

L. H. J. But Since Your Lordship is pleas'd to take into Your Consideration the Judgment of the Court in that Case we pray your Lordship to be Referr'd to it as Reported in Salkeld 411: where the first Resolution of the Lord Holt and whole Court of King's Bench is Reported in these words viz. "In Case of an uninhabited Country newly found by our English Subjects, all Laws in force in England, are in force there, so it seems to be agreed;" Which Resolution of the Judges, more Solemn than the Common Received Opinions of other Lawyers, might we hope furnish Your Lordship with good Reasons to think favourably of our Claims.

For by this Resolution, it seems, had this Country been uninhabited, all the Laws of England had Extended here by Common Right tho: we had no grant of English Priviledges. We begg your Lordship then to Consider what our Case then differs from Settling an uninhabited Country; since, whether the Country be uninhabited or not, at the time of the Conquest or Occupation, can be no ways Materiall but with Respect to the Laws of the Prior Inhabitants here for they are to be Regarded by such Conquerors or Occupants, as it seems by the Books, and particularly in the second Resolution of the above Case where the Court held that in Case of an Infidell Country, their Laws by Conquest do not Intirely Cease, but only such as are against the Laws of God. This only seems to Relate to the Case of the Conquered or Prior Inhabitants where they are a Polite people Skill'd in arts and Letters under the Regulation of Establisht Laws. But this Country was Inhabited by a Rude Savage & unpolish'd people Ignorant of Arts and of the use of Letters, having no knowledge of the true God, nor any known Laws or Rules of Civill Government, Save what they have Learnt Since the English Settlement. Therefore in Respect to them and to our Laws, we take our Case to be the same as if the Country had been uninhabited and Consequently within the above Resolutions, and if your Lordship Pleases to Consider the Rest of that Report and the Arguments in the Case of Dutton and Howell before the House of Lords reported in Showers Cases of parliament page 31: we doubt not but you will Reap some Satisfaction therefrom in the present Question.

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6: The Advantage of a Legislature here to make Laws to suit our Constitution is a Conveniency without which we Could not well Subsist, But we are not under any Necessity of Parting with all other Advantages for the Sake of that. The Charter Grants us English Rights and Liberties as well as a Share in a Legislature of our own, and we hope these things are not Inconsistent but that we may well Enjoy them