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**GEORGE LEAKIN SIOUSSAT**

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THE ENGLISH STATUTES  
IN MARYLAND

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## CONTENTS.

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	PAGE.
INTRODUCTION. THE RELATION OF THIS STUDY TO THAT ENTITLED ECONOMICS AND POLITICS....	7
CHAPTER I. THE LEGAL SYSTEM IN MARYLAND TO THE END OF THE ROYAL GOVERNMENT.....	II
CHAPTER II. THE LEGAL THEORY AS TO THE EXTENSION OF ENGLISH STATUTES TO THE PLANTATIONS, AND SOME PRACTICAL ILLUSTRATIONS FROM OTHER COLONIES.....	17
CHAPTER III. THE TEN YEARS' CONTROVERSY, 1722-1732, AND THE FINAL POSITION OF THE ENGLISH STATUTES IN MARYLAND LAW....	31
CHAPTER IV. THE ARGUMENTS IN THE DEBATE OF 1722-32	43
CHAPTER V. RESULTS OF THE CONTROVERSY—DIRECT AND INDIRECT.....	61
APPENDICES.....	71





## THE ENGLISH STATUTES IN MARYLAND.

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### INTRODUCTION.

The study here presented, though itself forming a complete whole, is also a sequel to the former monograph, "Economics and Politics in Maryland, 1720-1750," etc. In that paper it was shown that these years of Maryland history, neglected by most writers, or regarded as quiet and uneventful, constituted really a period of great disturbance. This was on agricultural grounds, primarily, because the tobacco crop was so excessive that prices, fixed in England, became lower and lower, and the colonists were reduced to poverty. Consequently, violent attacks were made not merely against the Proprietor, but also against those classes whose incomes were derived from fees or salaries—the lawyers, the clergy, and the proprietary officers. After long wrangling over methods of betterment, the economic condition of the provinces was at length improved through limitation and regulation of tobacco planting, through the development of a more varied agriculture, and through the importation of a different sort of immigrants. During this period, also, there appeared as one of the leaders in many of these measures the elder Daniel Dulany, who first as a popular leader, and then as a proprietary officer, on the one hand laid the foundation for the power exercised in the next epoch by his sons and other relatives, and on the other devoted himself in more ways than one to the furtherance of the economic and political welfare of the colony.

Throughout a large part of this same period, or, to be exact, from 1722 to 1732, another controversy was heatedly

waged—that over the extension to Maryland of Acts of the English Parliament. This controversy, which was referred to very briefly before, constitutes, with its causes and results, the main subject-matter of the present essay. The bare narrative of the affair has been given by McMahon, and somewhat less satisfactorily by Mereness; but in neither case has the treatment been very broad, and the course of events in Maryland has not been set in due relation to the general history of Great Britain or the other colonies. It is the wider outlook attempted in this paper which must justify the repetition of some parts of the story that have been told before.

It will conduce to clearness if the order of treatment be outlined at the start. First, the development of the question in Maryland is carried down from the earliest times to the end of the royal government. Here, as the colony grows, we see the development of a legal system, twisted out of natural progress by peculiarities of the Maryland palatinate government. Then, leaving the discussion of Maryland, we trace briefly the legal doctrine declared by English judges and lawyers, the value of which, for purposes of comparison, is equaled only by the information derived from the experience of other colonies, parts of which receive some discussion. Next, the reader is brought back to the legislative history of the dispute, in the decade 1722-1732, and in the later phases to the present time. The narrative part of the work thus concluded, we turn to the more interesting consideration of the arguments in the debate, as exhibited in certain important documents. Lastly, inquiry as to the total effect of these arguments in their relation to English and American colonial history leads us to a résumé and conclusion.

While references to authorities are given in the notes, a brief bibliographical statement will be in order. The sources for these studies are found chiefly in the records of the Assembly of Maryland. For the greater part of the seventeenth century these have been printed in the Maryland Archives, but for the eighteenth century they are entirely in manuscript form, except for a few printed "Votes and Pro-

ceedings," usually incomplete. Next in importance are the Calvert Papers, mostly manuscripts, but in part printed. The manuscript matter in the Public Record Office in London is not so satisfactory for this as for some other periods of Maryland history. Other manuscripts have been examined in the library of the Maryland Historical Society, the Episcopal Library in Baltimore, and the library at Fulham Palace. Important also are the pamphlets of Dulany and others, and the files of the Maryland Gazette.

As guides, we have for Maryland McMahan, to whose judgment, though he wrote seventy years ago, we turn with respect, as do students of English history to the classics of the late Bishop of Oxford. The book of Mereness is of constant help, but contains minor errors as to this matter, and suffers from the lack of any comparative method. Besides these, several monographs in the Johns Hopkins Studies, and in the reports of the American Historical Association, especially those of Dr. Steiner, are to be consulted.

In Virginia there is, unfortunately, little that bears on the eighteenth century, to which period Bruce's valuable work does not extend. Ripley's Financial History covers that one side. For Pennsylvania we have followed Shepherd's monograph on the Proprietary Government of that Colony, and Lincoln's on the Revolutionary Movement. For Carolina McCrady's recent History, and for Jamaica the venerable work of Long have been our authorities.

The legal side has been followed out through Harris and McHenry's Maryland reports, the English reports, Chalmer's Opinions, Annals and Introduction, with Burge for the modern period, supplemented by the recent works of Egerton and of Snow. Frequent reference is made, also, to Reinsch's dissertation on the English Common Law in the American Colonies, which is very good as far as it goes.

With reference to the English statutes, the reader is reminded that we have written particularly concerning Maryland, and have introduced the experience of other colonies only to the extent of comparison. At some future time this