

tion.⁵ Thus we come to the session of 1725, and to the manifesto sent by the Proprietor through the medium of the Governor. Now, the Proprietor made no such curt and dogmatic denial of his opponents' position, as he had done in 1723. Instead, his statement was long, carefully prepared, and argumentative in tone. He disclaimed any intention to deny that the Marylanders were "His Majesty's subjects" or to assert that their Province was a conquered country. Pointing out the antiquity of the question at issue, and the failure of the Assembly to settle it in the past, he returned to the basis of authority and the adverse opinions of the best lawyers in England.

Moreover, he cited certain Acts which logically came under the claims of the colonists, but which were known *not* to extend to the colonies. The first adduced is the Habeas Corpus Act. This has "often been adjudged by all the judges not to extend either to Ireland or the plantations, which is as strong a case as can be mentioned, as it is in favor of liberty and the terms of the Act as general as can be."

Along with the Habeas Corpus Act the Proprietor mentions the Statute of 5th Elizabeth, "about servants,"—which, if extended to the plantations, "would be destructive to the very being and constitution of them"—the Statute of Usury, and that to prevent frauds and perjuries,⁶ and many others which have been expressly and often held not to extend to the plantations, when doubted, either by the courts of law, or before the King and Council, and yet these are general laws of equal obligation with any other law or statute whatever.

From the presentation of Acts which refuted the assertion of the country party, the Proprietor turned to their argument from *Blankard v. Galdy*. He

"little thought to find a position introduced with that solemnity to be only the saying of a single counsel, on one side of the question, in opposition to the averment of the counsel on the other

⁵ Above, pp. 34-5.

⁶ The argument from these acts seems to be taken from *Blankard v. Galdy*, as reported in 4 *Modern*, 222-3.