

INTRODUCTION.

IN publishing a Work of this Nature it is 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,

* Commentaries on the Laws of England.