Seven in the Morning, and Five in the Afternoon, during this Session.

The Gentleman acquaints the House that the Reverend Mr. Gordon will comply with their Request.

The House adjourns until 2 of the Clock in the Afternoon.

Post Meridiem.

The House met according to Adjournment.

The following Message, viz.

By the Lower House of Assembly, August 6, 1745.

May it please your Honours,  
THIS House hath Appointed Col. Colwill, Mr. Sberdine, Mr. Pemberton, Col. Henry, and Mr. Barnes, a Committee from this House, to Inspect the Accounts and Proceedings of the Commissioners for E-mitting Bills of Credit established by Act of Assembly: And desire your Honours to Appoint one, or more, of the Members of your House, to join the said Committee.

Signed per Order, Wm. TILGHMAN, CL. Lo. Ho.

[Aug. Sess. 1745.]

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