

Received a Paper from the Southeyers

Gentlemen of the Upper House of Assembly

I have thought necessary

unto you by this that having seen in your House some Bills lately sent
you by the Lower House in which there are some alterations desired by the
Lower House to be made in some of the ancient Statutes Laws of this Pro-
vince I must for the quicker dispatch of the Business of this Assembly
(I having but a few days more to spend with both Houses) declare that many
of those Alterations in the said Bills inserted are such as I shall not be
willing to allow of and because I would have no Bills presented unto me
by this Assembly the day of the Sessions but such as I may safely and be willing
to set my hand unto I do now declare what alterations I will allow of &
to which I will be ready to set my hand when the Bills are presented
desiring that what I now declare by this may not be drawn into an Example
and become Precedent in future Assemblies for my doing this as I have
said before is only to put a speedy end to this meeting which my other ob-
ligations force me to

First as to the Alteration desired to be made in the Act touching
Judicature it is not safe to have Justice administered according to the
Laws of England where the Laws of this Province are silent without due
regard had by the Governor or chief Judge and the Justices in Court to
the Consistency of such Laws of England to the Constitution and Present
Condition of this Assembly it seeming to me unreasonable that since his
Majesty of ever blessed memory out of the fulness of his Royal Power was
graciously pleased to permit me with the Consent of the Freemen to make
such wholesome Laws as should be consonant to Reason and not repugnant
to the Laws of England I should by an Act oblige and tie up the Freemen
of this Province to be concluded by such of the Laws of England as may
touch them or at least be greatly injurious in several respects to them I am
therefore willing to admit of this alteration that where the Laws of this Pro-
vince are silent Justice may be administered according to the Laws of
England if the Governor or chief Judge and the Justices of my Court shall
find such Laws consistent with the Condition of this Province, to a Bill
with this Alteration I will set my hand but not otherwise

Secondly the Alterations desired in the Bill for Punishing of
Certain Offences against the Peace and safety of this Province I do so
against being willing to allow of this amendment only that where
it is left to the Court to Order one or more of the Punishments enumerated