

Limitations,²¹ Jas. I. ch. 16, is noted; then the old conclusion is urged, to grant the rights of the common law and withhold that of the statutes would be piecemeal and precarious—making their statute rights depend on the Lord Proprietor [with his power of veto].

The concluding argument is a new one, taken from a *non obstante* clause in the royal charter. In the paragraph giving the Proprietor the right to alien lands, and the purchasers to hold them, in any estate [tenure] that seemed expedient. "There is an express provision that it shall be lawful so to do, notwithstanding the Statutes of 18 Edward I, commonly called *Quia Emptores Terrarum*, or any other statute, which we hope sufficiently shows the intent of the prince that made the grant and the sense of that time, that the general statutes of England did or at least would (by that grant) extend here, and that therefore such *non obstante* was necessary, which otherwise would have been useless."

With a request for prompt action in this matter, a complaint against the encroachments of their neighbors upon the Delaware, and a warning against "busy whisperers" who are trying to create "doubts and misunderstandings betwixt Your Lordship and your tenants"—by which the clergy probably are indicated—the address of 1725 comes to an end.²²

With this address of 1725 we may conclude our detailed consideration of the Assembly documents, for though several of a similar type were drawn up, notably the report of the Committee of Laws in 1728, and the address of 1730, these dealt more with the wording of the oath and less with the general principles. As we have seen in chapter III, this question of phraseology was at length compromised, and we also noticed a similar yielding in the opinion of Yorke in 1729.²³

In the preceding year, from the press of W. Parks, in Annapolis, there appeared a small folio pamphlet of some thirty-one pages, written by Daniel Dulany, and bearing the

²¹ Above, p. 36.

²² See above, pp. 21, 38-9.