

CHAPTER III.

THE TEN YEARS' CONTROVERSY, 1722-1732, AND THE FINAL POSITION OF THE ENGLISH STATUTES IN MARYLAND LAW.

The ten years, 1722-1732, constitute the most important phase of the controversy over the English statutes. Back of the strife over this particular matter lay the general state of the public mind, which has been described at some length in the paper, "Economics and Politics in Maryland." In contrast with most of the issues then agitated—which to a large degree were connected with agricultural discontent—this was a question in which no material profit or loss was involved. It was purely legal, and the endeavor was to establish as a general rule what in some particular cases was not denied. A review of the circumstances then existent shows how favorable the opportunity was for political leadership; and that such leaders were forthcoming in the lawyers of regular training who, in spite of the Assembly's jealousy as to their pecuniary emolument, were then leading that body to one end or another.

The man who stirred up this matter fresh and gave to it the legal talents which won him place and fame was the Attorney-General of the Province, Daniel Dulany, the elder. For his career in respects other than this, the reader is referred to the former paper. He began his service in the Assembly in 1722, and at the same session, as head of the Committee of Laws, made the conduct of this controversy with the Proprietor his especial charge. In 1732 the dispute closed with a compromise, and the next year Dulany went over to an official career in the service of the Proprietor and no longer supported the country party. Meanwhile, through a routine of resolutions, addresses, reports, bills and proprietary vetoes the country party was kept united and insistent—for this purpose, at least—by an able and industrious commander.