

lema than the common-received Opinions of other Lawyers, might, we hope, furnish your Lordship with good Reasons to think favourably of our Claims; for by this Resolution it seems, (had this Country been uninhabited;) all the Laws of *England* had extended here by common Right, tho' we had had no Grant of *English* Priviledges. We beg your Lordship then to consider what our Case differs from that of settling an uninhabited Country, since whether the Country be uninhabited or not, at the Time of the Conquest or Occupation, can be no ways material, but with respect to the Laws of the Prior Inhabitants; how far they are to be regarded by such Conquerors or Occupants, as it seems by the Books, and particular in the second Resolution of the above-Case, where the Court held, that in case of an Infidel Country, their Laws (by Conquest) do not entirely cease, but only such as are against the Laws of God: This seems to relate only to the case of the Conquered or Prior Inhabitants, where they are a polite People, skilled in Arts and Letters, and under the Regulation of establish'd Laws: But this Country was inhabited by a rude, Sayage and unpolished People, ignorant of Arts and of the Use of Letters, having no Knowledge of the true God, nor any known Laws or Rules of Civil Government, save what they have learn'd since the *English* Settlement: Therefore, in respect to them and to our Laws, we take our Case to be the same as if the Country had been uninhabited, and consequently within the above-Resolutions; and if your Lordship please to consider the rest of that Report, and the Arguments in the Case of *Dutton* and *Howell*, before the House of Lords, reported in *Showers's* Cases of Parliament, (Page 31.) we doubt not but you will reap some Satisfaction therefrom, in the present Question.

VI. The Advantage of a Legislature here, to make Laws to suit our Constitution, is a Conveniency without which we could not well subsist; but we are not under any Necessity of parting with all other Advantages for the Sake of that: The Charter grants us *English* Rights and Liberties, as well as a Share in a Legislature of our own; and we hope these Things are not inconsistent, but that we may well enjoy them both; and we find it our Happiness that we have a Right to enjoy such *English* Statutes as suit our Constitution; and a Right also (with your Lordship's Assent) to make Laws of our own, instead of such as do not. What Cause we have given your Lordship to suppose us fond of a Word, we cannot imagine, it must needs proceed from Misapprehension, for we assure your Lordship, we are not fond of the Term *Precarious*, nor like any Thing the better for its being so. And we beg your Lordship will give us Leave so far to judge for our selves, as to pursue and persist in, what we our selves account our Happiness, rather than what your Lordship is pleased to call so. We esteem the Conditions and Forms of the Royal Charter to be happy Rules of Government, and our Opinions and the Opinions of our Ancestors that they were so, was what induced them and us to accept of those Conditions, to whose Improvements and Industry, your Lordship now owes the present Fruits you reap from your Proprietorship and Government. And we beg your Lordship to consider that your putting us in mind of the happy Condition the Crown, by your Charter, hath thought fit to place us under, which we ought quietly to submit to, is not an agreeable Way of treating those you are obliged to, for the Successes of your Province: It was no Bounty in the Crown to place us here, unless we had not deserved longer to live in *England*, and that *English* Liberties were given us here, when we had forfeited our Right to them there. This, indeed, would have been a Bounty, and very well have
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