

plantations are shown to have the same charter and like privileges.

In the case of the Statute of Laborers, they have an Act of their own, likewise in the case of the Statutes of Usury, which they "hear are disused in many parts of England." The Statute of Frauds and Perjuries is used here. These and all other statutes are under the rules of common law that are used by the judges in construing statutes in England, except such statutes as are in favor of privilege, which, whether located or general, are expressly granted by the charter.\*

From the discussion of the Habeas Corpus Act and the other statutes, the address proceeds to a further consideration of the case of *Blankard vs. Galdy*. The Proprietor had accused the Assembly of quoting only counsel on one side. Dulany admits this, but retorts that this was not denied by the other, and that the Proprietor is mistaken in his quotation. In his error there are two parts. First, the adverse judgment was not upon the Statute of Limitations but another; and, secondly—and of greater importance—reference to Salkeld's report of the case shows that the first resolution of Lord Holt and the whole court declared the extension of all laws in force in England to an uninhabited country, newly found by English subjects. This, moreover, was by common right, and not by charter. Now, a country inhabited only by savages is like an uninhabited country, with respect to the law of the new-

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\*The extension of the Habeas Corpus Act to the Colonies has been made the subject of a paper by Dr. A. H. Carpenter, in the *American Historical Review* for October, 1902, pp. 18-27. This contains no reference to the controversy in Maryland, except the citation of *Yorke's opinion of 1729*, which is left without comment. With reference to the other Colonies, the article furnishes a valuable narrative. The *Act* did not extend to the Plantations (except to Virginia, after 1710, through the royal proclamation of doubtful authority, and to S. Carolina, where the statute was re-enacted), but the Colonists claimed and used the Common Law right of Habeas Corpus, which they strengthened by provisions in their court laws, and by very strict bail laws, with heavy penalties for their non-fulfillment. The practice in Maryland was apparently similar, but *Dulany's claims went beyond this*.