

LAWS OF ENGLAND] imports. I believe it will be easily allow'd, that a Law may be *various* from the Laws of *England*, and yet not *repugnant* to them; or otherwise these Governments must make no Laws at all, which no Body will say, who knows that a Right of Legislature is the most essential Part of their Charters, and what indeed the Reason and Nature of the Thing make absolutely necessary. Every Country has Circumstances peculiar to itself in respect of it's Soil, Situation, Inhabitants, and Commerce, to all which convenient Laws must with the nicest Care and Judgment be adapted; whereas the Laws of *England* are calculated for their own Meridian, and are many of them no ways suitable to the Plantations, and others not possible to be executed there.

THIS Point, however clear and evident, has not been always rightly understood. There was a pretty extraordinary Instance of it a few Years since, with respect to a Law in force in *Carolina* for choosing Jury-men by Ballot. This was part of their original Body of Laws, fram'd by the famous Earl of *Shaftsbury*, and what they had found by Experience a great Preservative to their Liberties and Properties. Yet I don't know how it happen'd, the Lord Palatine and other Lords proprietors of that Province, imagining this Law to be repugnant to the Laws of *Great-Britain*, and that they should thereby incur a Forfeiture of their Charter, directed their Landgraves to get it repeal'd. The People in that Government, unwilling to part with what they so much esteem'd, sent over two Deputies express to set the Matter in a fair Light before their Lordships. When they arriv'd, I accompany'd them at their Desires to the Board, where after some Debates, we satisfy'd their Lordships that their Charter could be in no Danger on this Account, and that one Law might be various from another without being repugnant to it.

HAVING premis'd this Distinction, I answer the Question in direct Terms, That then a Law in the Plantations may be said to be repugnant to a Law made in Great-Britain, when it flatly contradicts it, so far as the Law made here mentions and relates to the Plantation. *Contraria sunt ad idem*: And therefore one Thing cannot be said to be contrary to another, that does not immediately relate to it, and diametrically oppose it. For the Purpose, if a Law pass'd here has its
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