

France, is met by emphasizing the fact that these countries were already civilized and had laws of their own. The consideration of the Earl of Derby's Case, and Calvin's Case, leads up to a long citation from Grotius on the wisdom of yielding even to a conquered country its own laws. But *Maryland*, argues Dulany, is not conquered, or, if so, only as against the Indians. The English settlers have lost no rights.

This finishes the first task, the establishment of those rights on the ground of English citizenship. To this is now added, by way of reinforcement, a second line of argument based upon the rights conferred by the royal charter. By the terms of this grant, all rights of Englishmen are distinctly and incontestably bestowed on the freemen of *Maryland*. In this way the former method of reasoning applies. The statutes of England were necessary to the safe enjoyment of these rights and continue to be their defense.

After condemning the adverse opinion of "an eminent lawyer," Dulany clearly states that the charter does not really give these rights, as new ones, but merely recognizes them as existent, as was the case in *Magna Charta* in England. The argument that, because *Maryland* has her own Legislature, she cannot have English laws he considers futile; for the different circumstances of the colony necessitate changes which can only be decided by a local body. It does not follow that the Legislature of *Maryland* can enact for that Province all the English statutes.

The concluding paragraphs are in some ways the most interesting of all; for here, deserting the argument from the English law, he proposes a Lockean theory of society, and applies this to the settlers of *Maryland*. If these agreed to make the law of their mother country their own law, and on long experience are convinced of the equality and justice of them, "Will anyone say that they are obliged to change those laws, or to have them upon any other terms than they have always had them, without their own consent, or the interposition of the supreme authority of their mother country." The familiar and long-continued reception of the English