

Resolved Unanimously, That the following be Entered on the Journal, as the Resolves of this House, *viz.*
Resolved by the House, That the Members who are appointed as Members of the Committee of Aggrievances, have likewise the Character of a Committee for Courts of Justice; and that That Character, and the Duty of such Committee, be annexed to the said Committee of Aggrievances, as a standing Part of their Duty. And that it be an Instruction to the said Committee of Courts of Justice, that they observe the Nature of all the Commissions to the several Courts of Judicature within this Province; and that they especially observe any Alterations that may at any Time happen by accidental Omission, or otherwise, therein; and particularly relating to such Words therein, as require the several Judges and Justices to hear, try, and determine, according to the Laws, Statutes, Ordinances, and reasonable Customs of *England* and of this Province, or to such other Words as have Relation thereto; and that they shall immediately make Report to the House of any Alteration that shall at any Time happen in such Commission; and likewise to have Regard, as near as may be, to observe wherein they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in *England*.

Likewise Resolved, That it be an Instruction to the said Committee, to inspect the Form of the Oaths of Office, that have been, and now are usually taken by the several Magistrates; and that in case the following Clause be not inserted in the said Oath, it be Reported to the House; such Clause being agreeable to the Oath taken by the Judges in *England*, and *Resolved* to be necessary here, *viz.*

“ To do equal Law and Right to all the King’s Subjects, Rich and Poor; and not to delay any Person of common Right, for the Letters of the King, the Lord Proprietary, or of any other, or for any other Cause; but if any such Letters come to them, they shall proceed to do the Law, the same Letters notwithstanding.”

And that a Copy of these *Resolves* be made and given to the said Committee, when they first go out every Session; and that making and giving such Copies be the undoubted Duty of the Clerk of this House, and within the Purview of his Oath.

Resolved also, That this Province is not under the Circumstances of a conquered Country; that if it were, the present Christian Inhabitants thereof would be in the Circumstances, not of the Conquered, but of the Conqueror, it being a Colony of the *English* Nation, encouraged by the Crown to transplant themselves hither, for the Sake of improving and enlarging it’s Dominions; which, by the Blessing of GOD upon their Endeavours, at their own Expence and Labour, has been in great Measure obtained: And ’tis *Unanimously Resolved*, That whoever shall advance, that his Majesty’s Subjects, by such their Endeavours and Success, have forfeited any Part of their *English* Liberties, are not Well-wishers to the Country, and mistake it’s happy Constitution.

Resolved also, That if there be any Pretence of Conquest, it can be only supposed against the Native *Indian* Infidels; which Supposition cannot be admitted, because the Christian Inhabitants purchased great Part of the Land they at first took up from the *Indians*, as well as from the Lord Proprietary, and have ever since continued in an amicable Course of Trade with them; except some partial Outrages and Skirmishes, which never amounted to a general War, much less to a general Conquest, the *Indians* yet enjoying their Rights and Privileges of Treaties and Trade with the *English*, of whom we yet frequently purchase their Rights of such Lands as we take up, as well as of the Lord Proprietary.

Resolved further, That this Province hath always hitherto had the Common Law, and such general Statutes of *England*, as are securitative of the Rights and Liberties of the Subject, and such Acts of Assembly as were made in the Province to suit it’s particular Constitution, as the Rule and Standard of it’s Government and Judicature; such Statutes and Acts of Assembly being subject to the like Rules of Common Law, or equitable Construction, as are used by the Judges in construing Statutes in *England*; which happy Rules have, by his Majesty and his Royal Ancestors, and also by his Lordship and his Noble Ancestors, or some of them, been hitherto approved, by having the Commissions of Judicature to include Directions of that Nature to the several judicial Magistrates; unless those Words have at any Time been casually or carelessly omitted by the Officers in this Province, that drew such Commissions.

Resolved, That the Levying and Taking the Sum of Twelve Pence Sterling *per* Hoghead, by the Right Honourable the Lord Proprietary of this Province, on all Tobacco exported out of the same, under Pretence and Colour of the Act of 1704, is not warranted by Law.

Resolved, Nemine Contradicente, That if the above Act of 1704 had been in Force from the Restoration of the Government by the Crown to the Right Honourable the Lord Proprietary, to this Time; yet, the Sum of Three Pence Sterling, Part of the said Twelve Pence Sterling, agreeable to the plain Construction of the abovementioned Act of 1704, and her late Majesty Queen *Anne*’s Instructions to her Governor here
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