

another veto followed.²² In view of this third dissent in this one matter, and not to speak of the numerous negatives to other laws of the same period, we are not surprised to find the Lower House passing a resolution against the use of this power,²³ a power which, we must remember, the Crown had ceased for some time to employ in England. This had no effect, apparently, upon the Proprietor, for a fourth attempt to find a form agreeable to him met with the same treatment. This was an Act of 1730, in which the words ran "according to the reasonable customs of England and the laws and statutes thereof as are or shall hereafter be enacted agreeable to the usage or constitution of this Province." He was specially urged by both Houses to assent to this, but to no avail.²⁴

Meanwhile had appeared from the press the most important of all the writings which the controversy drew forth. This was Dulany's "The Right of the Inhabitants of Maryland to the Benefit of the English Laws," and to it we shall hereafter devote separate consideration. A comparison of dates makes it not improbable that to the agitation of these years, and, perhaps, to the influence of Dulany's pamphlet, is to be ascribed the somewhat more liberal opinion of Yorke, in 1729. This, as we noted in the preceding chapter, contains in its phrases a distinct air of concession.

The next year brought to the government the good sense of Samuel Ogle. No wonder that he wrote home to tell Lord Baltimore that the country was "as hot as possible about the English statutes and the judges' oath,"²⁵ or that he recommended giving places to "Bodeley and Delany."²⁶ Before this, the uncertainty in the matter had led to great confusion, some officers taking one form of oath, others another. Now some refused to take any.²⁷ In 1731 another oath bill was

²² L. H. J. MS. 1728, passim. Bacon, Laws of Md., Act of 1728, ch. 1.

²³ L. H. J. MS. 1729, Aug. 5.

²⁴ Ibid. 1730, passim. Bacon, Laws of Md., Act of 1730, ch. 1.

²⁵ Calvert Papers (printed), Vol. II., p. 82.

²⁶ Ibid. p. 85.

²⁷ Mereness, p. 276.