

In response, the Lower House appointed James Stoddart, John Beale, and Daniel Dulany as a committee to examine into the provincial records and report on the facts as to the practice of extension in the past.⁶ The committee reported October 18, asserting that precedents in favor of their position were ample, and basing their assertions on four kinds of evidence: the royal charter, Acts of the Provincial Assembly, commissions and instructions to officers, and judicial proceedings.⁷ The Assembly followed this report by the adoption of an address to the Proprietor⁸ which combated the principles enunciated in his instruction to the Governor, and developed the counter-claims made by themselves. Of this address an outline will be given hereafter.

With the session of 1724 the Lower House seems to have removed its contention from the Statute of Limitations to the broader and somewhat less definite ground of the judges' oaths. Upon the advice of the Committee of Grievances⁹ the Attorney-General was instructed to prepare a form of oath which should be consistent with the principles expressed in the resolutions of 1722. This form he presented October 13.¹⁰ When this went to the Upper House for consideration, the expression that the rule of judicature should be "according to the laws, statutes, and reasonable customs of England, and the Acts of Assembly and the usage of the Province," aroused criticism from that body, because it gave to the judges the power arbitrarily to select what statutes and customs were suitable. After considerable bickering the houses agreed to change the latter part of the phrase so as to read Acts of Assembly, usages, and constitution of the Province.¹¹ Even thus the bill did not receive the Governor's assent. One result of the discussion between the Houses was the approval

⁶ L. H. J. MS., Sept. 30, 1723.

⁷ Printed Votes and Proceedings, pp. 10-11.

⁸ Oct. 21, 1723. Ibid. pp. 17-22.

⁹ Printed Votes and Proceedings, p. 39, Oct. 8.

¹⁰ Ibid. p. 40.

¹¹ Ibid. p. 64.