

of the English and Scottish monarchies in the person of James I. For details as to the desire of James to secure for his Scotch subjects the rights of citizenship in the richer land of the South, and the general history of the "Post-nati," we must refer to the historical writings of Gardiner and Hallam, and here direct our attention to a test case, known as Calvin's Case, made up in connection with the Post-nati decision that citizens of Scotland born after James' accession were to be accounted as legally naturalized in England. In Calvin's Case the Judges enunciated certain opinions as to the position of "dependencies" with relation to the central government. A dependency, they held, was a "parcel of the Realm in tenure," and Parliament might make any statute to bind such dependency, where the latter was definitely named; but without such special naming a statute did not bind.

At the same time the judges went into an extended classification of the dominions dependent on the British Crown. These they divided into

1. Christian countries to which the laws of England have been given by King or by Parliament.
2. Countries which come to the King through inheritance. In neither of these can the King "change" the laws.
3. Conquered countries inhabited by Christians. Here the laws of the conquered remain in effect until the King changes them,—which is entirely within his prerogative.
4. Conquered heathen countries at once lose their rights or laws by the conquest, "for that they be not only against Christianity, but against the law of God and of nature, contained in the Decalogue." As to these, the monarch "by himself and such judges as he shall appoint, shall judge them and their causes according to natural equity . . . until certain laws be established among them."¹

¹ 7 Rep. 17. We have followed the analysis in Snow: *The Administration of Dependencies*. The case was almost always cited whenever the question came up. Of especial interest is Lord Mansfield's brief consideration of it in the Grenada Judgment (*Campbell v. Hall*), 1774. His remarks were published in pamphlet form as *Lord Mansfield's Speech on Giving the Judgment of the Court of King's Bench . . . in the Case of Campbell v. Hall . . . London, 1775; A New Edition, Corrected*. He calls attention to the "absurd exception, as to pagans . . . (which) shows the universality and antiquity of the maxim." The earlier history of these principles, before Calvin's Case, lies beyond our discussion. It may be noted, however, that they belong to International Law.