

the Priviledges granted by that Statute, you were really advised to deny us what the Royal Charter grants us; which, we hope, is as far from your Thoughts to impole, as ours to suffer. This Statute hath been put in Practice here whilst the Crown governed; and is, by a genuine Common-Law Construction, easily reconciled to us: For, though the Writs of *Habeas Corpus* therein allowed are grantable by, and returnable before the Lord Chancellor, Judges or Barons therein mentioned, and of the Degree of the Coif; and though we have none such here, yet we esteem the Judges of our superiour Courts to be to us under the like Reason, and consequently under the like Law as the Judges mentioned in the Statute, are to the Subjects in *England*: And although the Statute is, that no Subject resident in *England* shall be sent Prisoner beyond the Seas, (that is) shall be sent from the Place of his Residence, to be imprisoned beyond the Seas, yet; if any Subject here should be sent from hence to be imprisoned beyond the Seas, nay even in *England* it self, unless in the Case where it is particularly ordained *by Statute, such Imprisonment, would be within the Reason of the Statute, and a Breach thereof. And these and the like Constructions are well allowable by the constant Practice of the Judges to be put upon these and other Parts of the Statute: And when your Lordship is pleased to observe, that it has been often adjudged by all the Judges, that this Statute did not extend to the Plantations, we hope your Lordship will not infer from thence any Necessity that it should not extend here, unless all the other Plantations have the like Charter and like Priviledges with ours: For, as our Case and Constitution differ from theirs, so will the Law. As to the Statute of Labourers, (5th of *Elizabeth*,) we have an Act of our own to suit our Constitution, that provides for us in all Cases where that Statute would be inconvenient. And the like of the Statutes of Usury, which Statutes we have heard are disused in many Parts of *England*; and *a fortiori* might be used here had we no Acts of our own in the Case: But, as we have, they fall no ways under our Consideration; and wherever those Evils are found here, that the Statutes of Frauds and Perjuries provides against, we use that Statute with great Satisfaction, as it has been frequently used here, since the first making it; we generally disallowing the *Probat* of Wills, that are not made conformable to it. But these and all other Statutes, are under the like Rules of Common Law or Equitable Construction that are used by the Judges in construing Statutes in *England*, except such Statutes as are in Favour of Priviledge; which, whether Located or General, are so expressly granted us by your Charter, that no Construction can be well admitted against them.

We The Mention we made in our late Address of the Averment of a Council in *Blankard* and *Galdy's* Case, as reported in (4th *Modern*), is agreeable to the Book; and we used it no otherwise than as the Averment of a Council on one Side, not denied on the other, and such we yet find it. But we cannot think the Judgment of the Court was against it, for the principal Case before the Court was on the Statute of the 5th of *Edward* the 6th, and not on the Statute of Limitations. But, since your Lordship is pleased to take into your Consideration the Judgment of the Court, in that case, we refer your Lordship to be referred to, as reported in *Salkeld*, 4th. where the Resolution of the Lord *Hals*, and the whole Court of Kings Bench is reported in these Words, viz. "In case of an uninhabited Country newly discovered by our English Subjects, all Laws in Force in *England* are in Force there, to be agreed: Which Resolution of the Judges more solemn