

Rights of *English* Men, to all the Liberties, confirmed by *Magna Charta*, and other subsequent Statutes, before they were made : And as the Confirmation of the Subject's antient or Common-Law Rights, by several Acts of Parliament, is very beneficial to the Subject ; so the Grant, or Confirmation of the same Liberties, by the King, to the People of *Maryland*, is also very advantageous. It is no new Thing, even in particular Cases, to have a Grant from the King, to a private Person, of a Thing in which he really had a Right, and the King had none. *

IT hath been objected, that truly, We have a Power of Legislation ; that if any of the *English* Laws, are suitable to the Circumstances of the Province, we may enact them a-new : And from thence, 'tis inferred, that there is no Reason, to contend so much for the *English* Laws ; and, indeed, that we have no Right to them, since we are so amply provided for otherwise. To this I answer,

THAT the Power of Legislation, granted to the Lord Proprietary, and the People of *Maryland*, was design'd as a Benefit, and not as a Prejudice : For it could hardly be suppos'd, that a New Colony, vastly distant from their Mother-Country, expos'd to the Insults of a cruel and savage Enemy ; and inhabiting a Wilderness, must not be at a Loss, in some particular Cases, to apply the Rules of the Common-Law, or general Statutes ; (were they ever so conversant with them,) which happens to be the Case, in *Great-Britain*, it self, and occasions the making of new Statutes, almost every Session of Parliament ; and not to

* The Possessions of the Prior of *Sbiells*, were seized into the King's Hands, because (as it was alledg'd) he was an *Alien* ; Whereupon he sued a Writ of Right to the King ; setting forth, that at another Time, he was Prior of *Andover* ; and his Possessions were seized into the King's Hands ; although he was the King's Subject, born in *Gascoin*, within the King's Allegiance : Upon this, the King, of his special Grace, commanded his Escheater to make Restitution ; and yet the Judges declared, The King had no Right to seize. So was it done, in the Case of *Reniger* and *Fogasa*, in the Commentaries, p. 20. Only, no mention is made of the King's special Grace.