

at any time esteemed, introduced, used, accepted or received as laws, in this island, shall and are hereby declared to be, and continue, laws of this his majesty's island of Jamaica forever!

"This clause is justly regarded by the inhabitants as the grand charter of their liberties, since it not only confirmed to them the use of all those good laws which originally planted and supported freedom in England, but likewise of all the other provisions made for securing the liberty and property of the subject in more modern times; when, upon the several overthrows of tyrannic powers in that Kingdom, the subjects' rights were more solidly fixed on the rational basis of three solemn compacts between the sovereign and people: at the Restoration of Charles II., the Coronation of the prince of Orange, and, lastly, the accession of the House of Hanover.

"The little clause before recited has cost the island, in fifty years, about £50,000, the net income of the revenue being about £10,000 *per annum*. Yet, considering the unspeakable benefits derived by them in virtue of this compact, they do not think it too dear a purchase."²⁴

Such was the controversy in Jamaica, thus contemporaneous in part with that conducted by Dulany in Maryland. That the Jamaican affair was studied in Maryland will appear below, where we shall find the Proprietor, in 1724, citing the failure of the Jamaicans in one of their attempts to get their English laws. Five years later, in the Maryland Gazette, a letter from Jamaica announces the probability of an agreement. This Act "has been at home near a year" and "cannot well fail of being confirmed, being exactly conformable in the substance to the draught sent hither from home."²⁵

At the time, therefore, when Dulany began his decade of agitation in Maryland, there was, in the first place, a theory or tradition established in the English courts; a tradition not yet distinct, but approaching definiteness. Secondly, there had been frequent occasions in other colonies where the

²⁴ Long, Edward: *The History of Jamaica*, London, 1774, Vol. I., pp. 219-20. The account of Jamaica as a whole is based on the Appendix to the Tenth Chapter of Long's very valuable work; on a pamphlet entitled *The Privileges of the Island of Jamaica Vindicated*—reprinted in London, 1766, with an appendix; and on the opinion of Yorke and Wearg, the Attorney and the Solicitor-General, as to the legal constitution of Jamaica in 1722-25. Chalmers' *Opinions* (Colonial, Edition of 1814, Vol. I., pp. 204-224). See also Lord Mansfield's decision in *Campbell v. Hall*.

²⁵ *Maryland Gazette*, June 10-17, 1729. The Jamaican letter is dated March 5.