

VOTES AND PROCEEDINGS, OCTOBER 1771.

- VI. That if any Member, bound to attend this Assembly, shall be absent at the House and Place appointed, after the Speaker and Twelve of the Members are met, according to the Order for Sitting, shall be fined according to the Discretion of the Speaker, not exceeding Five Shillings for any Offence, unless upon such Excuse as the Speaker shall admit of.
- VII. All Misdemeanors which shall happen in the House shall be censured or fined in the House.
- VIII. That no Bill shall be read, at any Time during this Session, till all the Members in Town shall be called in, except on some Excuse to be admitted by the Speaker.
- IX. That if any Member of this House do depart, without Leave from the honourable Speaker and the House, such Member shall forfeit all his preceding Allowances due to him for his Attendance that Session.

The following Resolves, viz.

RESOLVED BY THE HOUSE, That the Members, who shall be 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, be 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 when they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in England; and also, to enquire and report, whether it appears that the several Magistrates in this Province have been duly qualified agreeable to Law.

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 Conquerors, it being a Colony of the English Nation, encouraged by the Crown to transplant themselves hither, for the sake of improving and enlarging its Dominions; which, by the Blessing of GOD, upon their Endeavours, at their own Expence and Labour, has been in a great Measure obtained: And it is unanimously RESOLVED, That whosoever shall advance, that his Majesty's Subjects, by such their Endeavours and Success, have forfeited any Part of their English Liberties, are not Wellwishers to the Country, and mistake its happy Constitution.

RESOLVED ALSO, That if there be any Pretence of Conquest, it can be only supposed against the native Indian Infidels; which Supposition can not 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.

RESOLVED FURTHER, That this Province hath always hitherto had the Common Law, and such general Statutes of England, as are Securative of the Rights and Liberties of the Subject, and such Acts of Assembly as were made in the Province to suit its particular Constitution, as the Rule and Standard of its 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 above-mentioned Act of 1704, and her late Majesty Queen Anne's Instructions to her Governor here, when the said Act was in Force, ought to be applied towards the purchasing of Arms and Ammunition, for the Defence of this Province.

Were read, and unanimously approved of.

The following Message, viz.

By the LOWER HOUSE of ASSEMBLY, October 3, 1771.

May it please your HONOURS,

THIS House hath appointed from Nine o'Clock in the Morning until One in the Afternoon for its Sitting every Day during this Session for the Dispatch of the Publick Business.

Signed by Order,

JOHN DUCKETT, Cl. Lu. Ho.

Was sent to the Upper House by Mr. Meale and Mr. Harrison.

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