
INTRODUCTION.

A WORK of this Nature never having been published, it will be necessary to premise that the European Colonies in America and the West Indies are of Two Descriptions—First, where the Lands are claimed by Right of Occupancy only, by finding them desert and uncultivated and peopling them from the Mother Country; and, Secondly, when already cultivated, they have been either gained by Conquest or ceded by Treaties; and both these Rights are founded upon the Law of Nature, or at least, upon that of Nations. The Colonies belonging to Great Britain are, principally, of this latter Description, and therefore the Common Law of England, as such, has no Authority there, being distinct (though dependent) Dominions: They are subject, however, to the Controul of the Parliament of Great Britain, though not bound by any Act, unless particularly named.*

With respect to Countries gained by Conquest, the Inhabitants, once received under the King's Protection, become Subjects, and are to be universally considered in that light, not as Enemies or Aliens; and although the King, without the Concurrence of Parliament, has a Power to alter the old and introduce new Laws in a conquered Country, he cannot exempt an Inhabitant from the Laws of Trade, or from the Power of the Parliament of Great Britain, or give him Privileges exclusive of his other Subjects. †

The Form of Government in most of the *British Colonies* is borrowed from that of England; and the Laws passed by their General Assemblies and Council, with the Concurrence of the Governor, are of the same Validity in the Colonies, as Acts of Parliament are in the Mother Country; unless repugnant to any Law made in Great Britain relative to the Colonies, in which Case they are utterly void and of no Effect. ‡

* Commentaries on the Laws of England.

‡ 7 & 8 W. III. Ch. 22.

† *Campbell v. Hall*, (Cowper's Reports).