

legislative adoption is accepted as very influential by the courts of Maryland. So that McMahon's conclusion is still true. "The English statutes thus introduced by colonial usage, and resting upon it alone for their efficacy even at this day, may truly be called the *common law of Maryland*."³⁹

³⁹ McMahon, p. 131. The history of the Adoption of English Law in Maryland since 1776 is given in an article by Bernard C. Steiner in 8 Yale Law Journal 353 (May, 1899). The Constitution of 1851 claimed the "benefit of such English statutes as existed on the fourth day of July, 1776; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law and Equity." The Constitutions of 1864 and 1867 repeated these words. It will be noted that the two classes of statutes referred to in the Constitution of 1776 have been reduced to one.

We may also note that in the case of the *State v. Buchanan* (5 H. & J. 356) the Court claimed that the settlers were "in the predicament of a people discovering and planting an inhabited country" and that they were neither conquerors nor conquered. Further decisions on this point in the Maryland courts are discussed in Steiner's article.