

side and contrary to the resolution of the Judges in that very case, viz. that Jamaica was not bound by our laws unless particularly mentioned therein, but by their own particular laws and customs." The charter of Maryland made full provision for legislation, and the inhabitants "will find it, I believe, your Happiness, if the Statutes of England, not expressly located thither, are not in the gross in force among you."

These two lines of argument were in answer to those submitted by Dulany and his followers. Now, a third is initiated by the Proprietor, with an evident idea of special impressiveness.

"I cannot but observe to you, at this time, what his most gracious Majesty has been pleas'd to do, in relation to the English Statutes taking place in the Plantations, in a particular case of Jamaica, where an act was lately made, instituted an Act for making his Majesty's Revenue Perpetual, and augmenting the same, and continuing and declaring what Laws are in Force in this Island." This act was disallowed by the King and Council on the advice of the Commissioner of the Treasury and the Commissioner of Trade and Plantations and the Attorney and Solicitor-General "for that the said Act might possibly introduce the whole body of the English laws to become laws of Jamaica, in cases not particularly provided for by laws of their own, which in many cases were by no means competent, but might be a great mischief, and be attended with many inconveniences, both to his Majesty's government in that island and to the estates and commerce of his Majesty's subjects there."⁷

The Maryland resolutions are therefore in error. At the time of this decision it was recommended to His Majesty to allow the Jamaicans to enact *de novo* the particular statutes suitable to them. The same privilege, the Proprietor declared, he offered to the inhabitants of Maryland.⁸

Thus far, the Proprietor might be said to have the best of it. He had adduced high legal authority in favor of his position; he had cited examples to disprove the colonial argument; and he had quoted a recent case which represented a legal parallel to the situation in Maryland.

He was dealing, however, with one whose reputation for legal ability was not unfounded. In reply to Baltimore's letter, the Committee of Laws prepared for the Lower House

⁷ This one of the many attempts by the Jamaicans failed: but in 1728 they were successful to some degree. See above, chapter ii.

⁸ Above, p. 36.