

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 course 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 the rights of such land as we take up, as well as of the lord proprietary

L. H. J.  
Liber No. 52  
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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 its particular constitution, as the rule and standard of its 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

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Resolved, that the levying and taking the sum of twelve pence sterling per hogshead, by the right honorable the lord proprietary of this province, on all tobacco exported out of the same, under pretence and colour of the act of 1704, is not warranted by law

Resolved nemine contradicente, that if the above act of 1704 had been in force from the restoration of the government by the crown, to the right honorable the lord proprietary, to this time; yet the sum of three pence sterling, part of the said twelve pence sterling, agreeable to the plain construction of the above mentioned act of 1704, and her late majesty queen Ann's instructions to her governor here, when the said act was in force ought to be applied towards purchasing of arms, and ammuniton for the defence of this province: Were read, and unanimously approved of. His excellency's speech read a second time

Ordered that an address be prepared to be presented to his excellency, on his speech; and that M.<sup>r</sup> Hollyday, M.<sup>r</sup> Johnson, M.<sup>r</sup> Hall, M.<sup>r</sup> M. Tilghman, and M.<sup>r</sup> Murdock do prepare and bring in the same

The house appointed John Duckett and Edward Ford, clerks to attend the several committees that may be appointed this session