

STATUTES
AND PARTS OF STATUTES
FOUND APPLICABLE,
BUT NOT PROPER TO BE INCORPORATED.

Magna Charta, 9 Hen. 3.—A. D. 1225.

CHAP. 1. A confirmation of liberties.

From the importance which has been attached to the great charter in England, and the light in which it is still viewed by the people of that government, it becomes material to enquire how far the inhabitants of the province were entitled to its benefits; what portion of those benefits we have now a right to claim, and how far (considering the rights established under our own government) it will be expedient to introduce, and incorporate into the body of our statute law, this former charter of our liberties?

In speaking of the extention of this charter to the province, it must be understood with an exception of such parts as were entirely of a local nature, and could not in practice have been applicable to the circumstances of the people; and with this exception, there is no doubt but that it did extend, and was in full force therein. The 10th section of the grant to lord Baltimore, ordained, that the subjects transplanted into the province, and their descendants, should be natives and liege men of the kingdom of England and Ireland, and should likewise possess all privileges, franchises and liberties of the kingdom of England.

The act of assembly 1638, Ch. 2, declared that holy church within the province, should have all her rights and liberties, and that the inhabitants should have all their rights and liberties according to the great charter. And among the thirty-six laws or drafts of laws that were read in the same assembly, but not passed, there was one for the liberties of the people, declaring that all christian inhabitants (slaves excepted) should have and enjoy all such rights, liberties, immunities, privileges and free customs within this province, as any natural born subject of England had, or ought to have or enjoy in the realm of England by force or virtue of the common law, or statute law of England.

The rights and liberties granted, or rather confirmed by the great charter, were not inconsistent with those that were afterwards established by the *petition of right*, under Charles 1st. The bill of rights, 1 W. and M. Sess. 2, Ch. 2, and the act of settlement, 12 and 13 W. 3, or with those established by our own declaration in 1776. And although they might, if necessary, be all continued in