

ask this one short Question,—How the People of Maryland, can have the Benefit of what is granted them by the Charter, if they are deprived of the Means, viz. The Benefit of All the Laws that are necessary to secure them, in the Enjoyment of what is granted.

It seems very strange to me, that any One in his Senses, should imagine it out of the Prince's Power to treat his Subjects in this remote Part of his Dominions, with Mercy, Clemency, and Tenderness; or to confer so great a Favour on them, as the Laws of their Mother Country: But that he may treat them with Rigour and Severity: This, as strange as it seems, hath been advanced by an eminent Lawyer, as I am inform'd: And others, of less Knowledge, relying (I suppose) on his authority, and Judgement, have given into the same wild Sentiments: I shall use no other Arguments to confute such extravagant Notions, so void of Loyalty, and Common Sense, but a Passage out of the celebrated Mr. Waller's speech, in Parliament; wherein he elegantly exposes some Men's Notions of the Law, not unlike those whom I have been speaking of, in relation to the King's Power: "As if the Law, says he, was in Force for the Destruction of the Subjects, and not for their Preservation; that it should have Power to kill, but not to protect them: A Thing, no less horrid, than if the Sun should burn Us, without lighting Us; or the Earth serve only to bury, and not to feed and nourish Us! It may, probably, be supposed, that I give up the first Right, I mentioned; by laying so great a Stress on that which is deriv'd from the Charter:—But I am far from it.—For I should think the Right good, had the Charter never been made; as were the

p. 28 Rights of English Men, to all the Liberties, confirmed by Magna Charta, and other subsequent Statutes, before they were made: And as the Confirmation of the Subject's antient or Common-Law Rights, by several Acts of Parliament, is very beneficial to the Subject; so the Grant, or Confirmation of the same Liberties by the King, to the People of Maryland, is also very advantageous. It is no new Thing, even in particular Cases, to have a Grant from the King, to a private Person, of a Thing in which he really had a Right, and the King had none.* It hath been objected, that truly,

* The Possessions of the Prior of Shields, were seized into the King's Hands, because (as it was alledg'd) he was an Alien; Whereupon he sued a Writ of Right to the King; setting forth, that at another Time, he was Prior of Andover; and his Possessions were seized into the King's Hands; although he was the King's Subject, born in Gascoin, within the King's Allegiance: Upon this, the King, of his special Grace, commanded his Escheator to make Restitution; and yet the Judges declared, The King had no Right to seize. So was it done, in the Case of Reniger and Fogasa, in the Commentaries, p. 20. Only, no mention is made of the King's special Grace.