

to the Proprietary and could be disposed of again by him. When a bill to naturalize aliens and thus validate such defective titles was passed by the Lower House and sent to the Upper House, the Governor is known to have opposed its passage until he had had an opportunity to consult the Lord Proprietary. But when it reached the Upper House, Daniel Dulany espoused it and had inserted in the journal of that house the reasons for his "dissent" to its rejection by his colleagues on the broad grounds of good faith and public policy—an action requiring no little courage from one who owed his position in the Council and Upper House to the Proprietary.

The bill entitled "An Act for the Security of Purchasers and Others Claiming by or from Protestant Aliens", popularly known as the Naturalization Bill had been passed by the Lower House on December 6, 1758 (p. 90), and rejected on December 20 in the upper chamber (p. 59). Although no copy of this bill has been preserved, from the tenor of the proposed amendments to it and Dulany's reasons for his "dissent" at its rejection, and from a perusal of the Naturalization bill introduced at the *March-April 1760 session*, its general provisions may be assumed. Dulany also sought unsuccessfully to have the bill amended so as to extend its operation to the titles of land held by, or purchased from, Roman Catholic (excluded in the Lower House bill from its benefits), as well as to the lands of Protestant aliens, but the Upper House would have none of it, amended or unamended (p. 115). Dulany's "dissent" was based upon nine points which are given in full in the journal of the Upper House, and extends over nearly three printed pages of this volume (pp. 56-59). As Dulany was the most able lawyer and the outstanding public man intellectually in Maryland at this time, these dissents reveal his calibre, and show that although popularly classed as one of the bulwarks of the Lord Proprietary there were limits to which he would not go in support of Proprietary pretensions. That he was beginning to lose favor in the eyes of Governor Sharpe is indicated by references to his conduct in letters from the Governor to Cecilius Calvert written at this time (*Arch. Md.* IX, pp. 423-424).

Dulany's arguments for the passage of a naturalization bill to protect the rights of aliens are of sufficient interest to summarize here. He declared: (1) that aliens had been induced, on the faith of the Proprietary government by proclamations in the German language, which had been spread over Germany, to settle in the Maryland wilderness, and by their industry to turn this part of the Province into well-stocked plantations, and that they had been promised that they would be protected in the enjoyment of their property, and that their failure to become naturalized was generally due to their ignorance of the existing laws; (2) that the rejection of the bill on the ground that under it escheats to the Lord Proprietary of lands having defective titles would decrease in number, and that therefore the Proprietary might dislike it from consideration of his revenue, was derogatory to his Lordship's honor; (3) that the destruction of the moral rights of useful and industrious aliens, for the delusive prospect of a possible temporary increase in his Lordship's revenue through escheats, would not only be a disgrace to his government, but by the banishment of industrious settlers would eventually result in a real diminution in his