

PREFACE.

In the present volume is presented a continuation of the Proceedings and Acts of the General Assembly from October, 1724, to July, 1726, including four sessions of that body, the brief session in July, 1726, being the last one held during the administration of Governor Charles Calvert.

The principal subjects of public interest that engaged the attention of the legislature were, the question as to whether the English statute law extended to Maryland, the importation of convict labor, the regulation of the quality of tobacco—the principal crop and chief staple of the province—and the old disputes over the fees of public officers and allowances to members of the Council.

In respect to the first of these, long arguments were exchanged between the Lord Proprietary in England and the Lower House of Assembly, which finally resulted in a concession by the former to the extent of agreeing that such laws as were “undoubted, certain, constantly adhered to and practised” should be preserved.¹ An act passed in 1725 prescribing the form of oath to be taken by judges, by which it was intended to bind them more strictly to the application of the English law in cases where the local law was silent, was, however, disallowed by the Proprietary.

In relation to the importation of convict servants, the act passed in 1723, which was designed to restrict the importation of convicts, received the dissent of the Proprietary on the ground that it was in contravention of an act of Parliament, by authority of which certain contractors had the right to offer these convicts in the American colonies for sale into penal servitude. By the Maryland act it had been sought to require purchasers of such laborers to give security for their good behavior. The Governor pointed out, in an address to the Assembly, that the only way to exclude this undesirable element from the population was to refuse to purchase convict labor, as it was impossible, by

¹The rule thus prescribed is, in effect, identical with the principle embodied in Article 5 of the Maryland Declaration of Rights, wherein is asserted the right of the inhabitants of the State to the Common Law of England, and to the benefit of such English statutes as existed on the 4th day of July, 1776, and which had been found applicable, and had been introduced, used, and practised by the Courts.