

Force restrain'd to *England, Wales, and the Town of Berwick on the Tweed*, no Law in the Plantations can properly be said to repugn it ; because whatever Diversity there may be between them, yet one having no Manner of Relation to the other, they are not repugnant. I believe I am right in my Logick, but am sure I am as to the legal Acceptation of the Phrase, because what I advance is founded on the Words of an Act of Parliament. It is the 7th and 8th of King WILLIAM, which (Cap. 22. Sect. 9th) Enacts, *That all Laws, By-Laws, Usages, or Customs at this Time, or which hereafter shall be in Practice, or endeavoured or pretended to be in Force or Practice in any of the Plantations, which are in any wise repugnant to the before-mention'd Laws or any of them, SO FAR AS THEY DO RELATE TO THE SAID PLANTATIONS, OR ANY OF THEM, or which are any ways repugnant to this present Act, or any other Law hereafter to be made in this Kingdom, SO FAR AS SUCH LAW SHALL RELATE TO AND MENTION THE SAID PLANTATIONS, are illegal, null, and void, to all Intents and Purposes whatsoever.* If then we'll take the Sense of the Phrase from an Act of Parliament, (and where can we have a better Expofitor ?) no Man will pretend that there ever was a Law made in the Plantations repugnant to the Laws of *Great-Britain*. And yet I am apt to think that if an Assembly should do a Thing so illegal, they ought to be punish'd for it themselves, and not their Constituents. They were chosen and delegated by the People to frame Laws according to the Powers given them by their respective Charters, which if they exceed, why should a whole Country suffer for their Offence ? This would be to punish the Innocent for the Guilty, and is not agreeable to the Law in other Cases, where if the Trustee does any Act that is illegal and beyond his Trust, the *cestuy q Trust* is not obliged by it, nor to be hurt for it.

If the Words will receive any other Construction than what the Act of Parliament has put upon them, I think it must be suppos'd to be this ; that the Patentees should not under Colour of their particular Charters, presume to make any Laws inconsistent with the great Charter and other Laws of *England*, by which the Lives, Liberties, and Properties of *Englishmen* are secur'd. It seems reasonable eno' to think that the Crown might intend by this Injunction to provide