

comers; Maryland, therefore, lies within the scope of the resolution of the Chief Justice.

The Proprietor reminded them that they had a legislature of their own. This, Dulany replied, was for convenience, and did not remove their right to English laws, which they considered "a happiness." He proceeds:

"And we beg your Lordship to consider that your putting us in mind of the happy condition the Crown, by your charter, hath thought fit to place us under, which we ought quietly to submit to, is not an agreeable way of treating those you are obliged to for the success of your Province. It was no bounty in the Crown to place us here, unless we had not deserved longer to live in England, and that English Liberties were given us here, when we had forfeited our Right to them there. This would indeed have been a Bounty and very well have admitted a Propriety in the Expression you use, 'That the Crown thought fit to place us under.' But we take leave to observe, That the Crown had no Right to give us other Conditions than in common with our Fellow-Subjects, nor to place us here or elsewhere, but by our own Consents. And we hope that you will not take it ill, that we again remind your Lordship, we are His Majesty's Subjects, and have equal Right with others to breathe British Air, and that your Lordship's Prerogatives, and your Tenants' Privileges are both dependant on the same Royal Grant, and that your Lordship and we are both subjects to One Just and Gracious Prince, who will not countenance the abuse of his People in the remotest corner of his Dominions. And therefore we beg your Lordship will give your Secretary better Impressions of us than to treat us so much like men that owe their Lives and Liberties only to your Charter."

Thirdly, considerable space is then taken up in emphasizing the differences between the recent Jamaica case and the situation in Maryland. The former was introducing statutes she had not had before; must Maryland re-enact *de novo* statutes that she *had* used?¹⁹

Having thus answered Baltimore's letter point by point, Dulany adds further arguments from precedent, gleaned from the early records of the Province, some of which show the difficulties through which the early colonists had passed. When an English Act was doubtful, they had passed Acts to make it applicable to their needs, and the very modification was an argument that without such modification the English law was in effect. The change of this nature in the Act of

¹⁹ Compare the facts as given in ch. ii.