

another address, brought in October 8th, 1725. After polite introductory remarks, this address repeated what was apparently the battle-cry of the country party, that Maryland was settled by occupation and not by conquest—and then started in for rebuttal.

First, the Proprietor was told that the Assembly was aware of the adverse opinions of lawyers with respect to the other plantations, but knew of no controversy in this except this with His Lordship.

Secondly, the Habeas Corpus, the Statute of Laborers, and the Statute of Frauds and Perjuries are taken up, and the arguments of the Proprietor are met in a manner skillful if not convincing. This point is of the more interest, as the Habeas Corpus Act was that, of all others, over which the colonies generally expressed interest. The result was the strong assertion that the Act did not extend to the plantations: and in Virginia we find this theory put into practice, when the Act is definitely extended to a particular colony by the somewhat doubtful method of a royal instruction. It is with some interest, therefore, that we turn to Dulany's handling of this matter.

The Habeas Corpus Act, the Proprietor had said, was a general Act, and yet did not extend to the plantations. On the contrary, says Dulany, it has *as express words of local limitation* as any statute—especially in the eleventh and twelfth paragraphs. The damaging authority of this law thus weakened, Dulany proceeds to avoid the admission that Maryland does not enjoy its privileges. *They do claim this statute, for it gives privileges to Englishmen, and the charter expressly grants them all the liberties, franchises, and privileges of Englishmen, with a general non obstante.* This statute was put in practice here while the Crown governed, and is, by a common-law construction, easily reconcilable here. This is argued at length; then it is once more urged that the fact that the Act does not extend to other plantations *must not argue against its extension to Maryland, unless the other*