

Lastly, the reader is referred to Mansfield's decision in the case of *Campbell v. Hall*.<sup>12</sup> Here the same general principles were stated more elaborately in six propositions, which need not be quoted at length upon the present occasion, as the time and place of the matter at issue lie too far from the limits described for this paper.

These opinions, judicial decisions, and the authority of Blackstone suffice to illustrate the legal theory with which we have to compare the claims put forth by the Maryland colonists. With the cases and decisions that come later, and with the modern classification of the British colonial system, we are not here concerned.<sup>13</sup> It must be remarked, however, first, that the opinions we have quoted show a process of development, and some lack of harmony; second, that while the principles as to extension which Blackstone lays down did, in American courts generally, become the accepted theory of the transfer of English law,<sup>14</sup> a different attitude was assumed towards his consideration of the American possessions as conquered territory; and thirdly, that as Reinsch has shown, the legal theory is not universally supported by the actual facts in the legal history of the colonies.<sup>15</sup>

As we have not undertaken any but the barest statement of this legal theory, so our reference to the experiences of other colonies must be of the briefest. While in every group of colonies incidents turned upon or called in question the same points as the Maryland controversy, and although no

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<sup>12</sup> I Cowper, 204. See also the pamphlet mentioned above, p. 18, n. 1.

<sup>13</sup> For a general discussion of the later development of the theory see Burge W., *Commentaries on Colonial and Foreign Laws Generally, and in their conflict with each other and with the Law of England*. London, 1838. Here will be found the story of the proclamations of 1763—the Grenada judgment, etc. For Canada and the Quebec Case, see also Coffin. *The Province of Quebec and the early American Revolution*. See also Egerton, H. E.; *A Short History of English Colonial Policy*, ch. iv.

<sup>14</sup> *Van Ness v. Packard*, 2 Pet. 137.

<sup>15</sup> Reinsch; *English Common Law in the Early American Colonies*, *passim*.