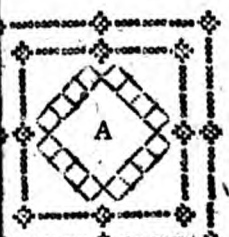


MARYLAND GAZETTE.

THURSDAY, SEPTEMBER 2, 1773.

PARIS, June 14.



COUNCIL of war was lately held at Brest, by the king's order, to try Mr. de la Martelliere, a lieutenant of a man of war, who was accused of quitting his cruise towards St. Domingo, where he commanded a frigate of war, and going to Jamaica to take in goods, which he sold privately; of muting the English flag to the dishonour of that of France; and of being guilty of treating with indignity a lady, who was a passenger on board his ship, the wife of one of the most considerable inhabitants of St. Domingo, of which her husband made complaint to the board of marine, demanding satisfaction. In consequence of these charges, the lieutenant has been degraded, broke, and condemned to twenty years imprisonment by Mons. D'Aché who presided at this court martial.

AMSTERDAM, June 16. Letters from Cadiz of the 14th of last month advise, that twelve sea captains, with a number of other officers of inferior rank, had received orders from court to set out for Ferrol, in order to take the command of twelve ships of war that were fitting out there with the utmost diligence. These letters add, that these twelve ships are to be joined by even more at Cadiz that are ready for sea, and by even more at Carthagena; and that this Squadron, which will consist of 26 sail, besides frigates, &c. is destined for the Mediterranean.

LONDON, N.

June 11. A correspondent observes, the reason why his majesty does not review the three regiments of foot guards this summer, is on account of his being obliged to meet with the duke of Gloucester, being head colonel of the first regiment, which he would willingly avoid.

It is reported that the East-India company are so greatly irritated at the iniquity and tyranny of the resulting bill, that they will meet this day to consider whether they shall not give up their acquisitions in India to the great mogul. Some desperate resolution is at any rate expected to be the result of their deliberations.

June 12. By many letters from Germany to commercial gentlemen in this city, we are informed, that the emperor of Germany has put himself at the head of a body of 70,000 men, and has entered Turkey by way of Hungary.

We are told that his majesty has ordered, that the custom of the recorder's making the report of prisoners under sentence of death in Newgate, be for the future discontinued; and that the power hitherto exercised by his majesty, of determining the fate of the convicts, is to be vested in the judges. By this new arrangement, the judges will have the same power at the Old Bailey, that they have at the country assizes.

June 13. A correspondent says, it is much to be wished a clause could be inserted in the East-India bill now depending, that would more effectually prevent the manifest injury sustained by the revenue and public, in the present practice carried on by the outward-bound East-India ships of taking on board French wines, spirits, and other French commodities in their passage through the channel, a practice highly injurious to the merchants and manufacturers of this kingdom.

We hear from respectable authority, that the D. of Gloucester was so ill last night, as gave his physicians little hopes, (except an unexpected change) of their being able to re-establish him.

The Birmingham and Sheffield people are said to have engaged a great number of agents to travel to the different parts of Europe, to take orders, and enter into contracts for supplying the foreign markets with goods; so that in the course of a few years the whole branch of the plate manufactory will probably be engrossed by them.

Extract of a letter from Stockholm, June 10.

"Notwithstanding the prevalent report of a new league being on the tapis between the empress of Russia and the king of Sweden, it is very positive that such a circumstance is not likely to take place; a war between the two powers is expected, and it is certain the king means to renew the claim which the Swedes have on the province of Livonia, and his preparations speak he will defend it. The empress is apprized of his intention, and is prepared for him at Neva, Riga, Revel, and all the other places of importance at Livonia.

Extract of a letter from Aleppo, March 13.

"We have just received letters from Cairo, of the 30th Jan. which bring advice that James Bruce, Esq; was lately arrived in that city from one of the most extraordinary voyages ever undertaken by an European, in which it has often been reported he had perished.

"In December 1768 he left Cairo, passing through

Arabia Deserta and Arabia Felix. He embarked on the Red sea in August 1769, and in September arrived in a small island on the frontiers of Abyssinia. In November he gained an entrance into that jealous kingdom, and in February 1770 arrived at Gondar, the capital. In November he visited those famous sources from whence the River Nile rises. Returning to Gondar, he signalized himself so greatly in two battles gained by the king over his rebellious subjects, that he became so much in favour with that young prince as to be refused all his petitions to return; but his health declining daily, at length, in January 1772, he was permitted to set out through Senaar. In November of that year he arrived at Barbar, the last inhabited part of that kingdom, and in 25 days crossed the great desert of Nubia. Here, reduced to great distress, his camels all perishing with cold, he was obliged to throw away all his drawings, papers, and instruments, and destitute of every thing arrived in December at a small village near the cataracts at Assuan, (Syene.) Having got fresh camels, he again returned through the desert; and having retrieved all his papers, books, &c. he descended the Nile to Cairo; of the nine servants which entered Abyssinia with him, only one remaining alive.

"Mahomet, the reigning bey of Cairo, desiring out of curiosity to see him, after a long conversation ordered him to be prefeted with a purse of sequins covered with fruit and flowers at the bottom of the stairs. Mr. Bruce took up one flower, and refusing absolutely the money, he was reconducted to the bey to give his reasons. I am, says he to the bey, an Englishman, servant to a great king: it is not the custom in my country to receive pecuniary gratuities from foreign princes without the approbation of our sovereign. The bey, still more than ever surprised, dismissed him with the greatest marks of distinction."

June 24. This day being Midsummer-day, there was a very numerous and respectable appearance of the livery of London, in common-hall assembled, for the annual purpose of electing sheriffs for the city of London and county of Middlesex for the ensuing year.

The lord mayor, attended by the sheriffs, aldermen Stephenfon, Wilkes, Bull, Sawbridge, Halifax, and Plomer, together with the city officers, ascended the Husting about one o'clock, when the hall being opened by the common cryer, Mr. Recorder came forward, and in a truly constitutional speech, informed the livery of the great importance of this their annual election, "that it was, in a great measure, from a proper choice of sheriffs, their ancestors were enabled to secure to them their rights and privileges; he therefore said, he had no doubt but that they would be actuated by the same constitutional principles on the present occasion."

After the recorder had retired, M. B. Allen, Esq; reminded the livery, that last year he was forbid by the then recorder, to introduce any other matter on this day but that relative to the election; he therefore called upon the present recorder for his opinion on that matter.

The recorder immediately got up, and delivered it as his opinion, that the livery had it in their choice to debate on any matter relative to their rights they thought proper.

Having obtained this sanction, the captain then proposed that instructions (which he read) should be given the four members of parliament for the city of London, to support, next session of parliament, the motion of alderman Sawbridge in favour of annual elections.

This motion being duly put and seconded, was carried. After which the deputy town clerk (in the absence of Sir James Hodges) acquainted the livery of the lord mayor, &c. presenting their last petition to the king, agreeable to their order; and at the same time read to them his majesty's answer; when the lord mayor, aldermen, &c. retired.

The common serjeant then put up the several aldermen who have not passed the office of sheriff, with those who have been drank to, together with Stephen Sayre, Esq; as candidates for the shrievalty for the ensuing year; when the majority of hands were determined by the sheriffs to be in favour of William Plomer, alderman and bricklayer, and Stephen Sayre, Esq; frame-work-knitter.

A letter brought by the Greenwich, dated Calcutta, Dec. 3, says, "All our fears concerning the French are vanished; some of their ships at the islands are rotted, others dismantled, and several were wrecked in a violent storm; many of their people starved for want of provisions, and the greatest part of the survivors have returned to France. Our possessions in Bengal grow more and more confirmed and stable; so that it would be a very difficult matter for an enemy to root us out."

A report prevails this morning in the city, that advice is received from Paris, that the French king lies at the point of death.

Captain Webb, in his letter from St. Helena to the directors of the East-India company, says, "Besides the loss sustained by the Chinese, the Dutch commodore from Batavia perished just beyond him, and only

9 people were saved out of 140. She had 60,000l. in silver on board, with a valuable cargo of spices, cloth, tin, and arrack, computed in the whole at 120,000l."

June 26. The following arrangement will certainly take place very soon: Lord Gower to be first lord of the treasury; Lord Sandwich president of the council; duke of Grafton, first lord of the admiralty; and Lord North, privy seal.

It is reported, that in a day or two after the new Spanish ambassador, who is very shortly expected in England, delivers his credential letters, he will give answers to some interrogatories lately proposed by our ministry, in respect to the preparations making in the several sea-ports belonging to the court of Spain.

This day arrived the mail from Flanders, but brings nothing material, excepting that the Russians, by their repeated successes, have so cleared the banks of the Danube of the Turks, that a body of their light troops has been thereby enabled to advance up to the very walls of Constantinople.

A correspondent laments that no sooner does a gentleman of fair character and independent principles offer his services to the publick, and stand forth as a real friend to the people, than every invidious, time-serving scoundrel thinks himself at liberty to throw dirt in his face. Upon this noble principle the patriotic sheriff, Sir Watkin Lewes, hath faithfully served the community; and for his extraordinary zeal and services he has been grossly abused.

July 1. This day his majesty went to the house of peers, made a speech to both houses, and put an end to the present session of parliament. His majesty's speech was substantially as follows:

"My lords and gentlemen,

"I cannot close this session of parliament, without returning you my hearty thanks for the great care, assiduity, and perseverance, which you have shewn on all occasions. The war which still subsists between the Russians and the Turks, both of which I am closely connected with, though under no immediate promise, gives me great uneasiness.

Gentlemen of the house of commons,

"I heartily thank you for the supplies you have so cheerfully granted on all occasions, and likewise for the steady perseverance you have shewn in the business of the India company, who are relieved; and at the same time are glad to inform you, that notwithstanding the vast expences of the year, that some of the national debt is lessened.

"My lords and gentlemen,

"It shall be my chief study to preserve the general tranquillity of my kingdom, and the rights with which I am entrusted."

Sir Fletcher Norton made a long speech to the throne, informing his majesty, that the house of commons had done all that lay in their power, though not so much as they wished, for the relief of the India company.

The following piece of intelligence is an extract from a letter from on board the Lord Camden East-Indiaman, lately arrived from China:

"As we left the Cape of Good-Hope, we met two Dutch men of war bringing in a pirate, which proved to be the Aurora English frigate, with part of her crew, who had murdered the captain and all the officers, and ran away with the ship." It is upwards of four years since the Aurora, with the supervisors on board, sailed from Portsmouth.

Extract of a letter from Constantinople, May 29.

"A Ragusan sloop of war, in the service of the Porte, is just arrived here from the Palus Meotis, or the sea of Asoph, and brings the following account of the success which the Turkish fleet met with under the command of the Sieur Bordichaffe. On the 10th of last month the Turkish fleet sailed the straits of Caffa, in pursuit of the Russians, who had taken a large number of Turkish vessels in the Black sea, which they had lodged in the harbour of Caffa, and were proceeding to Asoph. On the 16th four gallees, which were about a league and a half ahead of the fleet, fell in with a Russian ship of twenty guns, and five sail of transport ships, which were following the rest of the fleet at about two leagues distance. The frigate immediately attacked the gallees; but was warmly received by them, and held in play till the rest of the Turkish squadron began to appear; when after firing a single broadside she struck, and was immediately taken possession of by the foremost galley, as were the transports (except one) by the other gallees. Zoffee Bay, understanding the superior part of the Russians was yet ahead, crowded all his sails to get up with them, which was soon effected, as the transport which escaped, being a swift sailer, had given them notice, and they were laid a-back to receive him. The engagement then began; the Turkish force, consisting of two ships of 40 guns each, three Ragusan frigates of thirty each, two large xebecs mounting 16 guns each, four sloops, and eight gallees. The Russians had one ship of 50 guns, four of 36, and

several floops. The battle was fought bravely on both sides, and seemed to incline towards the Russians; but an unfortunate accident turned it in favour of the Turks; the 50 gun ship by some misfortune took fire, and was drove in amongst the Russian frigates, where she blew up, and occasioned the greatest confusion, which the Turks taking the advantage of, boarded, and took, with little resistance. Two of the frigates, and three floops, with the frigate taken before, and the four transports, made ten sail taken; the rest, as night then came on, made their escape by its favour. This victory is of much consequence, as it again puts the Turks in possession of the town of Asoph, and the Palus Mæotis, which have been for some time usurped by the Muscovites."

NEW-YORK, August 19.

We hear from Philadelphia, that there is now in that city, a live fish supposed to be a Torpedo, which on being touched, gives a very strong electrical shock, to any number of persons whose hands are in contact with each other; several persons affected with various disorders, have found relief from it, when the common mode of electrizing has proved ineffectual. It has been observed, that after receiving a shock from the fish, it takes some time to recover the like quantity of electrical fluid; and that if touched sooner, the shocks are weak or strong in proportion to the time since the preceding shock.

ANNAPOLIS, September 1.

Yesterday arrived here, the ship Lovely Kitty, Capt. Howard, from London, which place he left the 29th of June, but brings no late intelligence.

The subscribers have for sale, at the late dwelling house of doctor Henry Jerningham, of St. Mary's county, deceased,

A VERY large and general assortment of medicines, and a variety of elegant shop furniture, an electrical machine with the apparatus complete, sundry books, an excellent violin and musick books, a single chaise and harness for one horse, two large looking glasses, one set of flower scasons, fine prints by Hogarth, and many other articles too tedious to mention.

CATHARINE JERNINGHAM,
FRANCES JERNINGHAM.

5 w

FREDERICK-TOWN RACES.

ON Wednesday the 20th of October will be run for, a subscription purse of FORTY POUNDS, free for any horse, mare or gelding, four years old to carry 7 stone 7 lb. five years old 8 stone, six years old 8 stone 7 lb. and aged 9 stone.

On Thursday the 21st.

A purse of TWENTY-FIVE POUNDS, free for any horse, mare or gelding, (except the winning horse the preceding day) to carry weight for age and weight for size, according to the rules of racing. Judges will be appointed each day to determine all disputes that may arise. To start each day at 11 o'clock.

N. B. No horse that William Hams is concerned with will be allowed to start for either day.

IMPORTED in the Polly, Capt. Kilty, and now in the warehouse belonging to Charles Carroll, Esq; barrister, a case No. 1, and a case No. 2, both marked I H, with the figure 8 on the top of the second I. The owner may have them again on producing the bill of lading.

Baltimore, August 31, 1773.

A PERSON properly qualified, and who can come well recommended, to do the business of a county clerk, will meet with good encouragement on application to,

3 w

ALEXANDER LAWSON.

August 30, 1773.

I HEREBY forewarn all persons from shooting on my lands, on any pretence whatever.

3 w

DAVID KERR.

Clement's-bay, June 6, 1773.

RAN away from the subscriber, living in St. Mary's county, on the 26th of April last, a likely dark mulatto woman called Sarah, about 5 feet 2 or 3 inches high, and well made: had on when she went away, an osnabrig shift, petticoat, apron, and cotton jacket, but 'tis probable she may change her cloaths; she was some time ago in the neighbourhood of Chaptico and Newport, and passed for a free woman by the name of Betty Adams, and it is likely she may change her name again. Whoever brings the said negro to her master, or secures her so that he may get her again, shall receive if taken in the province thirty shilling, or if out three pounds reward.

4 w

PHILIP FORD.

August 31, 1773.

STRAY'D or stolen out of the subscriber's lot late last night, a large light strawberry roan horse, with a thin mane and switch tail, his nose and face are mealy, is shod before, his brand unknown; his ears in particular are very dark, paces, trots and gallops. Whoever will secure said horse and give notice to the subscriber, shall have if taken in Anne-Arundel county ten shillings, and if in any other county one pitole, and if out of the province three pounds; and if stolen and the thief convicted thereof five pounds.

1 f

WILLIAM REYNOLDS,

TAKEN up by Rezin Johnson, on the north side of Severn river, a poplar canoe, twenty-three feet in length, two feet and an half in width, eighteen inches in depth, very much worm eaten, patched on the larboard side, and is sharp at each end. The owner is desired to prove property, pay charges, and take her away.

HERE is at the plantation of James M'Attee, on Rock creek in Frederick county, taken up as a stray, a small bright bay mare, with a black ridge mane and a small sprig tail, has several saddle spots on her back, a star in her forehead, and a bell on, marked I E, buckled and tied with a leather strap, trots and gallops, and is branded on the near shoulder P. The owner may have her again, proving property and paying charges.

HERE is at the plantation of James Sargent, senior, living on Seneca in Frederick county, taken up as a stray, a dark-roan mare, about 12 hands high, branded on the left shoulder R H, has a black head, and some saddle spots on her back. The owner may have her again, on proving property and paying charges.

August 26, 1773.

To be sold at publick vendue, on the premises, in Anne-Arundel county, on the 13th of September next, at 12 o'clock precisely,

A TRACT or parcel of valuable land, containing about 300 acres, with several houses upon the same. A part of the land is now at present in corn. It lies within three miles of London-Town, on the road leading to Queen-Anne. If any person desires to see the land before the day of sale, by applying to John Beard, he will have an opportunity of viewing it, as he lives near the premises.

RICHARD BEARD.

Anne-Arundel county, August 23, 1773.

To be sold by the subscriber at publick vendue, on Friday the 10th day of September, at the house of John Ridgley, on the premises, if fair, if not the first fair day after,

TWO hundred and twenty acres of land, known by the name of Ridgley's Rest, and adjoining the land of William Ridgley. The land lies level, is a light quick soil, and in very good repair; there are several convenient houses, and a young apple and peach orchard. Any person inclinable to purchase the said land, may view the premises at any time, by applying to William Woodward, jun. or John Ridgley on the premises.

2 w

WESTELL RIDGLEY.

TO BE SOLD AT PRIME COST,

A NEAT eight day clock with a fine mahogany case, to be seen at Mr. Aikman's store any time of the day.

A PETITION will be presented to the assembly at their next meeting, for the removal of Piles and Chaptico warehouses, (in case an inspection law should again take place) to the landing of Major Bond, Mr. Thomas, or Mr. Barbar, whichever may be found most convenient.

2 w

THE subscriber has a compleat boat, suitable for carrying of horses and foot passengers across the bay to Cook's point, in Dorchester County, or to Oxford, Cambridge, or Wye-river; man and horse to Dorchester county, 15/- to Cambridge, 2: 2: 6. to Oxford, 20/- to Wye-river, 2: 5: 0. The said boat is to be at Cook's-point the second Monday in every month till twelve o'clock, to wait for those that may want to cross to Calvert county, and oftener, if notice is given to the skipper of said boat. She is always ready to receive passengers at any time at the subscriber's landing, to carry to any of the aforesaid places.

w3

HILLARY WILSON.

August 21, 1773.

STOLEN from the subscriber's pasture a week ago, about five miles from Queen-Anne, a bay mare, about 14 hands high, branded on the near buttock I M not very perceivable, about five years old, paces, bushy mane, one white hind foot. Twenty shillings reward will be given for bringing home the mare, and five pounds for the thief upon conviction, paid by

w3

JAMES MULLIKIN.

August 23, 1773.

STRAYED or stolen from the subscriber the 8th inst. living near Mr. Stephen Steward's, in the Swamp, a sorrel horse, seven years old last May, betwixt 13 and 14 hands high, branded RG on one of his buttocks, has a blaze on his face which runs into one of his nostrils, paces and gallops. Whoever takes up the said horse and brings him home shall have four dollars reward, paid by

w3

JOHN PARSONS.

Anne-Arundel county, 11. August 14, 1773.

ORDERED, by the Justices of the county court, that publick notice be given in the Maryland gazette, that they intend to apply to the next general assembly for an act of assembly to enable them to levy a sum of tobacco on the taxable inhabitants of the said county, for the building and erecting a court-house for the use of the said county.

Signed per order,

JOHN BRICE, clerk.

August 16, 1773.
RAN away yesterday morning from the subscriber, living on Seneca, Frederick county, near the Widow Dowden's tavern, a convict servant man named John Gardner, about 24 years of age, about 5 feet 8 or 9 inches high, dark complexion, gray eyes, is very talkative, and has a very bald head: Had on and took with him, old felt hat, osnabrig shirt much patched, old striped linen jacket, white drab breeches, cotton stockings, and good shoes: he pretends to act the slight of hand, so I imagine he will pass for a show-man, and probably may forge a pass. Whoever takes up the said servant, and secures him, so that his master get him again, shall receive twenty shillings reward besides what the law allows, and reasonable charge if brought home, paid by

w3

GREENBURY GRIFFITH.

THE Subscriber will lump off the goods he has at his store in the city of Annapolis, upon very reasonable terms, for ready tobacco, received at any warehouse in the province.

1 f

ROBERT BUCHANAN.

Prince-George's county, August 12, 1773.

To be sold to the highest bidder, on the twenty-second of September next,

A PARCEL of land supposed to contain about 300 acres, about seven miles below Piscataway, and about two from Patowmack-river, for sterling or current money. The sale to be on the premises, at the house where John Holly now lives as a tenant, who will shew the land to any person who shall incline to view the same before the day of sale, when the exact quantity will be made out, by

w4

ZACHARIAH MACCUBBIN.

Annapolis, August 14, 1773.

JERVIS BURFORD AND DAVID JONES

TAILORS and HABIT-MAKERS, from LONDON,

TAKE this method to acquaint the public,

that they have opened shop at the house

Mrs. Maw, near the church, where they intend

carrying on their business in all its branches, hoping

that, by a strict adherence and constant endeavour

to give satisfaction, they will merit the approbation

of all ladies and gentlemen who may think proper

to favour them with their custom; and as ability

in trade is generally deemed a sufficient recom-

mendation, they flatter themselves their merit will

find access to the good will of the publick, and

favours grounded on that principle they will most

gratefully acknowledge.

w4

THE subscribers being now confined languishing

prisoners in Anne-Arundel county jail, hereby

take this method to inform their creditors, that

they intend to apply to the next general assembly

for relief.

w3

CHARLES HOMEWOOD,

RICHARD GRACE,

EDWARD KNOWLES.

July 22, 1773.

RAN away from the subscriber, living in Phil-

adelphia, on the 24th day of April last, a ne-

gro man, named Jack, about 22 years of age, about

5 feet 10 or 11 inches high, has been used to the

still, he formerly belonged to Mr. Zephaniah Bond,

in St. Mary's county, in Maryland. He stole and

took with him, about 10 pounds currency, and was

seen some time in the month of May last, at the house

of Mr. Philip Briscoe, in Charles county, where

his father and mother live: had on, when there,

blue broadcloth coat, lapelled, a red flannel jacket

lined with white flannel, black plush, or com-

mon velvet breeches, ribbed worsted stockings, and

channel pumps; a fine fashionable hat, two or three

white shirts. It is supposed he has a forged pass, as

he travelled from Philadelphia to Charles county

without being taken up. Whoever will deliver the

said negro to Mr. William Faris, or to Mr. John

Fry, in Annapolis, shall receive the sum of ten

pounds Pennsylvania currency reward, or fifteen

pounds like money, if brought to me at Philadel-

phia.

w5

JOHN ZELLER.

N. B. He has a scar under one of his eyes—All

masters of vessels are forewarned carrying him off at

their peril.

STOLEN or strayed from Mr. Basil Smith's, near

Port-Tobacco, in Charles county, a bright bay

horse, about four years old, thirteen hands three

inches high, both hind feet white, has a lump be-

tween the knee and ankle on the inside of his near

fore leg, which is called the splint, rises very high

upon his weathers, and has a switch tail, which is

apt to shake when rode hard, trots and gallops.

Whoever will bring the said horse to the subscriber,

living in Calvert county, or secure him so that he

may get him again, shall have, if taken within

thirty miles of Benedict, thirty shillings; and if

further, three Pounds reward.

1 f

MICHAEL TANEY.

THE Land office issue warrants as formerly, and

all persons who have made application for

warrants or any kind of business in that office, are

desired to apply, that they may not lose the bene-

fit of such application.

Signed per order,

WILLIAM STEUART, C. L. O.

August 16, 1773. On the 16th of August, 1773, the subscriber, nee servant man, of age, and mark complexion, has a very old striped lining, and a slight of hand, and a w-man, and takes up the fat, and his master's shillings reward, and a reasonable charge.

RY GRIFFITH, the goods he has, Annapolis, up tobacco, receive.

T BUCHANAN, August 12, 1773, on the twenty next, to contain about les below Pica- w-mack-river, for sale to be on the n Holly now lies and to any person before the day, l be made out, by H MACCUBBIN.

August 14, 1773, DAVID JONES, from LONDON, uaint the public up at the house where they inter ts branches, hopi onstant endeavour the approbation may think proper ; and as ability a sufficient recom ves their merit with the publick, and a ciple they will mo w4

confined languish del county jail, her their creditors, the ext general assem

ES HOMEWOOD, RDGRACE, RD KNOWLES.

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r. Basil Smith's, near county, a bright by thirteen hands three ite, has a lump be- the inside of his near plint, rises very high switch tail, which is rots and gallops.— orse to the subscriber, cure him so that he ve, if taken within irty shillings; and if

MICHAEL TANEY, rants as formerly, and made application for efs in that office, and y not lose the bene

EUART, C. L. O.

May 20, 1773. In pursuance of a deed executed on the 18th day of May, 1773, by Messrs. John Barnes and Thomas How Ridgate, joint partners in trade, to us the subscribers, in trust for the payment of their debts in the manner in the said deed expressed, which deed is recorded among the records of Charles county,

NOTICE is hereby given to the country creditors of the said John Barnes and Thomas How Ridgate, and the holders of bonds and other specialties, and bills of exchange, actually and bona fide executed and drawn by the said John Barnes and Thomas How Ridgate, in the province of Maryland, that we have appointed the twenty first day of February next, to meet the said creditors in the town of Port-Tobacco in Charles county, in the said province of Maryland, for the purpose of receiving their claims in writing against the said John Barnes and Thomas How Ridgate, joint partners in trade as aforesaid, and releases of the persons of the said John Barnes and Thomas How Ridgate. And that all those of the said creditors, who shall neglect or refuse to signify their claims in writing to us or one of us, or who shall neglect or refuse to release and acquit the persons of the said John Barnes and Thomas How Ridgate, in consideration of the benefits and advantages the said creditors are to receive under the said deed, on or before the said twenty-first day of February next, will be barred and excluded from all manner of benefit and advantage under the said trust deed, and the powers therein contained, according to the purport true intent and meaning thereof. JOHN ROGERS, THOMAS STONE, PHILIP RICHARD FENDALL.

July 13, 1773. To be sold at publick vendue, on Friday the 15th of October next, at the late dwelling-house of Samuel Wickham, of Frederick county, deceased, viz.

A TRACT of land containing twenty-six acres, adjoining the other, both lying on Monockacy creek, whereon are two framed dwelling-houses, about fifty acres of cleared land, and some in good timothy grass; also one other tract, containing one hundred acres, lying on Fishing creek, in the county aforesaid; whereon is a good dwelling-house, some out houses, about forty acres of cleared land, and several acres of timothy grass: there is on the said land, a convenient place for building a grist-mill. Also all persons indebted to the estate of the above-said Wickham, are desired to make immediate payment, and those who have any just claims against said estate, are requested to bring in their accounts regularly proved, that they may be adjusted, by JOSEPH WOOD, junr. executor.

COMMITTED to the jail of Charles county as a runaway, a negro man who calls himself Frank, and says he is the property of William Jetty, of Mecklenburg county in Virginia; he is about five feet five inches high, a likely well made young fellow, his face much scarified, particularly his forehead, occasioned, as he says, by his being burnt when a child: Has on and with him, a good osnabrig shirt, a pair of old died jeans breeches, old shoes and stockings, a felt hat almost new, and a woman's osnabrig petticoat, which he says he took from his sweet-heart by way of a love memorandum. His master is desired to take him away and pay charges, to Wm. HANSON, depv. sheriff.

Queen-Anne's county, July 23, 1773. WHEREAS one of my creditors, through ungenerous—misapprehension, or wrong judgment on my probity, did, in the course of the last year, attach on my estate, and cause all other of my creditors to do the same, while I was absent on a voyage to the West Indies and south provinces of this continent, by which I am a great sufferer, my wife's estate having been snatched away from us in a most cruel manner, and our negroes taken away from our plantation at an under value; these are to inform those persons who have any of them in their possession, that being arrived, even without having been informed of what happened to my disadvantage with regard to my estate in this province, I expect of their generousities to return me the said negroes, offering to pay them all claims they may justly have against me, on theirs, or other accounts; therefore as the said negroes have been taken away to different parts of the province, I hope none of them shall be disposed of but in my favour.

May the author of my griefs never experience the same, but have sensibility enough in his heart to feel the dagger he thrust into mine. C. T. WEDERSTRANDT.

JUST IMPORTED, In the Caroline, Capt. Lynch, from London, and to be sold, by the subscribers, at their store on the dock, in Annapolis, on very reasonable terms, for cash or short credit.

A CHOICE and general assortment of European and East-India Goods. WALLACE DAVIDSON and JOHNSON.

To THE PUBLICK. THE DEPUTY COMMISSARY'S GUIDE. Is now in the Press, and will be speedily published.

IN gratitude to the publick in general, who so generously and extensively subscribed to, and countenanced this my undertaking, I solicited, and readily obtained the favour, from the several gentlemen of the law, in this place, to peruse the performance; they have been so obliging to do it, and as a mark of their approbation, have permitted my publishing the following letter, with their signature.

Mr. Vallette,

WE have perused your manuscript, entitled "The deputy Commissary's Guide," &c. and do much approve of it; we apprehend that performance will be of general utility, and that it well deserves the encouragement of the publick.

We are your's &c.

THOS. JENINGS, J. HALL, THS. JOHNSON, jun. SAMUEL CHASE, Wm. PACA, Ja. TILGHMAN, 3d. W. COOKE.

The fundamental principles on which testamentary proceedings depend, being derived from laws, in most cases uncontrollable by any local acts of assembly, the treatise can be little affected, by any future internal regulation.—In some few instances, however, the testamentary laws now existing, may, and probably will, soon undergo the revival of the legislature.—To amend and correct which eventual alteration or addition, a number of blank leaves will be added to each book, in which, every possessor of a copy, may himself enter the proper alteration or addition, agreeable to the advertisements I shall from time to time insert in the Gazette, whenever any such alteration shall take place.

The subscription having increased far beyond what was conjectured, and provision made for, there will remain but a small number of copies to be disposed of: Those therefore, who still chuse to become subscribers, are requested to be speedy in their application, as none but such can have their names printed in the title page.

I am, The publick's Devoted servant, ELIE VALLETTE.

The gentlemen who have been so obliging to take in subscriptions, are requested to send in the original papers by the last day of August, to Their obliged servant, E. V.

Annapolis, July 22, 1773. ALL persons indebted to Brown, Perkins, and Buchanan, for dealings at their store in Annapolis, whose accounts have been standing 12 months and upwards, are requested to make immediate payment, and thereby prevent suits being brought against them, which they may be assured will be done if this requisition is not complied with. THOMAS GASSAWAY, junr.

Annapolis, July 19, 1773. The subscriber has for sale at his house, the next door above Samuel Chase, Esq;

A SMALL parcel of saddlery, consisting of narrow diaper, and straining webs, fringes of all colours, broad and narrow orrize, steel head-stall and throat buckles, common stirrup irons, plain and silvered staples and plates, also plain and silvered tuft nails; a few thousands of 3d. ad. and clout tacks; leather bags, double and single girths lined and unlined, bridles, stirrup leathers, cruppers, &c. He likewise makes and repairs ladies and gentlemen's hunting and common saddles, &c. Those ladies and gentlemen that please to favour him with their custom, may depend on having their work done in the best and neatest manner, and at the most reasonable rates.

By their humble servant, WILLIAM JACOB.

THE subscriber having declined the business of store keeping for some time, begs leave to request all persons that have dealings with him to settle their accounts without loss of time, otherwise he will be obliged to take such steps as the law directs.

He has still on hand about £. 300 sterling coil of goods, which he will sell upon reasonable terms, and may be seen at Mr. Aikman's store, next door to Mr. Joshua Frazier's. Also a neat phaeton with complete harness. COLIN CAMPBELL.

N. B. Attendance will be given at Mr. Frazier's.

Charles county, July 17, 1773. ON the 11th of October will be sold at George-Town, a house and lot, formerly purchased by Mess. Barnes and Ridgate from Maj. Thomas Addison, as also three lots in the addition to George-Town, and five lots in Carrollsburgh.

And on the 19th of October will also be sold on the premises, a lot of ground near Newport in Charles county, whereon is a large new house that will suit either for a store or dwelling house; also on the same day will be sold several tracts of valuable land lying near Newport, containing between 6 and 700 acres, formerly belonging to Mr. Robert Horner; as also sundry lots of ground or parcels of land, part of Chaptico manor; also several likely negroes, with the stock and plantation utensils of every kind on the above lands, lately the property of Mess. Barnes and Ridgate.

The above will be sold at publick sale on the several days aforesaid; and twelve months credit will be given to the purchasers, on giving bonds on interest, with security, if required.

Also, to be sold at private sale, as soon as a proper purchaser or purchasers shall offer, the following parcels of goods at Mess. Barnes and Ridgate's stores in Maryland, viz.

At Port-Tobacco, about £. 2300 cost. At Newport, about 1600 At George-Town, about 2000

The terms of sale for the above goods will be very advantageous to the buyer, and may be known by applying to either of the subscribers, or to Mr. Thomas Johns at George-Town, Mr. Joseph Gwinn at Newport, or Mr. Zephaniah Turner at Port-Tobacco.

JOHN ROGERS, THOMAS STONE, PHILIP R. FENDALL, Trustees for Mess. Barnes and Ridgate.

Baltimore, July 23, 1773. COMMITTED to my custody at different times, the following persons, viz. Henry Kenally or Connelly, who says he is a servant to John Owings. Nancy Jones, a servant to Richard Greaves. George McCason, a deserter from his majesty's 16th regiment of foot. John Scarian or Skyrme, who says he is a servant to Robert Henwood of Annapolis, and produces an indenture dated Nov. 1772, to serve one year. John Gloweh, who says he is a servant to Richard Lawrence. Patrick McGlaskey, a servant to James Gordon. Daniel Eals, alias Poor, an Irishman, five feet seven or eight inches high, about thirty-five years of age, short fair hair: had on, a white Irish frize jacket, osnabrig shirt and trousers, a labourer, and appears to be one of those advertised by Dr. Ephraim Howard, of Elk-Ridge. John Buttler, a Yorkshireman, about five feet eleven inches high, says he deserted from his majesty's 23d regiment or Welch fusiliers, has short curled hair, Russia sheeting trousers, but appears to have changed his apparel, and says he came from Philadelphia, but it is believed he belongs to some person on Elk-Ridge. Letters have been wrote to those persons to whom it is said the servants belong, requesting them to take them, paying charges, but to no effect; have therefore taken this method, hoping due attention will be paid thereto; if not, the servants will be sold to pay fees as the law direct, by 3w JOHN ROBERT HOLLIDAY, sheriff.

July 5, 1773. RAN away from the subscriber, living in Westmoreland county, Virginia, two white men servants, viz. William Walker, alias Smith, a convict, who came in, in 1771, in the Scarsdale, Capt. Reid, by trade a gardener; he is a slim made man, five feet nine or ten inches high, brown complexion, blue eyes, blackish hair, has a remarkable swish in his walk, a coarse voice and a cough; he had with him, kersey and cotton jackets and breeches, white, c eck, and osnabrig shirts; he likes drink, and has been severely whipped before a magistrate; this is the third time he has run away; as he had sailors cloaths with him he will attempt to pass for a sailor. Thomas Puttrel, an indentured servant, (who came in last April, in the Liberty, Capt. Raiton) a truncky well made man, fair complexion, brown hair, which curls in his neck, a round face, hazle eye, speaks quick, a butcher by trade, understands gardening and farming; he has been fourteen months on board a man of war; he has a butcher's steel and knife, and wears quil's in his hat i he had with him, a brown cloth coat, second mourning jacket, black breeches, white, check, and osnabrig shirts, and some money; he will attempt to pass for a sailor; and I hear they intend to Baltimore and Philadelphia. Who-ver apprehend the aforesaid servants, and secures them in a jail, so that I get them, shall receive a reward of five pounds Virginia currency for each of them.

RICHARD LEE.

ALL persons indebted to the estate of the late Lord Baltimore (except for land sold by the commissioners) are desired to make immediate payment to Daniel of St. Thomas Jenifer, Esq; who is empowered to receive the same; those who neglect to comply with this requisition, may depend that suits will be commenced against them without respect to persons. 8w ROBERT EDEN, Executor.

POETS CORNER.

TO THE PRINTERS.

The enclosed poem was sent to me, by a friend in the country, to-day. I beg you would give it a place in your paper; and perhaps some candidate for poetical fame will attempt a translation of it. The tale is laughable, and has the merit of being true.

MUSEUS.

POETA CAUSIDICO VERBA DAT.

CAUSIDICUS laudat qui dum vivere raptio
Contineat, mentis, infideliisque sciatens
El quo prouide monum quatit ipsa senatus
Moenia, ipsum dum rotat ore minas.
Mestora pro se fert, quonvis formidins turpi
Theristen superet, lcom nata tetra vomens.
Jam grauis exultat, jam leges vertere fundo
Gellit, jam nullus religionis honos.
Nescio quis innotro lte pessum omnia danti
Ingerit haud vanâ lucida tela manu.
Vulnere pierio nutat, valrique poeta
Æger apollineum munere captat opem.
"Men' dextra indignâ sterni! men' viribus illis
"Oppetere! heu videor bis periisse mihi!
"Pagina Ephemeridis distinctam cuspide crebra
"Eligiem ostentat, sic ego pungor ait.
"In te conuertor, plagas ulciscere nostras,
"Eja! operi accingas condicione tuâ!"
Conuenit; officium oranti venditque poeta,
Hac lege ut numeret bis sibi quinque minas.
"Cras si iure quas, unum vel carpere verbum,
"Quod scriptum est inquit reddere pango tibi."
Causidicus carmen prædicto tempore poscit;
Charta datur nulla commaculata nota,
"Arte, poeta, tuâ vici te, vesseme! clamat,
"I, verbum corpus, nam tibi verba dedi."

Annapolis, June 21, 1773.

HIS excellency the governor having taken out letters testamentary on the estate of the late lord proprietary, within this province—Notice is hereby given to all persons who have become purchasers of manor or reserved lands, and have not strictly complied with the terms of sale; that if they do not return certificates and make immediate payment, they may depend that no indulgence can be granted, as the trustees are determined to close the accounts and make a final settlement without loss of time.

Signed per order,

JOHN CLAPHAM.

July 24, 1773.

RAN away from the subscriber, living in Charles county, near Benedict, a negro man, named Will, about 5 feet 2 inches high, 26 years of age, is a well set fellow, has a scar over his right eye: Had on, when he went away (which was about the first of February last) a blue sear-nought jacket, remarkably long, a check shirt, and a pair of old plush breeches, and a dark cut wig; he also took with him, an old crimson cloth coat, and a drab coloured great coat. It is conjectured that he is gone to Frederick county, as his wife was sent there to a quarter of Thomas Davies's her master, which is within a few miles of Hungerford's tavern, and Seneca run; or that he is in St. Mary's county, near the mouth of Wicomico river, as he has a brother and other relations the property of Mr. Kenelm Chesebaine. Whoever will secure the said negro in any jail, so that the owner may get him again, shall have 30 shillings currency reward, besides what the law allows. If brought home, without committing to jail, five pounds current money.

W3 MARY ANDERSON.

THERE is at the plantation of Jacob Dicus, a small gray black horse, about 12 and a half or 13 hands high, branded H on the near shoulder, paces, trots, and gallops. The owner may have him again, proving property and paying charges. 3
CHARLES JACOB and ABRAHAM CLAUDE,
WATCHMAKERS FROM LONDON,
Have just opened Shop, opposite Mr. Ghiselin's, in West-Street, Annapolis.

WHERE they repair all Sorts of repeating, horizontal, and plain Watches, in the neatest and most approved Manner, and at the most reasonable Rates. Those Ladies and Gentlemen that please to favour them with their Custom, may depend on having their Work done with the greatest Punctuality and Exactness, as they will execute all the Work themselves without employing any other Person, and engage their Work for one Year: They will also supply any Person with Watches of their own make, and warrant them as good as if bought in London.

HERE is at the plantation of Samuel Muf- grove, living on Elk-Ridge, in Anne-Arundel county, a gray bay mare, about 13 hands high, branded on the near buttock, WATB all joined together. The owner may have her again, proving property and paying charges.

THERE is in the possession of Francis M-Daniel, living at Mr. Caleb Dorsey's, Elk-Ridge, a gray bay horse, about 13 hands and a half high, a star in his forehead, two saddle spots, one on each side, has a small bell and bell collar on, paces, trots, and gallops.

The owner may have him again, proving property and paying charges. w3

HERE is at the plantation of Rheta Todd, on Elk-Ridge, in Anne-Arundel county, a gray black mare, about 13 hands high, neither docted nor branded, trots and gallops.

The owner may have her again, proving property and paying charges. w3

COMMITTED to the jail of Charles county as a runaway, a negro man, who calls himself Simon Piper, and says he belongs to John Hunter, about five miles beyond Frederick-town in Virginia. He is a likely fellow, about 5 feet 4 inches high, well set, of a yellow complexion, the little finger on his left hand crooked; has on, and with him, an old light coloured broad cloth coat, trimmed with silver basket buttons, an old jacket of the same with the back parts of shaloon, a pair of black serge denim breeches and a pair of osnabrig trousers over them, an old fine white shirt and an osnabrig ditto over it, and an old castor hat. The owner of said negro is desired to take him away and pay charges to

8w WILLIAM HANSON, deputy sheriff.

Annapolis, July 3, 1773.

THE subscriber, living in Westmoreland county in the colony of Virginia, having been im- powered by an act of assembly of this province, to sell and dispose of the lots, buildings and improvements whereon John Morton Jordan, Esq; deceased, lately resided, hereby gives notice, that he will dispose of the same, agreeable to the trust in the said act mentioned, by private sale, to any person or persons inclinable to purchase them, at any time between the date hereof and the 29th day of September next ensuing, at which time (if not before disposed of) they will be exposed to publick sale upon the premises, between the hours of 10 and 12 in the forenoon. The terms of sale and the time of credit will then be made known by

WILLIAM BERNARD.

guAul 13, 1773.

RAN away from the subscriber, near Elk-Ridge church, the 8th inst. an English convict servant, named Edmund Nunn, about 5 feet 8 inches high, 21 years of age, well-made, fair complexion, gray eyes, wears his hair, one of his teeth stands further forward than the others: had on when he went away, an osnabrig shirt, roll trousers, felt hat, and coarse new shoes: he pretends to know the duties of a sailor, may have changed his name, and forged or otherwise fraudulently obtained a pass.—Whoever takes up and secures said servant, so that he may be had again, shall have if 30 miles from home, three pounds, if out of the province five pounds (including what the law allows) and reasonable charges if brought home.

tf THOMAS SAPPINGTON.

FIFTEEN POUNDS REWARD.

May 20, 1773.


RAN away from the subscriber's plantation, in Frederick county, on the head of Bennett's creek, on the 17th inst. at night, a convict servant man, named William Flint, about 22 years of age, born in the west of England, a spare slim fellow, about 5 feet 8 inches high, of a swarthy complexion, short black hair, and has lost one of his fore teeth: he had on, and took with him, a white cotton jacket, brown cloth ditto much worn, a pair of leather breeches black and dirty, two white shirts, two pair of stockings and shoes, and a new felt hat; it's possible he may have changed his name and apparel, as he has a sum of money with him.

Whoever takes up the said servant, and brings him either to John Plummer, overseer on the above-said plantation, or to the subscriber living in Anne-Arundel county, near Elk-Ridge church, shall have the above reward for their trouble, besides what the law allows, paid by

Baltimore, July 17, 1773.

JUST IMPORTED,
And to be sold by the subscriber, on reasonable terms,

DRUGS and medicines, apothecary shop furniture, surgeons instruments, urinals, nipple glasses, and every article in common use among the medical and chirurgical gentlemen. Also painters colours, oils, and utensils, gold leaf, varnish, &c.
w5 ALEXANDER STENHOUSE.

THERE is at the plantation of Charles Onion, living on Elk-Ridge, in Anne-Arundel county, a gray dark bay mare, about 12 hands and a half high, branded thus  has a scar on her off hip, several saddle spots on each side, trots and gallops. The owner may have her again, proving property and paying charges. w3

ANNAPOLIS RACES.

On TUESDAY the 28th of Sept. will be run for, THE JOCKEY CLUB PURSE of ONE HUNDRED GUINEAS, free only for Horses &c. belonging to the Members of the Club.

On WEDNESDAY the 29th.

The CITY PURSE of FIFTY POUNDS, GIVE AND TAKE. Aged Horses 14 Hands high to carry 9 Stone, allowing 7lb. for every Year under Age; and 7lb. for every Inch under 14 Hands; but for every Inch above 14 Hands, to carry 7lb. extraordinary. Heats 3 Miles each.

On THURSDAY the 30th.

The CITY PURSE of FIFTY POUNDS, free for Four and Three Years old; Four Years to carry 8 Stone, Three Years to carry 7 Stone, allowing 5lb. for Fillies. Heats 2 Miles each.

On FRIDAY the 1st of October.

The THEATRICAL PURSE of FIFTY POUNDS, free for any Horse, Mare, or Gelding, carrying 9 Stone. Heats 4 Miles each.

There will be a Sweep-stakes on Monday the 27th of September, between

William Fitzhugh, Esquire's gray Filly, by Fear-nought.

Benjamin Ogle, Esquire's gray Filly, by Othello, Daniel Heath, Esquire's gray Filly, by Traveller.

The winning Horse each day is excluded starting for any of the other Plates.

Subscribers of Three Pounds or upwards, may enter free for each, or all of the Three last Days Plates. Non-Subscribers to pay Two Guineas Entrance each Day.

The Horses intended to run for the Two last Days Sport, must be entered with the Clerk of the Course, on Saturday the 25th of Sept. any Time before Twelve at Noon; and the Horses for the give and take Plate, must be entered and measured between the Hours of Three and Six in the Afternoon of the same day, or pay, should they start for any of those plates, double Entrance at the Post, if the Property of a Non-Subscriber, Three Pounds.

Subscribers to the Plates, and the Gentlemen who have Horses to start for the Jockey Club Purse, are desired to enter them the same Day, that Lists may be made out and published. Certificates of their Ages must be then produced.

The Horses are to start each Day—precisely at Eleven o'Clock. The winning Horse each Day, to pay a Guinea to the Clerk of the Course for Weights, and Scales. Judges to be appointed by the Stewards.

Assemblies as usual, on Tuesday and Friday.

LLOYD DULANY, } Esqrs. Stewards.
RICHARD SPRIGG, }

For the Encouragement of the Market, and the better Entertainment of the Company at Annapolis during the Races, the JOCKEY CLUB have directed their Secretary to publish the following Premiums, viz.

TEN POUNDS CURRENCY

For the largest and fattest Beef that shall be brought to Market, and sold at or under Six-pence per Pound. The Four Quarters not to weigh less than 700 Pounds.

ONE GUINEA.

For the largest and fattest Weather, above Four Years old.

THREE POUNDS CURRENCY

To the person who brings to Annapolis during the Race Week the greatest Quantity of the largest and best marketable Fish, and retails the same at the usual Prices. Proof of which must be made to the Satisfaction of the Club at the End of the Week.

Persons proposing to become Candidates for the Premiums, are to apply to the Secretary of the JOCKEY CLUB.

WILLIAM EDDIS, Secretary.

RAN away from the subscriber, living in Charles county, a servant lad, called Hooper Bennett, about 19 years of age, slender make, about 5 feet 3 inches high, light coloured hair, which he generally wears in a slovingly manner, pale fallow complexion, appears to have had the fever and ague, speaks quick, and calls himself a barber and hair-dresser: had on, when he went away, a brown short skirted coat, red waistcoat, and olive coloured velvet breeches, though it is supposed he may have now changed his dress: he was seen, about five weeks ago, at Lyon's-creek, in Calvert county, and I do imagine he is now either in that or the county of St. Mary's. Whoever brings said servant to the subscriber, shall have a reward of forty shillings, paid by

RICHARD LEE.

ANY Person wanting Searches made in the Rentals for the Western Shore of this Province may apply to

J. CLAPHAM.

M A R Y L A N D G A Z E T T E.

T H U R S D A Y, SEPTEMBER 9, 1773.

TO JOHN HAMMOND, ESQUIRE.

S I R,

YOUR communicating in print the grounds and reasons of the opinion, you have entertained in favour of the proclamation, has laid us under a necessity of making this address to you. If you are wrong, and we think you are, it would be a happiness beyond our expectation to work such conviction upon your mind, as to induce you publicly to retract your opinion; yet we flatter ourselves with the hope, that an attempt to prevent others being misled by the indigest learning, which hath bewildered you, will not prove altogether unsuccessful. Freedom in enquiry and opinion we hold with you a natural right; and therefore the terms—"cavilling and quivering sons"—"selfish and designing men"—"the sowers of sedition and discord"—"state-lawyers who pushed forward this publick resolve for the promotion of their own private gains," applied to those, who differed from you in sentiment, are intemperate. Those men, whom you thus insult in outrageous terms, have been as strait forward and uniform in their conduct, as little deserve your groundless imputations, and have sacrificed as much of their private gains, as yourself. But, Sir, in order that the true question may fairly be kept in view, and the reasoning on either side may be fully comprehended and compared, we not only intend to wave any unnecessary notice of the very exceptionable language; you have frequently made use of, but propose to lay aside, as useless, in the present discussion, the graces and ornamental parts of your piece,—your partial state of the treatment you received on the day of the Anne Arundel election,—your confusion of what, you esteem a frivolous charge against yourself in the letter of it, though the substance seems not to be denied by you—as well as your scraps of plays and ends of verses—A parade of learning may make fools gape and stare, but cannot convince the understanding of any sensible man; equally foreign too is it to the question, whether you, who appear an advocate in favour of the proclamation, do so on the fullest conviction of the propriety of it, or whether those, who have opposed it, have done so from interested or selfish motives.—The legality of the proclamation must be tried by a different standard, the constitution and laws of our country.

Neither you, or any other advocate for the proclamation, have explicitly and fully stated the extent of it, argument may be endless unless its extent is first settled.—You say that the governor's proclamation is, "with respect to the officers, who are declaredly the objects and only objects of it, constitutional, legal, beneficial to the people, and obligatory on the officers, to all intents and purposes whatever"—Again—the proclamation "was constitutional, legal, beneficial to the people in whose behalf it was made, and obligatory on the officers who were the objects of it, to all intents and purposes whatever"—Again—"how the people came to be alarmed, and such clamour raised against a measure most manifestly calculated to promote their interests if they were inclined to take advantage of it, as most of them amidst their complainings have done, and without which they neither are actually or intentionally the objects of it; nor are nor can be immediately or remotely affected by it, might easily be disclosed"—Again—"I have said just above, that the people were not declaredly the intentional and actual objects of the proclamation; I here submit this point (as much depends upon it) to the determination of the publick"—Again—"If the proclamation hath afforded these advantages to the people, no less beneficial hath it proved to them in removing all grounds of litigation and contest between them and the officers, which must have inevitably ensued from the different rates each would be inclined to annex to the service performed by the latter"—Again—"Is it for the good of the people that endless litigation should be prevented having any foothold among them? if it is, and I guess it will not be denied but by a few, then it follows that the proclamation, &c. by establishing the most easy and equitable rates of fees that ever prevailed in our province, stopped the career of suits among us;" "fees being incidental to, or as some chuse to call them, the perquisites of office, are constitutionally and properly rateable by the same or like authority that established the office and appointed the officer;" "fees are not taxes, or taxes fees, &c." "nay, these considerations have, I trust, shewn somewhat more, in whom the constitutional right and power of regulating the fees of office doth reside, and by whom it is to be exercised on fit and proper occasions;" "the proclamation which regulates the fees of officers with us, hath not by its context or import the least tendency to lay a tax upon the people, it leaves them just as they were before it issued, as to any compulsory charge or payment to be enforced from them;"—from these extracts, already too long, and others, which might be made from your piece, your idea of the proclamation seems to be in no wise settled or precise.

If your considerations have shewn, "in whom the constitutional right and power of regulating the fees of office doth reside, and by whom it is to be exercised on proper occasions; if your considerations have shewn, that fees are "constitutionally and properly rateable by the same or like authority that established the office and appointed the officer;" if the proclamation hath proved beneficial to the people, "in removing all grounds of litigation and contest between them and the people, by establishing the most easy and equitable rates of fees that ever prevailed in our province;" if the proclamation regulates the fees of officers, how incongruous are these propositions to your assertions, that "the officers were the sole objects of the proclamation to all intents and purposes whatever;" "that the people neither are actually or intentionally the objects of it, nor are nor can be immediately or mediately affected by it;" "that the proclamation leaves the people just as they were before it issued as to any compulsory charge or payment to be enforced from them." It is true, the officers are the declared objects of the proclamation, but no sound conclusion can be drawn from thence, that the people are not both actually and intentionally the objects of it, or that they are not nor can be affected by it. If fees are rated, regulated and established by legal and constitutional authority, such rating regulation or establishment creates a legal obligation on the people to pay according to those rates, and thus and only thus can all grounds of litigation and contest between them and the officers be removed; it is absurd in terms, and can only flow from a confusion of ideas, to say a right can be given to an officer to have, demand, receive or take, and no obligation on the people to render, pay or satisfy. The extent of the proclamation, however, yet remains unsettled. You find fault with the motive and design attributed to it, and contend the terms made use of in that instrument are so plain and explicit in themselves, as to leave no room for construction; if every proclamation made for the publick good is a legal and constitutional proclamation, founded on undoubted prerogative; and if, when the proclamation itself suggests the publick good, as the motive, end and design of it, the suggestion is to be complaisantly taken for truth, perhaps no proclamation, which ever was, or would be issued, would want undoubted prerogative for its foundation: No apology is necessary for the strictest examination of the rightfulness of powers exercised by government; our constitution is jealous and distrustful; hence the various and mutual checks and controuls wisely contrived by our constitution, and hence it is, that we have representatives at all. Fearing no doubt, that your readers should not otherwise be possessed of the true sense of the proclamation, you have followed the beaten track of inserting it, at large, in your piece, though the regulation of fees in the land-office, which is referred to in it, and is, as we apprehend, a part of the same governmental act, hath been omitted.—The defect is supplied by an insertion of the following copy—"Frederick absolute lord and proprietor of the province of Maryland and Avalon, lord baron of Baltimore, &c. For the ascertaining what fees and perquisites may and shall be taken and received by our judges and register of our land-office, for their own use and benefit, we do think fit, and accordingly declare it to be our will and pleasure, that our said judges and register, shall have, receive and take the following fees and perquisites hereunder written, to their own use and benefit. "Witness our brother Robert Eden, Esq; governor of our said province of Maryland, and chancellor and keeper of the great seal thereof. Fees and perquisites allowed, &c. N. B. The above fees, if paid for at the time of performing the service, may be discharged in money, at the rate of twelve shillings and sixpence currency for every 100lb. of tobacco; and if paid in inspected tobacco, 10 per cent. to be discounted for conveniencey."

The express affirmative terms of this declaration, or regulation, need no comment. The lower house in their address, November session 1771, contend the land-office is a publick office, amongst other reasons they urge—"the land office, Sir, is the publick repository of the first and most necessary evidence of every man's title to his real estate in this province; the whole records have been made up, so far as we can trace, at the expence of the people; these records have been considered as publick records, kept under securities by acts of assembly, and office copies are constantly received and admitted as evidence by the courts of justice." To which the governor answered—"so far as it (the land-office) is the repository of the muniments of his (the proprietary's) tenants estates, it is a publick office, and all the people of Maryland are entitled to have access to it, as well as to the other offices, &c." Thus by the concession of the governor, the land-office, as to the records kept there, stands in the same predicament of other publick offices; for the searches and copies of which records, by his regulation or declaration, the judges and register shall have, receive and take the fees and perquisites therein mentioned. However you

may effect to despise the address of the late lower house, you nor any advocate for the proclamation have attempted, by fair argument and deduction, to controvert the proposition, that the necessary construction of the proclamation, with regard to the other officers, is an affirmative allowance to receive the quantum regulated by the late inspection law; in support of the proposition the lower house argue—"when your excellency authorized the registers of the land-office to receive the respective quantum enumerated in your instruction to them, and which were allowed and limited by the late regulation, without an express prohibition against receiving more; we fairly presume, that you meant an allowance of so much, and an implied prohibition to take more; for we cannot suppose you intended those officers should be justified in receiving so much, and as much more as they could extort. And when your excellency by your proclamation prohibited the officers from taking other or greater fees than limited and allowed by the late regulation; you as certainly must have meant a prohibition against taking more, and an implied allowance of so much; besides, so much by your proclamation is not extortion, and therefore on this supposition may be demanded and taken &c. On recurring to the late inspection law which limited the officers' fees, we find that the words of that act are, that no officer or officers hereafter mentioned in this present act, their ministers, servants or deputies, by reason or colour of his or their office or offices, shall have, receive or take, of any person or persons, directly or indirectly, any other or greater fees, which shall become due after the last day of November, in the year 1763, than by this act are hereafter limited and allowed to the several officers hereafter mentioned; which expressions every body knows have always been construed an implied affirmative allowance of such fees; and when your excellency has been pleased to issue a proclamation in the very same words, we cannot but conclude, you must have had the same idea affixed to them, as was universally affixed to those words in the act from whence they were copied." To which may be added, that the proclamation of 1733, opposed by the representatives of the people as illegal, and attempted to be justified by government as a legal regulation of fees, was conceived in the same terms; and an act of parliament allowing poundage fees to sheriffs in nearly the same terms, has met with the like construction in the king's-bench (Mo. Ca. 1166.) But it seems your scrupulous regard to gentility will not suffer you to make or allow such construction; for the law, saith Lord Coke, will not make an exposition against the express words and intention of the party; yet the governor himself writes, "for the very purpose of regulating the conduct of the officers in the article of their fees, to point out to them what they might, and beyond which they should not demand, I issued my (shadowed as you call it) proclamation, &c." Is it conceivable, Sir, that the governor and council should alone be ignorant of the ideas affixed to the terms made use of in the expired acts, or the former proclamation, that they should all be ignorant of the construction on the statute above mentioned, or that any of them should be so ignorant of the common and ordinary import of terms, as that when no other or greater are allowed, so much is understood to be allowed? Does not the practice under the proclamation justify the construction? or do you know of any officer who does not charge fully up to the rates? again, what does the proclamation forbid as extortion? the exaction only of fees beyond the regulation. Does not the right to demand extend as far as the limits of extortion? can extortion be ascertained without ascertaining the exact compensation? "a right to determine the fees charged were excessive, writes his excellency, implies the right to settle the exact compensation due for the services performed, because without the standard, what fees are adequate, what are more or less than the just proportion, cannot be ascertained." Where then is there any breach of good manners, in advancing or maintaining the proposition, that the necessary construction of the proclamation, with regard to the other officers, is an affirmative allowance to receive the quantum regulated by the late inspection law?

If the extent of the proclamation is thus satisfactorily fixed, as we think it must be, we apprehend that proclamation "unconstitutional in the matter and shadowed (let the term be carped at as much as it may) in the manner with the assigned reason to prevent extortion by the officers, in imitation of the practice of arbitrary kings, who in their proclamations, which have been declared illegal generally covered their designs with the specious pretence of publick good."

A short review of the assembly proceedings in 1770. may not be useless in the investigation of this subject. The inspection law, which contained a regulation of the staple, clergy's dues, and officers and lawyers fees, was in the year 1769 continued only till the 1st October, 1770, with design, when more time could be conveniently spared, to review the tables of fees, and examine the practice of charging under them; the assembly met the 25th September, 1770; the lower

house entered on the review and examination designed. The inspection law was continued till the 20th October, to give time for it; on that review and examination the lower house thought the then regulation, in some particulars, exorbitant, and that many great abuses had been committed by the officers in their charges, which could be palliated only from the doubtfulness of the expression in the tables; amongst which were charges for services never performed. A bill therefore was framed including a regulation of the staple, clerical dues, and lawyers fees, and new tables of officers fees, moderating the allowances, in a few instances, where they were thought outrageous, attempting to cut off all pretence for those charges, which were thought to have been improperly made, and (not much in favour of the private gains of *state* or any other lawyers) giving liberty as well to planters as others to pay off at 12/6. The bill failed, and though the planters are now so much obliged to government for the liberty of paying off at 12/6, a higher medium was then insisted on. From some proceedings carried on in the land office, the lower house suspected a design in government to issue a proclamation for fees; a short prorogation took place; the assembly met, and the bill was sent up again; the alternative was fixed at 12/6; the clerical dues were settled; there was no dispute about lawyers fees; most of the particulars, on which the two houses had disagreed in the regulation of the staple, were also settled, the settlement of officers fees was not effected. In general, the upper house contended for the old tables, the lower house was extremely averse to them; the inspection law was lost, as we apprehend, on the very point. A cautionary address to the governor against issuing any proclamation for fees was prepared and delivered to him; the assembly broke up the 21st; the declaration or regulation of fees in the land office issued the 24th, and the proclamation the 26th November, 1770, rating the fees in tobacco dischargeable in case of immediate payment in money at 12/6.

You ask "was it or was it not for the good of the people to be indiscriminately allowed to discharge their fees of office in cash or tobacco at their option?" and that the planter should stand on the same fair and equal footing with the farmer and be privileged to pay the officer his dues in money at the rate of 12/6 currency for every 100lb. of tobacco, owing by him?" To be sure, Sir, it is for the good of the people, that they should indiscriminately be allowed to discharge the fees of office in money, and common justice requires, that the planter should stand on the same fair and equal footing with the farmer. But are the people indebted to the proclamation for it? Were the officers, after the fall of the late act for limitation of fees, entitled by any *substituting law* to charge any person in tobacco? However the great good to the people in general, and the boasted indulgence to planters in particular, may be blown up in a loose and cursory way, we are not apprehensive, that you will pointedly pronounce, that independent of that proclamation the officers would have a right to recover tobacco, or any thing else other than money, "the universal medium or common standard, by comparison with which the value of all merchandizes or all services may be ascertained." When the late act expired, the fees of office, and the mode of payment established thereby, fell with it; that disparity in payment became extinct, and the planter and farmer stood upon an equal footing. The officers of government could only claim an equivalent in money for their services, the quantum of which, in case of contest, to be constitutionally decided by a jury; nor would any jury upon earth, deciding upon the principles of natural justice, was it in their power, give a verdict, upon actions brought for similar services, against the planter for tobacco, and against the farmer for money, when the verdict in tobacco would perhaps double or even treble a verdict in money. No man can be alarmed with such an apprehension. The alternative, therefore, offered in the proclamation, which you boast so much of, is an insulting affectation of kindness to the people; because it conveys the idea of protection to the planter, in the restriction of officers from tobacco demands, when in truth no such tobacco demands subsisted, and consequently no such protection was wanted or required. Yet suppose the officers, independent of the beneficent proclamation, would have had a right to charge and compel the planters to pay their fees in tobacco, what great alteration does the proclamation work? The ease of discharging the fees at 12/6 by either the tobacco or non-tobacco-maker is confined to the case of *immediate payment*: immediate payment for business transacted, in the times of the sittings of the courts, is in most instances impracticable; so that if the planters in general feel any ease from the unjust distinction, they long and patiently submitted to under the legal regulation, and which it seems according to your idea, and contrary to ours, would have been continued notwithstanding the expiration of that regulation, it flows from the course of business and indulgence of the officers, and not from the tender provisions of the proclamation.

Is the proclamation unconstitutional in the matter of it? You attempt to prove it legal, and it ought to be proved so; else its unconstitutionality follows as a consequence; for as our constitution is founded in compact, no authority belongs to government, but what has been granted to it; all other power rests in those, from whose grant all rightful power is derived. You contend for the legality, the expediency, nay the necessity of this proclamation, from authorities of law, the charter, the principles laid down by Mr. Locke, and the circumstances of the province.

As to the circumstances of the province, the true state of the fact will evince that nothing can be claimed from that of the time of issuing the proclamation, there was no sudden and unforeseen emergency; a regulation of officers fees had been discussed between two branches of the legislature, the circumstances of the province considered and deliberated on, and the old regulation refused by a component part to be con-

tinued; rather than continue which, the representatives submitted to the loss of the regulation of the staple; the sense of the lower house against the measure was fully and constitutionally made known to the governor.

But you are of opinion, that a failure of justice would have resulted "had not the prerogative of proclamation happily interposed by the governing power in this emergency of our province to give relief." Your opinion is taken up upon a supposition, that the several acts of 1715, 1716, and 1731 requiring security for the payment of officers fees, and obliging the officers to make out their accounts in a fair legible hand, could not, without the interposition of the proclamation, be complied with. But, pray Sir, Why not? Who questions the right of the officers to a compensation for their service? Why not then, in execution of the above acts, give security for the payment of that compensation, when constitutionally ascertained in case of a contest, as well as give bail in any action on the case where a jury are to liquidate and settle damages? And what should prevent the officer from making out his demands in a fair legible hand? Perhaps you will reply to carry the above acts into execution, the fees of office ought to be legally ascertained and reduced to a certainty by an obligatory establishment. If so, then the proclamation, as to the above acts, was ineffectual and nugatory; for you contend, that the payment of the fees settled by it was optional in the people and not obligatory upon them, and that in case of contest the officer was obliged to take his remedy in a court of law. The payment therefore of the fees settled by the proclamation being asserted by you optional only upon the party, you would not surely oblige him to give security for the payment of them up to those rates, before he obtains the benefit of process under the above acts. This would be to tell a man, you may or may not pay, but you shall pay. Such mockery, Sir, will not do in the administration of justice. But pray, do you know of any rule of law, by which, in case a supplementary or other act refers to a prior act, either expressly or to the matter of it, and that prior act should cease in any manner, government can by proclamation revive or set up the expired or void act as a ground work for the operation of the supplementary or after act? If there is such rule and the 40 per poll act void, Why might not government to carry into execution the supplementary laws establish the 40 per poll act by proclamation? But there is no such rule; and therefore if the above acts of assembly, from the want of a legal compulsory establishment of fees, cannot be put in execution, they must still lie dormant notwithstanding the interposition of the proclamation. You see, Sir, in the heat of your zeal for the proclamation, you have imputed virtues to it, which upon enquiry do not exist.

The proclamation, you say was, beneficial too "in removing all grounds of litigation and contest between the people and officers;" and yet you affirm, "it leaves the people just as they were before it issued as to any compulsory charge or payment to be enforced from them;" and "leaves the officer to a recovery of his reasonable fee by law against the people." If the people, then, are at liberty to contest the fees demanded of them, and the officer is to seek for his reasonable claims in a court of law, how consistent does the assertion stand, that the proclamation is beneficial in "removing all grounds of litigation and contest." With propriety, Sir, you might have said, that the proclamation defeats a legal beneficial consequence of litigation; the officers, who advised it, well knew, that their extravagant charges under the old table would not bear examination before a jury. They foresaw, that a single verdict might determine the existence of their commissions; for an officer convicted of extortion is punishable by law with fine, imprisonment, and removal from office. The safety, therefore, of their commissions and the laudable principle of self-interest, may have prompted them to put his excellency upon the project of a proclamation to countenance the exaction of fees according to the practices under the old table. Shielded by such proclamation, what would avail an indictment for extortion? The officer would naturally solicit a *noli prosequi*, could the governor deny it? By an assumed authority, he warranted the exaction; with what consistency then could he withhold the means to prevent the punishment which the law inflicts?

You stumble upon a *resolue*, which seems to give you offence, "that in all cases where no fees are established by law for services done by the officers, the power of ascertaining the quantum of the reward is constitutionally in a jury upon the action of the party." Is this, Sir, law or is it not? If it is law, there is an end of the question. And pray Sir, which is the better safeguard against the evils and oppressions of office, the trial by jury or a proclamation? But the trial by jury, you observe, "would multiply law suits" in the community. What would you infer from this? Are you of opinion, that government, under pretence of preventing law suits, has a right to snatch the decision of property from the courts of justice and abolish the trial by jury? You will not surely draw such an inference. "The people and officers (you say) will be left open to perpetual contest about the rate of fees." We think not; a verdict or two would silence the most refractory; a jury you know, in the assessment of damages, may make an officer smart for his obstinacy and perseverance. But to multiply suits you assert is "greatly to the advantage of our state lawyers who pushed forward this public resolve for the promotion of their own private gains." This is a harsh imputation. The gentlemen, you allude to, are as uncorrupt in their public character as yourself. You cannot suggest a circumstance to found even a suspicion upon, that they were ever actuated in their public conduct by such a dishonourable motive. The man, who fills a public station ought to act upon impartial, liberal and disinterested principles; if he is pliant enough to be

borne down by a bribe or swayed by private interest, he certainly is a base, treacherous and unworthy servant. If you have any proofs of your charge, so materially affecting the integrity of the gentlemen alluded to, disclose them to the publick. Fix the imputed guilt and mankind will abhor and detest them. The "state lawyers," as you are pleased to stile them, so far from entertaining any hopes of promoting their private gains from perpetual contests between the people and officers, have often and repeatedly offered their assistance in the courts of justice without any satisfaction or reward for it. In the several suits respecting clerical dues, they have voluntarily appeared on the behalf of the people and refused very liberal fees, which the parties interested have generously pressed their acceptance of. When, Sir, they withdraw their promised assistance and will not act without a reward or satisfaction, you may then upbraid them with mercenary motives, and impute their publick conduct to self-interest.

You highly extol the *amiable* motive of the proclamation to prevent extortion in the exaction of fees beyond the old table set up and established by it. You seem to have forgot, that the complaints of the people are pointed at the table itself; the oppressions of office, from whence arises the opposition, are founded upon the colourable exactions of fees under it. Instead of aiding the popular struggle against the oppressions of office, the proclamation espouses the cause of the officers, and adds its weight to sink down the people. What do the officers contend for? The old table of fees—What do the people object to as oppressive and unjust? The old table of fees and the abuser, which had been practised under colour of it. What is the regulation established by the proclamation? The old table of fees. And what is the practice under it? A continuance of the abuses. What, then, was the *real object* and *intention* of the proclamation? Was it, the publick good or the emolument of the officers? And yet in the energetick words of the poet you say

"It's desert speaks loud, and I should wrong it
"To lock it in the wards of covert bosom,
"When it deserves with characters of brass
"A fortified residence, 'gainst the tooth of time
"And razure of oblivion."

—Had you really intended a *burlesque* upon the proclamation, you could not have been more happy in a pointed quotation—

"And would the silence of the governor &c. have been productive of the same good effects to the people as his proclamation &c. and which refrained &c. at a time when the old inspection law that contained the rates of fees had expired among us; at a time when from an unhappy disagreement between two of the component branches of our legislature no new table of fees could be settled by them; at a time when in consequence of this defect in government and through want of *restriction of some positive law*, the officers were left at large to riot with the property and purses of every man, that might have occasion to do business in their offices." We have been full in this extract; such a display of legal knowledge is wonderful indeed! But "you would be gladly informed what other mode of checking those evils hath the constitution of our mother country or that of our province provided, save only that by *proclamation*?" The law, Sir, replies—a *JURY*. Do you not know, that an officer who riots with the property and purses of every man, that has business to do in his office, may by the common law be punished on an indictment for such oppression and extortion; and that the party grieved is entitled to his action to recover back his property, that has been thus wrested from him? And would not a jury, upon evidence of such riot, compel an officer to disgorge by an exemplary verdict of damages? Or if the designed extortion was not submitted to and a reasonable reward was tendered and the business remained undone, do you not know, that an action might be easily maintained for the recovery of damages? These, Sir, are the checks which the constitution has appointed upon the evils of office; these are the constitutional guards against extortion and oppression.

It is inconsistent in your argument to ground your justification of the proclamation on a necessity for the interposition of government to regulate fees from the peculiar juncture and state of the province, and at the same time contend the proclamation is a *legal act*, and the exercise of a *legal prerogative*. If it is a *legal act*, and the exercise of a *legal prerogative*, it needs no justification or excuse; it defends itself, and is within the protection of the positive laws of the land, and consequently the necessity communicates no authority. "The preservation, safety and good of the people," can best, nay only be effected and preferred by maintaining unrelaxed and un-nervated the fundamental principles of the constitution, and as one of the principal "of them, to exclude from the executive, every even the least degree of legislative power, the natural and necessary tendency of which, is to destroy the constitution, and of consequence to destroy the safety of the people." If necessity is relied on to justify the exercise of a power, which must be confessed would otherwise be illegal, that necessity ought clearly to be certain, *urgent and invincible*; such when the supreme authority could not be assembled and consulted time enough to afford a remedy. It then becomes an instantaneous act of self defence at risk; so far from its being solely appropriated to the *supreme magistracy*, it is not confined to *magistracy* at all; any private person may equally at his risk save the state.

But the necessity for any further remedy or provision to prevent a failure of justice, to which our constitution is utterly abhorrent, according to you, and every publick advocate for the proclamation, arose from the ill conduct of the *representative body*. Admit for argument sake, that the law had no adequate provision, and that for the prevention of a failure of justice, a further remedy was absolutely necessary; admit too for argument sake, that the representatives were as blameable

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tated. If the representative body should act in direct
opposition to the ends and purposes of their creation,
the remedy is by a dissolution, which is properly and
for that purpose intrusted with prerogative; the power
flows back again into the hands of the people to be
exercised in a new choice, but they and only they are
ultimate and conclusive judges of the propriety of the
conduct of their representatives. There is nothing in
the case, as stated by yourself, unforeseen or unpro-
vided for by our constitution; and government would
be as well justified for having hanged a subject by pro-
clamation after an acquittal by a jury for murder, against
the duty of the jury, as government can be justified by
making a necessary establishment by proclamation, because
the representatives against their duty refused to concur in
enacting that necessary establishment. But the people,
the ultimate and conclusive judges of the propriety of
the conduct of their representatives, have approved
their conduct by two several re-elections. What weight
then, have the people in the constitution, which ought
as the first principle of it to be kept on a just balance
and equipoise, if that shall be enacted by prerogative,
on the foundation of necessity, in the enactment of which
they deliberately refuse to concur?

If the supposed necessity is to justify the proclama-
tion, who is to be judge of the necessity? if the su-
preme magistrate is to be judge, the power is unlimi-
ted, and then the discretion of prerogative may apply
it to any instance whatever; "and so discretion dege-
nerates into despotism."

As to your legal authorities, we agree your cases, ex-
cept that in Hob. are sound law, and hold with the
principles laid down by Mr. Locke; yet we think
you have mistaken and misapplied those great authori-
ties. You marvel much that the right of prerogative
to prevent extortion should be questioned or doubted.
No man, Sir, questions or doubts the right of pre-
rogative in a legal way to prevent extortion; but the
question still recurs, is the proclamation in dispute a
legal way or not? it is the right of prerogative to ad-
monish the subject by proclamation against the breach
of *substituting laws*; but every man "of common juridi-
cal knowledge," denies any right of prerogative to
establish what is, and what is not extortion, or to give
the rule, or fix the standard for the fees of office, be-
yond which is, and within which is not, extor-
tion. Had there been any *substituting law* of the pro-
vince regulating the fees of office, a proclamation for-
bidding the officers to exact beyond such *legal es-
tablishment*, and admonishing them to an observance of
such *substituting law*, would have been a constitutional
exercise of legal prerogative; or in the now circum-
stances of the province, a proclamation, forbidding
the officers to exact *unreasonable or exorbitant* fees for
services actually performed by them, or any money or
other valuable thing, under colour of office, for ser-
vices not actually performed, would likewise have
been a constitutional exercise of legal prerogative;
but when no law subsists for the regulation of
fees, when no law allows any other than a just com-
pensation for the service, a jury alone can legally and
constitutionally ascertain the quantum; and what is,
or what is not extortion, consequently rests with
them.

"My lord Coke (you say) observes, that procla-
mations are of great force, which are grounded on
the laws of the realm, for although the king by his
proclamation or otherwise, cannot change any part
of the common law, or statute law, or the customs
of the realm, nor create any offence by his prohibi-
tion or proclamation, which was not an offence be-
fore (that being to alter the law of the land) yet he
may prohibit by his proclamation a thing, which is
punishable by the law, by fine or imprisonment,
and that as a circumstance may aggravate the of-
fence." A proclamation then is of no force, which
is not grounded upon some law. Pray, Sir, what law
is the proclamation in question grounded upon? what
law does it ratify or confirm or admonish the officers
to an observance of, in restricting them from exacting
fees beyond the old table? we know of no such law
since the expiration of the late act of assembly, which
established that table—"Although continues the sage,
the king by his proclamation or otherwise,
cannot change any part of the common law, &c." At
common law, the exaction of fees for services never
rendered, under colour of office, is extortion. Did
you not know, that the secretary, under the old table,
charged for recording proceedings which were not,
nor need be recorded? and that the commissary-general
charged for letters of administration which he never
granted? these charges are infractions of the
common law, for as much as they fall within the
description of common law extortion, which is "the
taking money, under colour of office, which is not
due, or more than is due, or before it is due," and
surely the exaction of fees for services never perform-
ed comes fully within the definition. If the old regu-
lation warranted the usual charges of fees as contem-
ded for by the upper house for services never perform-
ed, does not the proclamation "change the common
law" by establishing the old table for a standard, and
giving a sanction to exactions which the common law
forbids, and punishes as extortion? but to engage our
attention you give us in capitals, what your great au-
thor further observes; "the king may prohibit by his
proclamation a thing which is punishable by the
law, with fine and imprisonment, and that as a cir-
cumstance may aggravate the offence." To apply
this observation in defence of the proclamation, you

must admit some *pre-existing offence* punishable by some
pre-existing law, with fine and imprisonment, which
the proclamation in aid of the *pre-existing law* was
issued to prevent, by an aggravation of such offence.
What offence, Sir, does the proclamation in question,
in your idea of it, allude to and affect to prevent?
doubtless the offence of extortion at common law.
But what is extortion at common law? the exaction
of fees for services never rendered, &c. Is the pro-
clamation in question calculated to enforce the com-
mon law in the prevention of such exaction and extor-
tion? advert to the old table of fees established by the
proclamation and the colourable practices under it,
and affirm the fact if you can. The proclamation in-
stead of aiding the common law in the prevention of
such extortion, by an aggravation of the offence, aims
in fact to wipe out the offence, and pluck away the
punishment by an authoritative allowance of the ex-
action.

Captivated by the specious pretence of the procla-
mation "to prevent extortions and oppressions," you
hastily formed your judgment upon that circumstance
alone, without reflecting, that what is extortion or
not, must be ascertained by some *pre-existing law*, or
left to the decision of a jury, and could not be created,
bounded or defined by the proclamation itself in the
establishment of a standard; and yet it is "passing
strange," the law cases cited by yourself did not
open your eyes and bring you to reflection.

But here you say; "you would proceed on the
grounds and authorities of law above adduced, to
consider the constitutional nature and legal effect of
"a proclamation, to enforce an ancient or prior sub-
stituting law against oppression and extortion in the
various departments of office, &c. &c." After, Sir,
you had evinced the right of the proprietary, gene-
rally, to issue proclamations, which are grounded up-
on ancient or prior substituting laws, and calculated to
enforce them, how comes it to pass that you forgot to
point out to the publick, what ancient or prior substituting
law against extortion and oppression in the various de-
partments of office, the proclamation in question was
grounded upon, or calculated to enforce? to beg the
point in question is not admissible in argument. Turn
over again your law books and our acts of assembly,
and be pleased to furnish us with this ancient or prior
substituting law establishing the rates of the late regula-
tion: do this, and every man of "common juridical
knowledge" will admit the legality of the procla-
mation.

But you go on "if oppression and extortion are
offences punishable by the laws of the land, and that
they are, the law books speak aloud, and too fre-
quent experience sadly evince, then I have no doubt
in declaring my opinion that a proclamation prohi-
biting these offences, being grounded as the
Lord Coke saith on the laws of the land or
as Judge Blackstone expresseth it, being made to
enforce a prior substituting law among us against
these offences is constitutional, legal, beneficial to
the people, and obligatory to all intents and pur-
poses upon such as are the objects of it, and conse-
quently that the governor's proclamation being
issued for these purposes, and grounded on the
actual existing laws of the land, is with respect to
the officers &c. constitutional, legal, and benefi-
cial." If, which is true, oppression and extortion
are offences punishable by the laws of the land, with
what consistency can you assert, that on the fall of the
late regulation, "through want of restriction of some
positive law, the officers were left at large to riot
with the property and purses of every man that
might have occasion to do business in their offices."
Thus are you obliged to make out the legality of the
proclamation on a *pre-existing law against oppression and
extortion*, and to make out the expediency and necessity
of the same proclamation, "through want of the restric-
tion of some positive law, whereby the officers were left
at large to riot with the property and purses of every
man, &c." We grant, Sir, that oppression and ex-
tortion are offences punishable by the law of the land;
but we deny that the proclamation is grounded upon
the law. The law of the land, which forbids oppres-
sion and extortion, is the common law. What is it,
that persuades you to think, that the proclamation is
grounded upon the common law, and calculated to
ratify, confirm or enforce it? You have nothing to
urge but the bare recital of the proclamation itself,
"to prevent oppressions and extortions." But the pa-
geantry of the recital is no evidence of the truth of
your proposition. What the proclamation enacts, au-
thorises and establishes, must rule the determination of
the present question. If the proclamation enacts, au-
thorises and establishes, what the common law enacts,
authorises and establishes, then indeed, "being ground-
ed, as lord Coke saith, on the laws of the land," or
as judge Blackstone expresseth it, "being made to
enforce a prior substituting law," it is constitutional and
legal; but if it enacts, authorises and establishes, what
the common law does not enact, authorise and establish,
then Sir, not "being grounded, as lord Coke saith, on
the laws of the land," or as judge Blackstone expresseth
it, not "being made to enforce a prior substituting
law," it is unconstitutional and illegal. Is the enact-
ing and substantial part of the proclamation then
grounded upon the common law of the land, and cal-
culated to ratify, confirm and enforce it? mark, Sir,
the diversity between them. The proclamation estab-
lishes the old table of fees; the common law of the
land knows of no such table: the proclamation sets it
up as the standard for the fees of office, and assumes
the authority to define and ascertain that only to be ex-
tortion, which exceeds such standard; the common
law has no other standard than natural justice, and sub-
mits the question, of extortion, or not, to the decision
of a jury; the proclamation by an establishment of the
old table, gives a sanction to exactions for services ne-
ver rendered; the common law prohibits such exac-
tions, and punishes them as extortion. Thus, Sir,
you find, that the proclamation instead of preventing
the extortions and oppressions which the common law

forbids, or treading in the steps of the common law,
prevents only those extortions and oppressions, which
his lordship's council, composed partly of the officers
themselves, have been graciously pleased to admit, define
and ascertain as such; and thus you find, that instead
of strengthening the common law, by keeping unim-
paired and inviolate the constitutional power of a jury
to ascertain the quantum for a service done in case of
contest, where no law subsists for a regulation of fees,
the proclamation over-rides the common law, snatches
this constitutional power from a jury, and complaisantly
gives it to the officers themselves; and thus you find
the officers by this governmental act are made judges and
parties, in subversion of every principle of law, policy
and justice. With what truth or propriety, then, can
you affirm, that the proclamation in question is
grounded upon the common law, and calculated to
ratify, confirm and enforce it? If you should, as we
imagine you will, think yourself constrained again to
appear in print, we shall be obliged to you pointedly
to answer, whether if no proclamation had issued,
there could not have been a conviction for extortion?
if there could not, whether there now can be any such
conviction? and if there can, whether the crime will
consist in the excess above the rates allowed by the pro-
clamation, or beyond the just proportion and merit of
the service? all our sages of the law require "an an-
cient or prior substituting law" to found a proclamation
upon; for tho' the thing prohibited or commanded by
the proclamation, is prohibited or commanded by such
ancient or prior substituting law, yet the proclamation is
a circumstance which aggravates the breach of it; be-
cause it apprises the subject of such law, and admoni-
shes him to an observance of it. Grounded upon
such a law, a proclamation is legal and constitutional;
not grounded upon such a law, it is illegal and un-
constitutional. Wherefore, as the proclamation in
question was founded upon no substituting law for the
establishment of the old table of fees, and of conse-
quence not calculated to ratify, confirm and enforce
such substituting law, it was an act of usurpation, and
lawless.

Permit us to make a short recapitulation of your ar-
guments so far as we have already considered them.
—The proclamation you have argued, was founded up-
on the law of the land, and calculated to enforce it;
—because the law of the land knows of no such table as
is established by it, and prohibits exactions for services
never rendered, which the proclamation authorises
and gives a sanction to.—The proclamation you have
argued, was issued to prevent extortion and oppression;
—because it establishes the old table of fees rejected by
two different assemblies, as fraught with oppression,
allows the officer to charge according to that table and
countenances the practices under it.—The proclama-
tion you have argued was manifestly calculated to pro-
mote the interests of the people;—because it gave the
alternative to pay in tobacco or money, when the
proclamation allows the people the alternative only in
case of immediate payment, and without the proclama-
tion the people were entitled to pay in money, and
under no obligation to pay in tobacco.—The procla-
mation, you have argued, was beneficial in preventing
contest about fees;—because the payment of the fees
established by it, you assert, was optional in the people
and the officer obliged, in case of contest to seek his
remedy in a court of law.—The proclamation you
have argued was the only constitutional mode of check-
ing oppression and extortion by officers;—because, you
allow, oppression and extortion are punishable by the
laws of the land.

Having remarked thus far on your authorities,
We proceed now to take notice of your arguments de-
duced from the charter, Mr. Locke and the case in
Hobart.

You have displayed great abilities, to be sure, in
your deduction of the prerogatives of the crown to the
lord proprietary through the channel of his lordship's
charter. That the lord proprietary with respect to
the powers of government stands here in loco regis,
we shall not controvert; but we deny the crown
possesses the prerogative, which your complaisance
would give to his lordship; and what the crown had
not, the crown could not grant.

"Fees, you say, being incidental to, or as some
choose to call them, the perquisites of, office, are
constitutionally and properly rateable only by the
same, or like authority, that established the office
"and appointed the officer." The appointment of
officers is constitutionally in the king and by his grant
transferred to the proprietor. The establishment of
offices is a matter of a good deal of consequence to the
subject; those which are old and known to the consti-
tution cannot be altered, let their original establish-
ment or modification have been by what authority
soever; but we apprehend no authority less than the
legislative can establish a new office in such manner as
to create any charge, burthen, or trouble to the sub-
ject. Yet if fees are constitutionally and properly
rateable only by his lordship, or his governor, then by
his proclamation he may constitutionally enforce the
payment of them; because it is an absurdity in terms,
that his lordship should possess a constitutional power,
which he cannot constitutionally exercise to affect and
bind the people. If this, Sir, is your idea of preroga-
tive, how uncandid was the attempt to lull our fears
by confident assertions, that the people "are not,
nor could be affected by the proclamation" in the estab-
lishment of fees! And when you are pleased to affirm
this constitutional power in his lordship to rate the
fees of office, and we add, as a consequence, to en-
force a payment, for a constitutional power to rate
implies a constitutional power to enforce, the fees
rated being a dead letter unless obligatory upon the
people, was it not extremely unkind in you, when so
much depended upon the point, to withhold your autho-
rities from us and to give us only your naked assertion?

No fees originally were demandable of the subject:
The king paid the officers out of his own revenues.
While the charges and expences of the administration
of justice were defrayed by the king out of his own

pocket, no doubt he had naturally a right to fix and ascertain the fees of his officers; for surely the king might give and grant his own property to whom, and in what proportion he pleased. But when this mode of defraying the charges and expences of office, resulting from the publick administration of justice, had declined, and fees were exacted of the subject in lieu of it, this right in the king to rate and establish the fees of office ceased and determined; because the king cannot give and grant the property of his subjects to whom and in what proportion he pleases.

You observe, that it hath been objected against the proclamation, that it doth establish a tax upon the people; this you deny, and contend, that fees and taxes are two very different things.—In support of the objection against the proclamation, lord Coke's observations on the statute de tallagio non concedendo were adduced; although it was incumbent on those who maintain the affirmative, to prove their proposition, yet after authority had been brought as proof, it was equally incumbent on you to shew some defect in that authority; you have taken a short way, by denying the proposition without taking any notice of the authority adduced in support of it. But fees, you say, are not taxes, because "the right to demand them may evidently exist prior to the rate or regulation of the quantum;" so has every publick creditor, before the rate to raise a tax, wherewith to pay him, is set, a right to be satisfied for his services performed for the publick, and in very many instances before the quantum due to him is ascertained.—It is not the right of either the officer or publick creditor, which creates the tax, but the rating on the subject.—But fees you say "may originate and subsist exclusive of any legislative authority to impose, or grant them, which is essential to taxation." Do you mean, Sir, that ALL fees may originate? &c. if you do, be pleased to adduce your proof. If you mean that some fees may originate, &c. be pleased to point them out, and the authority by which they may originate and subsist; your position may perhaps then stand harmless enough.—Fees, you say, are "constitutionally and properly rateable only by the same or like authority that established the office and appointed the officer." The assertion is positive enough, but wants proof. But taxes, you say, are "certain portions of property which individuals pay into the hands of the publick for the publick's services." Into whose hands certain portions of property are paid makes no constituent difference; the tollage is not the less a tax, or a less grievous one, because paid into the hands of the proprietor for his own private use; nor would it be, if paid into the hands of any officer, or A. B. a mere private person for his own private use, either for publick services or for nothing at all.—Fees you say, are "certain rewards, which the officer is entitled to of some individuals, to his own or another's private use."—You might have said of every individual for whom services are done in the execution of office. The use money may be applied to after receipt from the subject makes no difference, in one sense the money paid to an officer as fees may be said to be paid for a publick use—the support of publick offices necessary for the administration of justice; and in this light very genteel salaries are contended for. The money collected from the subject by any kind of tax, and distributed to the soldier or other servant of the publick, when it comes to his hands, is as much his property as the fees of office, when received, is that of the officer, who receives it; and in this sense may be equally said to be for his private use. It makes no difference to the subject, nor makes it be, or cease to be, a tax, whether the money goes immediately to the officer or passes through intermediate hands to reach him; whether the officer is intitled to the whole without division, or to a part only on distribution.—suppose the proposal once made by the upper house had taken effect, and the secretary, commissary, and judges of the land office had each been allowed a certain yearly salary to be paid by the publick, and the fees of those offices had been collected by the officers of the publick, and made one stock of fund, out of which to pay and distribute those salaries, would the fees then have been taxes or not? they would have been certain portions of property which individuals would have paid into the hands of the publick for the publick's services and would have fallen precisely within your definition of a tax.—indeed the portion or quantity of property, any individual must have paid, would have depended on what services were performed for him, in like manner as the portion or quantity of property, an individual must pay under a tax on candles or the like, depends on the quantity of such articles, which he consumes.—you go on further to distinguish "fees" "when certain are suable for and recoverable by process of indebitatus assumpsit, when uncertain by quantum meruit; but neither of these processes will lie for the recovery of taxes, the payment of these is generally compelled by distress or execution provided by the law which gives the tax." What avails, Sir, the diversity of process? Because the payment of taxes is generally compelled by distress or execution provided by the law, which gives the tax, is it therefore necessary, that such or any other mode should be provided by the law, which gives the tax, to compel payment thereof, in order to make it properly a tax? If no mode whatever was provided by the law, which gave a tax, to compel payment thereof, would not the common law supply a mode to compel a payment of it? Most certainly it would; yet if because the payment of taxes is generally compelled by distress or execution provided by the law, which gives the tax, it is therefore a necessary constituent part to create such tax, that the payment thereof should be compelled by distress or execution, it would seem as fairly to follow that, because the payment of fees hath been generally compelled by distress or execution provided by the laws, which rated and established them; it is equally a necessary and constituent part to rate and establish fees, that the payment should be compelled by distress or execution, provided by the law which gives them; the power of compelling which

payment by distress or execution, we presume, you will not deny, rests in the legislature only. If the distress or execution to enforce payment is an infallible mark of taxes, then distress or execution of both being generally given by the acts, which regulated fees, to enforce payment of them, they are from thence proved properly taxes. That a quantum meruit lies for an officer, on which he may recover a just satisfaction to be ascertained by a jury for his services, hath always been admitted, but concludes nothing for you to the point in question—the right to a compensation was never contended to be a TAX, but the rating and establishing fees by legal authority closes the mouth of the party as to the quantum, precludes all contest about it, and a fee thus rated is effectually and essentially a tax—you maintain that fees are not taxes, we maintain that the very fees rated and established by the proclamation are taxes; you have adduced your reasons why fees are not taxes, we have run into some prolixity to shew they are; we are not disputing about words but things. Fees are tallages, taxes, burthens, or charges.—If they are either of these, it must stand agreed on all hands, that the rating and establishment of them belongs properly to the legislature only, and issuing the proclamation was an illegal assumption of power.—Let us then see, whose reasoning is best supported by legal authority; the statute de tallagio non concedendo, speaking as ancient statutes frequently do in the person of the king, says "nulum tallagium vel auxilium, &c."

On which my lord Coke observes, "these words are plain without any scruple, absolute without any saving. And this is as much as to say, that no subsidy, tenth, fifteenth, imposition or other aid or charge whatsoever, shall by the king or his heirs, be put or levied without the common council of the realm; that is to say, by grant and common assent in parliament. Within this act are all new offices erected with new fees, or old offices with new fees, for that is a tallage put upon the subject, which cannot be done without common assent by act of parliament, &c. so all tallages, burthens or charges put upon the subject by the king, either to or for the king, or to or for any subject by the king's letters patents, or other commandment or order, are prohibited by this act; unless it be by common consent of parliament. And note that the words are in the disjunctive, (ponatur seu levetur) so as if it be set by the king, altho' it be not levied by him, but by a subject, as it was in the cases above said, it is within the purview of this statute." Pray Sir, does lord Coke set up the unsubstantial distinctions, which you do? does he not expressly say, that all impositions and charges whatsoever are within the statute; that all tallages, burthens or charges put upon the subject by the king, either to or for the king, or to or for any subject, by the king's letters patent, or other commandment or order, are prohibited by that act, unless it be by common consent of parliament? and more, that if it be set by the king, although it be not levied by him, but by a subject, it is within the purview of the statute—may does he not conclude to the very point in these words, "within this statute are all new offices erected with new fees, or old offices with new fees, for that is a tallage put upon the subject, which cannot be done without common assent by act of parliament.—If my lord Coke's authority is admitted, and the fees rated and established by the proclamation, are within his idea, new fees, there must be an end of the question. Were they or were they not then within his idea, new fees? you have said nothing on the subject, and therefore you are at liberty to admit or deny. They have, very improperly indeed, been contended by others to be old fees, notwithstanding at the time of the proclamation their temporary establishment had ceased by effluence of time, and they had then no legal existence at all. Old fees, which are legal, as in opposition to new fees, which are illegal, are such we apprehend as have had an immemorial uninterrupted continuance, are founded on custom for their support, or have custom to evidence their legal origin.—If the expired temporary regulation distinguishes them from new fees, which cannot be imposed but by legislative authority, and classes them amongst old fees, which are legal on the ground of custom, without being otherwise evidenced to be so by any legislative act, how long must such temporary regulation have had continuance to work such effect? we know the origin of these fees, and know their discontinuance and expiration; the doctrine is new, that on the expiration of a temporary charge or burthen on the subject, that the expired act, which gave it birth, and alone preserved its existence, should tho' a dead letter be a sufficient stock, on which to graft a continuance of that charge or burthen, not only without, but against the declared will of a component branch of the legislature.

Your observations upon the difference between fees and taxes, you trust, will shew "in whom the constitutional right and power of regulating the fees of office doth reside, and by whom it is to be exercised on fit and proper occasions." The person, you refer to, is the lord proprietor or his governor, who represents him. And "fees," you have said, "when certain; (we presume you mean when constitutionally rated and regulated) are suable for, and recoverable by, process of indebitatus assumpsit." We may therefore fairly infer from the two positions, that the officers of our province are entitled to an action of indebitatus assumpsit, for the recovery of the fees thus constitutionally rated and regulated by proclamation. Upon an action brought for such fees, what evidence would you offer in support of the claim? would you offer the proclamation to the jury? indeed, Sir, you must do it, or at all events the officer must fail in his action; for an indebitatus assumpsit will not lie, as you yourself have said, for fees, unless rated, regulated and reduced to a certainty; and in this province the fees are rated, regulated and reduced to a certainty by the proclamation only, which you contend to be a legal and constitutional rate and regulation. And yet, Sir, you cannot offer the proclamation in evidence; for in your own expressive terms, the people "neither are nor can

be affected by it," and to give it in evidence to maintain the action, of an officer or establish his claim, would certainly affect them. To support one of your positions, you see, the proclamation may and must be given in evidence; to support another of your positions, the proclamation must not, cannot be given in evidence. Was ever man so bewildered! prerogative, Sir, will hardly be benefited by such an advocate.

You have been very full in your explanation of the paragraph quoted by you from the charter; and we most sincerely coincide with you in the assertion, that prerogative by its ordinances "cannot oblige, bind, charge, or take away, the right or interest of any person or persons, of or in member, life, freehold, goods or chattels." We further agree with you, that this restriction at the close of the paragraph, "would have been implied by law, had it not been inserted;" inserted, we presume, to prevent misconstruction from an ignorance of the law and constitution. You seem to forget that you have maintained, that the authority to rate and regulate the fees of office, is constitutionally in the proprietary or his governor, by proclamation. Are not the fees of office, which come out of the pockets of the people, a part of their goods and chattels? and if the authority to rate and regulate them is constitutionally in the proprietary or his governor, do you not in subversion of the charter invest his lordship with a prerogative to "oblige, bind, charge and take away the right and interest of the subject in his goods and chattels." But you say, the payment of the fees constitutionally rated and regulated by the proclamation, is optional only in the people. To contend, that a constitutional power exists to rate and regulate the fees of office by proclamation, and in the next breath to contend, that the exercise of such constitutional power in the rating and regulating of the fees cannot bind or affect the people, is a flat contradiction, and an absurdity in terms. Obedience is due to the exercise of every constitutional power, and "Obedience is an empty name, if every individual has a right to decide how far he himself shall obey." Whatever is legal prerogative, is the law of the land, and every law carries with it an obligation upon the subject. "In the exertion of those prerogatives, saith judge Blackstone, which the law gives him, the king is irresistible and absolute, according to the forms of the constitution." The prerogatives of the crown through the medium of our charter you communicate to the lord proprietor. If then his lordship or his governor by virtue of a legal prerogative, can constitutionally rate and regulate the fees of office, he is in the exertion of such prerogative irresistible and absolute, and the people must be affected, bound and concluded by it. When therefore you affirm the proclamation in question to be a constitutional exertion of legal prerogative, your assertion that the payment of fees rated and established by it, is optional in the people, becomes repugnant and absurd. Wherefore as the proclamation is maintained to be an exercise of legal prerogative, and every exertion of legal prerogative is compulsory upon the people; as it rates and regulates the fees of office, and the fees of office are the goods and chattels of the subject, it follows as an indubitable consequence, that the proclamation in question tends to "oblige, bind and charge the right and interest of the subject in his goods and chattels," and is a palpable infraction of the charter, and a manifest invasion of the property of the people.

We now come to your observations upon Mr. Locke; we feel no reluctance to submit to the rule, he suggests, as decisive betwixt us; let it then stand as the test or criterion of legal prerogative. We shall endeavour to shew, that you have mistaken the sense of your author, which understood, applies directly against you.

Whether the proclamation was, or was not, beneficial to the people, has been already considered; there is no necessity to repeat what has been before observed. Every objection to the old table of fees applies to the proclamation which attempts to set it up. The oppressions of that table, and the colourable practices under it, have been pointed out, and if advanced with truth, must be decisive against the proclamation, upon the question of tendency to the good or hurt of the people.

To come fairly at you upon your construction of Mr. Locke, we waive the arguments evincing the evil tendency of the proclamation, and shall for argument sake admit, that the tendency of the measure was to the publick good. The question then between us is this Whether in Mr. Locke's idea the tendency of the proclamation to the good or hurt of the people is, to be adopted as the criterion to decide the legality of it, as an exercise of legal prerogative?

Before, Sir, we remark upon Mr. Locke, permit us to point out a plain and obvious distinction, necessary to be kept in memory, between the tendency of a particular measure and the general tendency of the power assumed. A particular measure may tend to the publick good, the power assumed may tend to the publick hurt. To prove it by examples. A regulation of our staple would greatly tend to the good of the people, but if a power was assumed to make the regulation by a proclamation, the general tendency of such a power would be manifestly to the hurt and injury of the people; because it would tear up the constitution by the roots, and destroy representatives. A regulation too of the clergy, upon moderate and equitable principles would tend to the publick good; but surely the exercise of such a power by the supreme magistrate only, by virtue of prerogative, would for the reason suggested, be productive of the most dangerous and alarming consequences. Again,—it might tend to the publick good to oust the authors of particular offences from the benefit of clergy, which has often been done by acts of assembly, but surely such power will never be intrusted to the supreme magistrate only, to be exercised by virtue of prerogative. A particular measure therefore, may be beneficial, the power assumed destructive.

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rights and liberties of his country. He thoroughly understood the constitution, and generously employed his pen in tracing and pointing out the fundamental principles of it. He is often quoted upon constitutional questions, and his opinion, well understood, is generally decisive. He very well knew that a public good might result from a particular measure of government, but his veneration for the constitution was too great, his judgment too sound and pervading to draw the fatal inference that therefore the power assumed must be legal prerogative.

You have nevertheless argued from the tendency of the proclamation to the good of the people that the power assumed to make it was an exercise of legal prerogative. You ground yourself upon a quotation from Mr. Locke; if the quotation applies, your argument is conclusive; if it does not apply, your argument falls to the ground. What then is Mr. Locke's position?—"If there comes to be a question, says that great author, between the executive power and the people about a thing claimed as prerogative, THE TENDENCY OF THE EXERCISE OF SUCH A PREROGATIVE TO THE GOOD OR HURT OF THE PEOPLE WILL EASILY DECIDE THAT QUESTION." Mr. Locke, Sir, does not speak of the tendency of a particular measure as a rule to decide the legality of it, but speaks of the general tendency of the power claimed as prerogative, as a rule by which the question may be decided, whether that power be a legal prerogative or only an usurpation. You are for deciding the question, whether the power assumed by his lordship's governor and council, is a legal prerogative by the tendency of the particular measure of the proclamation; Mr. Locke is for deciding the question by the general tendency of the power exercised. Mr. Locke's rule of decision is found, solid, and infallible; yours is precarious, treacherous, and deceiving. If the tendency of a particular measure was sufficient to make the authority, which created it, a legal prerogative, What is it that the legislature can do, which might not be done by prerogative? Every power exercised, according to your construction, is legal prerogative, when the particular act done tends to the public good, and of consequence prerogative may legally do every act, which is calculated for the public good. A legislature can do no more. Your construction, you see, makes representatives useless. But Mr. Locke's rule of decision will stand the test of the severest scrutiny. For if the general tendency of the power exercised is for the good of the people, no infraction of the constitution, no injury to the constitutional rights of the people can result from it, and therefore such a power may be safely intrusted, as legal prerogative, in the hands of the supreme magistrate to be discretionally exercised for the public utility.

To convince you that our construction of Mr. Locke is not merely the effect of fancy and imagination, permit us to trouble you with an extract or two from the speech of an eminent sage of the law; in answer to an argument drawn from the same words of Mr. Locke to shew, that the tendency of the embargo lately laid in England to the good and not to the hurt of the people must decide for the legality of that measure as an exercise of legal prerogative.

"Mr. Locke (says the great lawyer) is not here speaking of the tendency of a single act done in exercise of a right of prerogative; as a rule to decide the legality of that particular act; he speaks; and his words are plain, of the tendency, that is the general tendency, of the exercise of a power or thing claimed as a prerogative, as a rule by which the question may be decided, whether that power or thing claimed as a prerogative be really a legal prerogative or an usurpation, and most undoubtedly it is an infallible rule of decision."

"I admit, that a power which is not a legal prerogative, may be exercised for the good of the people; and so I will allow too, that the most legal prerogative that exists may be exercised to the hurt of the people. But as the hurtful exercise of a legal prerogative, in a particular instance, will not make the prerogative, so hurtfully exercised, cease to be a legal prerogative, or prove that the general tendency of such a prerogative is to the hurt of the people, and therefore that it ought not to be a prerogative; so neither will a beneficial exercise in a particular instance of an illegal or usurped prerogative, change its nature and general tendency, so as to decide that it is or ought to be a legal prerogative. I will explain myself, though I hardly think it necessary, by examples. It is the undoubted prerogative of the crown, to declare war, make peace and treaties, to create peers, and to pardon offenders. And the general tendency of the exercise of all those prerogatives is for the good, and not for the hurt of the people: and therefore the constitution has vested these powers in the crown, and they are legal prerogatives. But who will deny that any one of these prerogatives may be improperly and hurtfully exercised? If they are, the advisers of the crown are responsible, though the power exercised is legal, and the acts valid. When the king makes war, it is war to all its consequences, however improperly the crown may have been advised in taking the measure: and so of the rest."

"After all—What is this old and stale argument now revived, as to the tendency of the exercise of a prerogative for the good, and not for the hurt of the people? What is it, I say, taking things on a general view, but the exploded argument of necessity repeated in other words? The wildest bigot to prerogative, or absolute power never pretended, that any prerogative whatever, the dispensing power itself, could or ought to be exercised, but for the good of the people; the prince indeed always being judge of that."

"I will venture to say, that there is not any one notion more exploded and more condemned by our statute books, than that notion of the tendency of acts for the public good being sufficient to make them legal; and indeed it is one of the wildest notions that ever entered the mind of man; for it goes to

"cut up all government by the roots, and make every man a judge and lawgiver for himself. I might have said, that it is condemned and exploded by all morality and sound divinity; avowed and professed only by jesuits and such diabolical casuists."

From the express words of Mr. Locke and from the above observations it is plain, that the general tendency of the power exercised to the good or hurt of the people, and not the tendency of the particular act, is the rule, which he lays down as the test or criterion, by which we are to decide; whether the power exercised is legal prerogative or usurpation. To apply the rule to the case in question. Is the general tendency of the power exercised by the governor and council, in rating and establishing the fees of office, to the good or hurt of the people? We conceive manifestly to the hurt of the people. If such a power is admitted as legal prerogative, then may the supreme magistrate, at his will and discretion, give and grant the property of the people in what quantum or proportions he pleases, to the civil officers of government for their services; and from analogy and parity of principle and reason, he may give and grant the property of the people, in what quantum or proportion he pleases, to the soldier or military officers for their services. Can any solid difference subsist between a right to dispose of the people's property to pay the civil officer and a right to dispose of it to pay the military? And would not the exercise of such a power, by the supreme magistrate as legal prerogative, sap the foundations of the constitution, and render representatives useless, upon the momentous point of taxation? Is such tendency of a power exercised to the good or hurt of the people. If to the hurt of the people, then, according to Mr. Locke, the power exercised by the governor and council was not legal prerogative, but usurpation.

You have also quoted Mr. Locke's definition of prerogative though you have not relied upon it in your argument, he defines prerogative to be "a power to act according to discretion for the public good without the prescription of law and sometimes even against it." Mr. Locke explains himself by examples; to prevent a wrong construction of these expressions "sometimes even against it" we beg leave to trouble you with the following extract.

"When Mr. Locke speaks of the prerogative as sometimes acting even against law, or of the laws themselves yielding to the executive, it is far from his meaning that the prerogative or executive can dispense with or suspend laws—his example makes it clear, viz. that of pardoning offenders where the law condemns; which is certainly undoubted prerogative. There the law yields but not in its force or substance, but in its consequences in a particular instance; but though the king can pardon, he cannot before hand, even in a particular instance, dispense with the law. The expression of acting against law is perhaps not well chosen, but it is evident Mr. Locke intended no more than this, that the crown can by pardon for instance prevent that execution, which the law would effect. As for the other instance mentioned by Mr. Locke of the law yielding viz. pulling down a house to stop a fire, it is a clear inaccuracy; for that has nothing in the world to do with prerogative or magistracy, even no more than throwing goods overboard to keep a ship from sinking. It is an instantaneous act of self defence to overthrow what no man waits nor needs seek the order of a magistrate."

We would here dismiss your argument drawn from the tendency of the proclamation, were we not apprehensive, that you expect we should take some notice of another authority, which you have quoted upon this point. Lord Hobart, you say, very rightly remarks upon proclamations "that they are so far just as they are made pro bono publico, i. e. for the public good." We have turned to the authority, fol. 251, and though we find the expressions, we do not find, that they are the expressions of his lordship. They are, Sir, the expressions of arbitrary judges, in an arbitrary star chamber court, upon an arbitrary proclamation, by the arbitrary king James. That king had issued a proclamation prohibiting the building without brick; the attorney general Yelverton informed in the star chamber, *en tenus*, for breach of the proclamation. The culprits were severally fined to a years value of the houses built. Mark, Sir, upon what principles this arbitrary proclamation was maintained to be legal. It was held "that proclamations were so far just as they were made pro bono publico; for public utility; as against the increase of buildings in London and about it, whereby if they cannot be fed, cleaned or governed, the country is dispeopled and timber consumed, the city less strong and beautiful, and more subject to fire." This star chamber authority is directly with you; for the power assumed is deemed to be a legal prerogative from the tendency of the particular act for the public good; you are welcome to it—*valde quantum valere potest*. What do you think the citizens of Annapolis; for example, would say to such a proclamation prohibiting the building in the city without brick? Less timber to be sure would be consumed, the city more beautiful, and less subject to fire, and therefore the proclamation would tend to the public good; but would they be silenced by the arguments drawn from the tendency of the particular measure? Would they not be apt to say, that notwithstanding such tendency, the power assumed is illegal, destructive of natural right and constitutional liberty, and ought to be resisted and opposed? Your star chamber authority is founded upon another principle—PRECEDENT. The case goes on "and in this, the king builds upon old foundations; for he found the like proclamations in queen Elizabeth's time." Yes, one arbitrary measure is generally adduced as a precedent for another; the proclamation in 1733 has been quoted to justify the present; and the present unretracted will in all probability be quoted upon posterity, and another, of the like nature, crammed down their throats as an exercise of legal prerogative—Such, Sir, is your case from Hob. such your star

chamber authority; Do you not feel a blush upon your cheek?

You are offended with the following objection in the address, "if prerogative may regulate the fees agreeable to the late inspection law, it has a right to fix any other quantum; if it has a right to regulate to one penny, it has a right to regulate to a million; for where does its right stop? at any given point? to attempt to limit its right, after granting it to exist at all, is as contrary to reason, as granting it to exist at all is contrary to justice." (A) But you answer "yes; and let the sound sense of Horace expressed in the following lines confirm my assertion:

"Est modus in rebus; sunt certi denique fines
Quos ultra, citraque, nequit consistere rectum."

And what is the purport of these lines in English? why a medium ought to be observed in all things. When a right is admitted in a man, who, but himself, is to ascertain the medium, which he is to keep in the exercise of it? If a right is exerted beyond a medium, will the excess destroy the right, or will the act done become illegal? by the law of the land every man has a right to make what disposition of his property he pleases; a parent is under a natural and moral obligation to provide for his children; were he in the exercise of the right, which the law gives him over his own property, to pass by his children, and by deed grant it to a stranger, would he not exceed the medium, which Horace speaks of? but surely, Sir, such a disposition would nevertheless be legal. It is the undoubted right of prerogative to declare war and make peace. A peace upon dishonourable and inglorious terms, would not be consistent with Horace's idea of a medium in the exercise of a right; but would such an exertion of the right of prerogative make the peace invalid? Horace lays down a moral, and not a legal rule; upon questions of morality, his rule is decisive, upon legal questions it is not applicable.

After all, what is this medium? Is it defined, ascertained and pointed out by the law of the land, as a legal rule for the limitation of the right of prerogative? has this *sound sense* of Horace been adopted by our common law or statute books? and who is to judge, that the limitation is exceeded, and declare and notify the nullity of the act?

You have given us many entertaining examples to prove the abuse of prerogative to be no argument against the right of prerogative. We do not differ upon this point. If prerogative has the right to regulate fees, a regulation to a million we grant would be an abuse of the right; but would such a regulation be invalid, and not compulsory upon the subject? A parent in the disposition of his property may abuse the right which he has over it; the crown in making a peace may abuse the right of prerogative by a conclusion of it upon dishonourable terms; but such disposition by the parent, and peace by the crown, are nevertheless valid and obligatory acts.

"In matters within the legal prerogative the crown is entrusted with the power and has the right to act, and must be judge of the necessity and season of acting, subject always to the controul of that constitutional advice, by which the crown must act in all cases; but these acts are legal, not because they are necessary, and proper, but because they flow from the proper authority, and they are legal and valid, though wrong in themselves, till corrected, as a legal power may be improperly exercised, for which the advisers are responsible."

You have endeavoured to refute some of the objections in the address, to the proclamation, and though your force seems to have been levelled principally against that piece, you have passed over other objections contained in it, without taking the least notice of them. We do not know, nor shall we hazard a conjecture, what reasons you have for such silence; but take the liberty to mention one of the objections. Applications to the public offices are not of choice but necessity; redress cannot be had for the smallest or most atrocious injuries, but in the courts of justice; and as surely as that necessity does exist, and a binding force in the proclamation, or the regulation of fees in the land-office, be admitted, so certainly must the fees thereby established be paid in order to obtain redress. That the subject in this province, by the laws and constitution of it, has a right to obtain redress in the established courts of justice, for injuries done to him, cannot, we presume, be denied; and that, that right cannot be taken away, lessened, broke in upon, or impaired, by new modifications, terms, or conditions imposed by any other than legislative authority, is equally plain—This doctrine is strongly supported by authorities in law.—Judge Blackstone writeth—"a third subordinate right of every englishman, is that of applying to the courts of justice for redress of injuries. Since the law is in England the supreme arbiter of every man's life, liberty and property, courts of justice must at all times be open to the subject, and the law be administered therein. The emphatical words of magna charta, spoken in the person of the king, who in judgment of law (says Sir Edward Coke) is ever present and repeating them in all his courts, are these, *nulli vendemus, nulli negabimus, aut deferemus reatum vel justitiam*; and therefore every subject, continues the same learned author, for injury done to him in *bonis*, in *terris vel persona*, by any other subject, be he ecclesiastical or temporal, without any exception, may take his remedy by the course of the law, and have justice and right for the injury done to him, freely without sale, fully without any denial, and speedily without delay. It were endless to enumerate all the affirmative acts of parliament, wherein justice is directed to be done according to the law of the land; and what that law is every subject knows, or may know, if he pleases; for it depends not upon the arbitrary will of any judge, but is permanent, fixed and unchangeable, unless by authority

(A) Vide Fovner's letters.

of parliament. I shall however just mention a few negative statutes whereby abuses, pervertions or delays of justice, especially by the prerogative, are restrained. It is ordained, &c." (B)

Sir Edward Coke, in his comment on this chapter of magna charta, says, "this is a beneficial law, and is construed benignly;" (C) he gives a very strong instance,—(D) further in his comment on the words *justitiam vel redum*, he saith, "we shall not sell, deny or delay justice and right, *justitiam vel redum*, neither the end, which is justice, nor the means whereby we may attain to the end, for that is the law"—(E)

Is it not "passing strange," that one branch of magna charta, securing the property of the subject against any other, than parliamentary, power, should be so liberally expounded and of such high authority and force, that it cannot be touched for the defence of the society against foreign or internal force, or under any pretence whatsoever by any crafty device, but the subject is left and secured in the fully, absolute, unrestricted and unconditional disposition thereof; and yet, that another branch of magna charta, for securing the right and inheritance of the subject in the courts of justice, should be so little regarded, that a *test* than legislative authority may establish terms and conditions on the exercise of that right, without any limitation on the authority, other than the *fount sense* of Horace, "est modus in rebus, &c." to restrict an exercise of such authority, to an occlusion of the courts of justice.

We have taken the liberty of mentioning to you the regulation of fees in the land-office; the lower house of assembly, as has been shewn, considered the two several instruments, that is the regulation for the land-office, and the proclamation, as one governmental act; the one containing an *express*, the other an implied affirmative rate and allowance of fees—Indeed the land-office was once contended to be the proprietor's private office—The lower house contended it was a public office, and their reasoning was so far convincing, that it was acknowledged, "so far as it was the repository of the muniments of his (the proprietor's) tenants" it was a public office, and all the people of Maryland are entitled to have access to it, as well "as to the other offices." Fees are rated for searches and copies of those records; what justification hath then been set up for the rating fees for such searches and copies? The officers in the land-office department "being however under a different predicament from the other officers, considered in one respect as the private agents of his lordship, and in the other as having the custody of public records and the muniments of the peoples estates, in my (the governor's) regulation they have been separated from the other officers, as they had on similar occasions." We do not clearly comprehend, whether the exercise of such power on similar occasions is the point, on which the act is defended, or whether because the officers in the department of the land-office, it is thought, being under a different predicament, in one respect, from the other officers, might properly be separated in a regulation of such fees, as to which they stood in the like predicament as other officers;—taken either way, the reasoning seems unsatisfactory, and therefore we shall be obliged to you, if you appear again in favour of the measure, to defend the whole of it, or fairly give up any part you may esteem indefensible. The subject of dispute would be much narrowed too by an explicit declaration, which you will be bound by, that you do or do not justify the proclamation as an implied affirmative allowance of fees.

"Wherein, you ask, is the proclamation shadowed? or how doth it appear to have been issued with the 'specious pretence of public good?' Because it affects to place the planter and farmer upon an equal footing, and to extend the alternative in tobacco or money to both, on immediate payment, when independently of it, they stood in equal circumstances, and neither of them was under any obligation whatever to pay the officers dues in tobacco; and because it issued with the 'specious pretence' to prevent extortion and oppression, when in truth it gave countenance to both. Be not surprised at the assertion. To demand and take fees of a man for services affected to be, and not really, performed, we hold to be rank extortion. The proclamation establishes the old table of fees; under that table the secretary charges for recording proceedings which are never recorded, and the commissary-general charges for letters of administration, which he never grants. Is it a question then, whether the proclamation was shadowed, or issued with the specious pretence of public good?

But "how the people came to be alarmed and such a clamour raised against a measure most manifestly calculated to promote their interests" you say might be disclosed by you, but that it did not fall within your province—The people are alarmed indeed! and a very general clamour is raised against the measure.—If the people are causelessly alarmed, and the clamour factiously raised, it would seem to be properly within your province, as an advocate for the procla-

mation, not only to shew, that it is calculated to promote the interests of the people, but also to account for the alarm and clamour against it, in order to quiet the minds of the people and silence discord and faction: you possibly out of tenderness to those "men among us, who have exerted every nerve, employed every faculty of their soul, and made use of every argument and artifice they are capable of to blind or mislead the understanding, and irritate and enflame the minds of the people," or from your over nice regard to gentility, have forbore; as you chuse to draw a cloud over the alarm and clamour raised against the measure, by which the mind of your reader is left to work up in itself the most frightful images, and discontentedly feed on its groundless imaginations, permit us to fill up the blank with the truth of the fact. The people became alarmed, and a general, nearly an universal, clamour was made against a measure manifestly calculated to continue the old table of fees WITH ALL THE ABUSES, which had in a course of upwards of twenty years by combined interest and art crept into the manner of charging under it; which abuses have been defended solely on the authority of the regulation, without even alleging, they are supportable on original principles of justice—The people saw their representatives struggling against the weight of office; the scales were equal, the beam stood on a balance—The people saw the supreme magistrate kick the beam, and by his mandate establish the very rates rejected by their representatives, aggravated by an insulting pretence of good to them—The people cannot see, nor can it be shewn to them by fair and unsophisticated argument, that this act of power has any rightful or legal foundation—The people cannot see, that the general tendency of the power claimed can probably or indeed possibly tend to their good—On the contrary, they feel, that the charges are made according to the practice, which prevailed under the old regulation; they reflect that government is already in possession of (all circumstances considered) a very ample and, as contended, a rightful and perpetual revenue; nor, if fees may be regulated without their assent, can they see what occasion government will ever have to apply to them to untie their purse strings, which are loosened already by another hand; they see, if occasions do not frequently occur, their representatives will not have the weight of a feather, and the just balance designed by our constitution will be destroyed—They see, if the right contended for, exists, that there is nothing to bound or limit the will of rapacity in the exercise of it, and that, therefore, as the former is urged as a precedent to support this proclamation, so this may and probably will be urged, as another precedent to support future proclamations, still more oppressive and intolerable—The people think their situation will be deplorable indeed if they shall be obliged to bow to the executive part of government for a proclamation to protect them against the oppressions and extortions of officers, especially if, as in the present case, the officers themselves are to be intrusted with the moulding, forming, and framing of it—These are some of the grounds of the alarm, which has been taken. The people saw, that after their former representatives had unanimously resolved, there was no right in government to rate fees, and had addressed the governor accordingly; after their approbation of the conduct of their former representatives, expressed by their new choice of such of them, who were again willing to accept the trust; after their new representatives had unanimously resolved, there was no right in government to issue the proclamation;—government was so far from taking the conduct of either the people, or their representatives, as an evidence of the sense of the people, that the governor imputed the opposition "to the aims of faction, and the rage of disappointment;" and in his proroguing speech asserted, that the proclamation was issued by him, "solely for the benefit of the people of this province, by nine tenths of whom he had the greatest reason to think it was so understood."—They heard some few other favourers of the proclamation, like you, talk of the peoples being much divided, and some will continue to talk so, after every demonstration to the contrary. And thus the people saw, they were not only, "injured, but insulted." Hence a clamour; it was high time that the clamour should grow louder, and that the people should, by some open and significant act fully expressive of their minds, remove all false impressions, which might have been received from their silence, or any parasitical tales, and evince to government, beyond the possibility of a doubt, that they generally held the measure in the utmost detestation and abhorrence; but you, good man! it seems, took precautionary measures for the prevention of such insult to magistracy, such riot, anarchy and excess; the peoples favours are now withdrawn from you; you now affect to despise them, though formerly you solicited them, with the utmost earnestness.

Thus Sir, have we endeavoured to follow you in your arguments in defence of the proclamation; whether we have given a satisfactory answer or not, we cheerfully submit to the judgment of the publick. We have not consulted the poets for personal reflections nor disturbed the ashes of Shakespeare by an application of his sentiments to fix ungenerous imputations. It is a common misfortune to be abused and misrepresented; we expected and have experienced it; but a man must indeed want resolution, who can be impeded in his duty by the shafts of calumny. We feel ourselves happy in the reflection, that whilst we oppose the present infraction of the constitution, we tread in the steps of our forefathers, who in 1739 influenced by a real undissembled regard for posterity and their country, with an intrepid firmness, resisted a similar arbitrary measure. Among that number—but he sleeps in his grave! Yes, Sir, among that number your venerable father stood and pleaded for his country; he was a friend to publick liberty.

We conclude with reminding you of the exhortation of Junius to the English nation "let me exhort and conjure you never to suffer an invasion of your political constitution, however minute the instance may

appear, to pass by, without a determined, persevering resistance. One precedent creates another. They soon accumulate, and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly, the defect is supplied by analogy.—Be assured that the laws, which protect us in our civil rights, grow out of the constitution, and that they must fall or flourish with it. This is not the cause of faction, or of party or of any individual, but the common interest of every man in Britain."

We are Sir,

Your humble servants,

THOMAS JOHNSON, junr.
SAMUEL CHASE,
WILLIAM PACA.

Annapolis, Sept. 3,
1773.

In the 1st. p. 3d. col. 1st. l. r. affect inst. of effect.

L O N D O N, June 26,
THE East-India regulating bill is the joint production of Lord North, and adjutant Grey Cooper. Neither the solicitor, nor the attorney general were consulted. Lord Mansfield being asked by the minister, how he would act with regard to it in the house of lords, declared if he went thither, he must expose and throw it out as being contrary to the most obvious principles of law and the constitution. Lord Shelborne, and his party, however, supported it in both houses, because they want places. Were it not that Lord N. declared he would resign, and throw the ministry into confusion, the bill would have been rejected; and it was suffered to pass only upon promise of it's not being carried into execution, and of having another substituted in its place next session. The publick may depend upon this as fact.

Mr. Stephen Sayre's speech to the livery, on being chosen sheriff, with alderman Plomer, for the ensuing year.

Gentlemen of the livery,

"It is impossible for me to express the feelings of gratitude which predominate in my breast upon the present occasion. The honour you have done me calls for a return, which a life entirely devoted to your services only can make. I deem myself more highly favoured, because I am well convinced, that nothing under heaven could have induced you to elect me into office of sheriff, but an opinion of my independence, and sincere attachment to the publick cause. I am independent; I will continue so. Upon publick grounds only I will study to deserve it. It shall be the labour of my life to convince you that inverting me with your gracious choice, I will strain every nerve in combating our common foe; I will labour assiduously to stop the progress of despotism; at least, I will, by a vigorous exertion of those powers with which you have entrusted me, prevent its making any inroads into this great, this opulent, this free and independent city."

Alderman Plomer has declined serving the office since his election, so there must be another sheriff chosen.

June 28. A correspondent expresses himself much pleased that his majesty is extending his reviews beyond the army, and hopes, when the Portsmouth review is over, he will take a review of his own ministers, as some of their manœuvres of late have given great offence to many hearty well-wishers of that service.

ANNAPOLIS, SEPTEMBER 9.

On Friday last, in the eighteenth year of his age, after a short illness, departed this life, Mr. John Magruder, son of Mr. Zadock Magruder, a young gentleman, whose excellent natural abilities, improved by a liberal education, promised in some future day, the first eminence.

"But all the flatter'g hopes of youthful bloom,
Untimely blasted, wither in the tomb;
"Grac'd with each merit, years like his could boast;
"Too soon discover'd—as too early lost:
"Yet let not grief pronounce that doom unjust,
"Which lays a parent's fairest hopes in dust."

That easy behaviour, sweet disposition, affable complacency, and engaging cheerfulness, which without panegyrick were peculiar to him, and which so much endeared him to all who had the pleasure of his acquaintance, have justly rendered his death universally lamented.—Yet ye relatives! cease to repine! reflect with the most pleasing sensations of joy, that his virtues have gain'd him an inheritance where all temptations are over, and every trouble at an end. And though your fair expectations and promising hopes are now nipped, as in the just opening bud, yet bless that providence that fees into futurity, and rest assured, that it is done for some unforeseen good. And that with regard to every dispensation of the supreme disposer of events, "whatever is, is right."

* A paraphrase of the latin poem in our last is postponed for want of room.

To be sold, at publick vendue, at the coffee-house, on Friday the 24th instant,

SUNDRY SLAVES, the property of Edmund Brice, of London. Also a negro wench who has been used to household work, and is sold for no fault but being too fond of liquor.

(B) 1 Blackstone's commentaries, 141.

(C) 2 Inst. 47.

(D) "This is a beneficial law, and is construed benignly, and therefore the king cannot send any subject of England against his will to serve him out of this realm, for that should be at exile and he should perire patriam; no, he cannot be sent against his will into Ireland, to serve the king or his deputy there, because it is out of this realm of England; for if the king might send him out of the realm to any place, then under pretence of service, as ambassador or the like, he might send him into the farthest part of the world, which, being an exile, is prohibited by this act, &c.—The king commanded Sir Richard Pembrugh to serve him in Ireland as his deputy there, which he absolutely refused; whereupon, &c. but he was not upon that resolution committed to prison, &c. because his refusal was lawful, and if the refusal was lawful to serve in Ireland, parcel of the king's dominions, a fortiori a refusal is lawful to serve in any foreign country." 2 Inst. 47, 48.

(E) 2 Inst. 56.

Mount Vernon, July 15 1773.

THE subscriber, having obtained patents for upwards of 20,000 acres of land, on the Ohio and great Kanhawa, being part of 200,000 acres, granted by proclamation; in 1754. (10,000 of which are situated on the banks of the first mentioned river, between the mouths of the two Kanhawa's; the remainder on the Great Kanhawa or New River, from the mouth, or near it, upwards in one continued survey) proposes to divide the same into any sized tenements that may be desired, and lease them upon moderate terms, allowing a reasonable number of years, rent free; provided that, within the space of two years from next October, three acres for every fifty contained in each lot, and proportionable for a lesser quantity, shall be cleared, fenced, and tilled, and that by or before the time limited for the commencement of the first rent, five acres for every hundred, and a proportionably, as above, shall be inclosed and laid down in good grass for meadow; and moreover, that at least fifty good fruit trees, for every like quantity of land, shall be planted on the premises.

Any persons inclinable to settle upon these lands, may be more fully informed of the terms, by applying to the subscriber, near Alexandria, in Virginia, or, in his absence, to Mr. Lund-Washington; and will do well in communicating their intentions before the 1st of October next, in order that a sufficient number of lots may be laid off to answer the demand.

As these lands are among the first which have been surveyed, in the part of the country where they lie, it is almost needless to premise, that none can exceed them in luxuriency of soil, or convenience of situation; all of them lying upon the banks either of the Ohio, or Kanhawa, and a bountiful fine fish and wild fowl of various kinds, as also in most excellent meadows, many of which (by the bountiful hand of nature) are in their present state almost fit for the scythe.

From every part of these lands water carriage is now had to Fort-Pitt, by an easy communication, and from Fort-Pitt up the Monongahela to Red Stone, vessels of convenient burthen may, and do pass continually; from whence, by means of Cheat River, and other navigable branches of Monongahela, it is thought the portage to Patowmack may, and will be reduced within the compass of a few miles, to the great ease and convenience of the settlers, in transporting the produce of their lands to market; to which may be added that, as patents have now actually passed the seals, for the several tracts here offered to be leased, settlers on them may cultivate and enjoy the land in peace and safety, notwithstanding the unsettled councils, respecting a new colony on the Ohio; and as no right money is to be paid for these lands, and a quitrent of two shillings sterling a hundred, demandable some years hence only, it is highly presumable that they will always be held upon a more desirable footing, than where both these are laid on with a very heavy hand. It may not be amiss further to observe, that if the scheme for establishing a new government on the Ohio, in the manner talked of, should ever be effected, these must be among the most valuable lands in it, not only on account of the goodness of the soil, and the other advantages above enumerated, but from their contiguity to the seat of government, which more than probable will be fixed at the mouth of the Great Kanhawa.

GEORGE WASHINGTON.

TO BE RENTED,

THE plantation whereon Mr. William Clifton formerly lived, lately possessed by Mr. Samuel Johnston, and at present in the tenure and occupation of his daughters; this plantation, or farm, is very pleasantly situated on Patowmack river, about five miles below Alexandria, and contains about 200 acres of cleared land, very good for grain of every kind, and tobacco; as also one of the largest and best springs on this side the Blue Ridge, within twenty yards of the door; it has a front upon the river of near a mile and an half, affording several good fishing landings; one of which only rented last spring, during the shad and herring season, for twenty-five pounds; to this belongs a well accustomed ferry, upon the most direct road leading from Annapolis through Colchester, Dumfries, and Fredericksburg to Williamsburg; on the premises are a dwelling-house, with two brick chimnies and seven rooms, a kitchen, smoke-house, &c.

GEORGE WASHINGTON.

Herring-Bay, September 1, 1773.

To be sold, at public vendue, on the premises, on Thursday the 16th instant, if fair, if not the next fair day, for good London bills of exchange, sterling cash, or current money,

PART of a tract or parcel of land, called Jerico, lying in Anne-Arundel county, containing about 110 acres; there are on the premises, a convenient dwelling-house, new tobacco-house, kitchen, corn-house, with many other convenient houses; there is a young apple and peach orchard of the best fruit. Time will be given for part of the purchase money, on giving bond with security if required.

2w

WILLIAM CARR.

August 30, 1773.

On the 21st September next, at George-Town, on Patowmack, will be exposed to sale, to the highest bidder, for cash, or bills of exchange on London,

A PARCEL of goods, amount 394 : 9 : 6 cwt; they consist of linen and cotton checks, white linen, cotton, holland, silk and cotton gowns, linen, cotton, Barcelona, and other silk handkerchiefs, half ell gingham, damascus, half yard cotton cords, black cravats, and some other articles. They will be sold by the piece and dozen. The sale to begin at 10 o'clock. I have some good Madeira wine to sell by the pipe, hoghead, and quarter cask.

THOMAS CONTEE.

WHEREAS the subscriber has obtained patents for near six thousand acres of land, thirteen hundred of which upon the banks of the Ohio, beginning at the second large bottom below the mouth of the little Kanhawa, and four thousand two hundred about two miles above Col. George Washington's ten thousand acre tract upon the banks of the great Kanhawa; he proposes to divide the same into suitable tenements as may be desired, and lease them upon moderate terms, allowing a reasonable number of years rent free provided within the space of two years from the last of October next; three acres for every fifty contained in each lot, and proportionably for a lesser quantity shall be cleared, fenced, and tilled; and that by or before the commencement of the first rent, five acres for every hundred, and proportionably as above shall be inclosed and laid down in good grass for meadow, and that at least fifty good fruit trees shall be planted on the premises. Any person inclinable to settle on those lands, may be more fully informed, by applying to the subscriber near Port-Tobacco, and would do well in communicating their intentions before the first of November next, that a sufficient number of lots may be laid off to answer the demand. The land is well watered and very rich, abounding with fine fish and wild fowl of various kinds.

JAMES CRAIK.

The subscribers have for sale, at the late dwelling house of doctor Henry Jerminham, of St. Mary's county, deceased,

A VERY large and general assortment of medicines, and a variety of elegant shop furniture, an electrical machine with the apparatus complete, sundry books, an excellent violin and musick books, a single chaise and harness for one horse, two large looking glasses, one set of flower seasons, fine prints by Hogarth, and many other articles too tedious to mention.

CATHARINE JERNINGHAM, FRANCES JERNINGHAM.

FREDERICK-TOWN RACES.

ON Wednesday the 20th of October will be run for, a subscription purse of FORTY POUNDS, free for any horse, mare or gelding, four years old to carry 7 stone 7 lb. five years old 8 stone, six years old 8 stone 7 lb. and aged 9 stone.

On THURSDAY the 21st.

A purse of TWENTY-FIVE POUNDS, free for any horse, mare or gelding, (except the winning horse the preceding day) to carry weight for age and weight for size, according to the rules of racing. Judges will be appointed each day to determine all disputes that may arise. To start each day at 11 o'clock.

N. B. No horse that William Hams is concerned with will be allowed to start for either day.

IMPORTED in the Polly, Capt. Kilty, and now in the warehouse belonging to Charles Carroll, Esq; barrister, a case No. 1; and a cask No. 2, both marked I'H, with the figure 8 on the top of the second I. The owner may have them again on producing the bill of lading.

Baltimore, August 31, 1773.

A PERSON properly qualified, and who can come well recommended, to do the business of a county clerk, will meet with good encouragement on application to,

3w

ALEXANDER LAWSON.

Clement's-bay, June 6, 1773.

RAN away from the subscriber, living in St. Mary's county, on the 26th of April last, a likely dark mulatto woman called Sarah, about 5 feet 2 or 3 inches high, and well made: had on when she went away, an osnabrig shift, petticoat, apron, and cotton jacket, but 'tis probable she may change her cloaths; she was some time ago in the neighbourhood of Chaptico and Newport, and passed for a free woman by the name of Betty Adams, and it is likely she may change her name again. Whoever brings the said negro to her master, or secures her so that he may get her again, shall receive if taken in the province thirty shilling, or if out three pounds reward.

4w

PHILIP FORD.

THE Subscriber will lump off the goods he has at his store in the city of Annapolis, upon very reasonable terms, for ready tobacco, received at any warehouse in the province.

tf

ROBERT BUCHANAN.

August 30, 1773.

I HEREBY forewarn all persons from shooting on my lands, on any pretence whatever.

3w

DAVID KERR.

TO BE SOLD AT PRIME COST,

A NEAT eight day clock with a fine mahogany case, to be seen at Mr. Aikman's store any time of the day.

Anne-Arundel county, 4. August 14, 1773.

ORDERED, by the Justices of the county court, that publick notice be given in the Maryland gazette, that they intend to apply to the next general assembly for an act of assembly to enable them to levy a sum of tobacco on the taxable inhabitants of the said county, for the building and erecting a court-house for the use of the said county, Signed per order,

JOHN BRICE, clerk.

August 31, 1773.

SRAY'D or stolen out of the subscriber's lot late last night, a large light strawberry roan horse, with a thin mane and switch tail, his nose and face are mealy, is shod before, his brand unknown; his ears in particular are very dark, paces, trots and gallops. Whoever will secure said horse and give notice to the subscriber, shall have if taken in Anne-Arundel county ten shillings, and if in any other county one pistole, and if out of the province three pounds; and if stolen and the thief convicted thereof five pounds.

WILLIAM REYNOLDS,

July 13, 1773.

To be sold at publick vendue, on Friday the 15th of October next, at the late dwelling-house of Samuel Wickham, of Frederick county, deceased, viz.

A TRACT of land containing twenty-six acres, adjoining the other, both lying on Monockacy creek, whereon are two framed dwelling-houses, about fifty acres of cleared land, and some in good timothy grass; also one other tract, containing one hundred acres, lying on Fishing creek, in the county aforesaid; whereon is a good dwelling-house, some out houses, about forty acres of cleared land, and several acres of timothy grass: there is on the said land, a convenient place for building a grist-mill. Also all persons indebted to the estate of the above-said Wickham, are desired to make immediate payment, and those who have any just claims against said estate, are requested to bring in their accounts regularly proved, that they may be adjusted, by

JOSEPH WOOD, junr. executor.

JUST IMPORTED,

In the Caroline, Capt. Lynch, from London, and to be sold, by the subscribers, at their store on the dock, in Annapolis, on very reasonable terms, for cash or short credit,

A CHOICE and general assortment of European and East-India Goods.

WALLACE DAVIDSON and JOHNSON.

COMMITTED to the jail of Charles county as a runaway, a negro man who calls himself Frank, and says he is the property of William Jetty, of Meclinburg county in Virginia; he is about five feet five inches high, a likely well made young fellow, his face much scarified, particularly his forehead, occasioned, as he says, by his being burnt when a child: Has on and with him, a good osnabrig shirt, a pair of old died jeans breeches, old shoes and stockings, a felt hat almost new, and a woman's osnabrig petticoat, which he says he took from his sweet-heart by way of a love memorandum. His master is desired to take him away and pay charges, to

8w

Wm. HANSON, depy. sheriff.

June 16, 1773.

COMMITTED to the jail of Charles county as a runaway, a negro man, who calls himself Simon Piper, and says he belongs to John Hunter, about five miles beyond Frederick-town in Virginia. He is a likely fellow, about 5 feet 4 inches high, well set, of a yellow complexion, the little finger on his left hand crooked; has on, and with him, an old light coloured broad cloth coat, trimmed with silver basket buttons, an old jacket of the same with the back parts of shaloon, a pair of black serge denim breeches and a pair of osnabrig trousers over them, an old fine white shirt and an osnabrig ditto over it, and an old castor hat. The owner of said negro is desired to take him away and pay charges to

8w

WILLIAM HANSON, deputy sheriff.

Annapolis, June 21, 1773.

HIS excellency the governor having taken out letters testamentary on the estate of the late lord proprietary, within this province—Notice is hereby given to all persons who have become purchasers of manor or served lands, and have not strictly complied with the terms of sale; that if they do not return certificates and make immediate payment, they may stand that no indulgence can be granted, as the trustees are determined to close the accounts and make a final settlement without loss of time.

Signed per order.

JOHN CLAPHAM.

Bladensburg June 14, 1773.
LAND to be sold by publick sale, on the Wednesday of November court next, at 2 o'clock, before the house wherein Mrs. Charleton now dwells at Frederick-town, viz.

A valuable well improved tract of 310 acres, now occupied by William Hilliary, about seven miles below the said town, which was conveyed by said Hilliary to me by a deed which is recorded in Frederick county land record book, I, folio 1044, February 18, 1765.

The bidder who shall pay down the greatest sum of money on the day aforesaid, shall have a conveyance of the right now vested in

RICHARD HENDERSON.

July 7, 1773.
WILLIAM AIKMAN,

Bookfeller and Stationer in West-street Annapolis, ON Monday last opened his circulating library consisting of above 12 hundred volumes on the most useful sciences, history, poetry, agriculture, voyages, travels, miscellanies, plays, with all the most approved of novels, magazines and other books of entertainment, to be lent out to read at one guinea per year, 20 shillings for six months, 12 shillings per quarter, 5 shillings per month, or 3 pence per night. Readers at any distance from Annapolis to be allowed two books at a time. As the library will be of real utility to the publick, and as the proprietor will take care to have it supplied with all the new publications of merit from Britain so soon as published, he hopes it will meet with encouragement from the friends of literature.

He has likewise imported a large assortment of most of the books in the library for sale. The best editions printed on a fine paper, handsome type and neatly bound. All different kinds of gilt and plain, cut and uncut writing paper, gilt, plain and engraved message cards, turkey pocket books and letter cases, folio and quarto paper books, ruled and unruled, memorandum books of all different sizes, wax, wafers, pens, penknives, pencils, ivory folders and all different kinds of stationery, with an assortment of jewellery, to be sold at the London prices for cash only.

Paper ruled and bound for accounts, all kinds of books bound and re-bound in the neatest manner and at the most reasonable rates, by

WILLIAM AIKMAN.

N. B. Catalogues both of the library and the books he has for sale to be had at his shop.

TO BE SOLD, BY THE SUBSCRIBER,
THREE hundred acres of patent land, and about thirty acres leased land for ninety-nine years, all joined together, lying in Baltimore county, about ten miles from Bush-Town, on the main road that goes from Bush to York-Town, Pennsylvania, about twelve miles from Joppa, and about eighteen from Baltimore-Town; the land is good, and will suit either for farming, or planting tobacco; it is likewise well situated for a tavern or store, as it lies on the main road that all the waggons from the upper mills go to Baltimore-Town, and joins the land of Mr. Abraham Whitaker, where he now lives, who is building and letting lots to several people for keeping taverns and stores; it is well adapted for such business, as it lies in the heart of a settlement where there are large quantities of wheat made, and many merchant mills convenient; there are on the land two small plantations; on one of them a small dwelling house in middling good repair, a good barn, and a large apple orchard of good fruit, and bears well; on the other place there is a middling good large dwelling house in pretty good repair, and other convenient houses, and a small apple orchard of good fruit; there likewise may be made meadow enough to support the place with hay, without much trouble. Any person or persons inclinable to purchase, may see the above land by applying to Mr. Abraham Whitaker, or the subscriber. Likewise to be sold, a large two story brick dwelling house in the town of Joppa, on a water lot, the house is almost new, has four rooms on a floor, and eight fire places, cellars under the whole, and a neat store made of one of the rooms, which is quite private from the other part of the house, and now rented to Walter Tolley, jun. Esq. Any person inclinable to purchase the aforesaid house and lot, may know the terms by applying to the subscriber living in the fork of Gunpowder, near Joppa. The title of the whole indisputable.

JOHN HAMOND DORSEY.

Annapolis, August 14, 1773.
JERVIS BURFORD AND DAVID JONES,

TAILORS and HAT-MAKERS, from LONDON,

TAKE this method to acquaint the publick, that they have opened shop at the house of Mrs. Maw, near the church, where they intend carrying on their business in all its branches, hoping that, by a strict adherence and constant endeavour to give satisfaction, they will merit the approbation of all ladies and gentlemen who may think proper to favour them with their custom; and as ability in tradesmen is generally deemed a sufficient recommendation, they flatter themselves their merit will find access to the good will of the publick, and all favours grounded on that principle they will most gratefully acknowledge.

w4

ANNAPOLIS RACES.

On TUESDAY the 28th of Sept. will be run for, **THE JOCKEY CLUB PURSE** of ONE HUNDRED GUINEAS, free only for Horses &c. belonging to the Members of the Club.

On WEDNESDAY the 29th.

THE CITY PURSE of FIFTY POUNDS, GIVE AND TAKE. Aged Horses 14 Hands high to carry 9 Stone, allowing 7lb. for every Year under Age; and 7lb. for every Inch under 14 Hands; but for every Inch above 14 Hands, to carry 7lb. extraordinary. Heats 3 Miles each.

On THURSDAY the 30th.

THE CITY PURSE of FIFTY POUNDS, free for Four and Three Years old; Four Years to carry 8 Stone, Three Years to carry 7 Stone, allowing 3lb. for Fillies. Heats 2 Miles each.

On FRIDAY the 1st of October.

THE THEATRICAL PURSE of FIFTY POUNDS, free for any Horse, Mare, or Gelding, carrying 9 Stone. Heats 4 Miles each.

There will be a Sweep-stakes on Monday the 27th of September, between

William F. Hugh, Esquire's gray Filly, by Fear-hought.

Benjamin Ogle, Esquire's gray Filly, by Othello.

Daniel Heath, Esquire's gray Filly, by Traveller.

The winning Horse each day is excluded starting for any of the other Plates.

Subscribers of Three Pounds or upwards, may enter free for each, or all of the Three last Days Plates. Non-Subscribers to pay Two Guineas Entrance each Day.

The Horses intended to run for the Two last Days Sport, must be entered with the Clerk of the Course, on Saturday the 25th of Sept. any Time before Twelve at Noon; and the Horses for the give and take Plate, must be entered and measured between the Hours of Three and Six in the Afternoon of the same day, or pay, should they start for any of those plates, double Entrance at the Post, if the Property of a Non-Subscriber, Three Pounds.

Subscribers to the Plates, and the Gentlemen who have Horses to start for the Jockey Club Purse, are desired to enter them the same Day, that Lists may be made out and published. Certificates of their Ages must be then produced.

The Horses are to start each Day precisely at Eleven o'Clock. The winning Horse each Day, to pay a Guinea to the Clerk of the Course for Weights, and Scales. Judges to be appointed by the Stewards.

Assemblies as usual, on Tuesday and Friday.

LLOYD DULANY, } Esqrs. Stewards.
RICHARD SPRIGG, }

For the Encouragement of the Market, and the better Entertainment of the Company at Annapolis during the Races, the JOCKEY CLUB have directed their Secretary to publish the following Premiums, viz.

TEN POUNDS CURRENCY

For the largest and fattest Beef that shall be brought to Market, and sold at or under Six-pence per Pound. The Four Quarters not to weigh less than 700 Pounds.

ONE GUINEA.

For the largest and fattest Weather, above Four Years old.

THREE POUNDS CURRENCY

To the person who brings to Annapolis during the Race Week the greatest Quantity of the largest and best marketable Fish, and retails the same at the usual Prices. Proof of which must be made to the Satisfaction of the Club at the End of the Week.

Persons proposing to become Candidates for the Premiums, are to apply to the Secretary of the JOCKEY CLUB.

WILLIAM EDDIS, Secretary.

RAN away from the subscriber, living in Charles county, a servant lad, called Hooper Bennett, about 19 years of age, slender make, about 5 feet 3 inches high, light coloured hair, which he generally wears in a slovingly manner, pale fallow complexion, appears to have had the fever and ague, speaks quick, and calls himself a barber and hair-dresser: had on, when he went away, a brown short skirted coat, red waistcoat, and olive coloured velvet breeches, though it is supposed he may have now changed his dress: he was seen, about five weeks ago, at Lyon's-creek, in Calvert county, and I do imagine he is now either in that or the county of St. Mary's. Whoever brings said servant to the subscriber, shall have a reward of forty shillings, paid by

RICHARD LEE.

ANY Person wanting Searches made in the Rentals for the Western Shore of this Province may apply to

J. CLAPHAM.

THE subscriber has a compleat boat, suitable for carrying of horses and foot passengers across the bay to Cook's point, in Dorchester County, or to Oxford, Cambridge, or Wye-river; man and horse to Dorchester county, 15s. to Cambridge, 2: 2: 6. to Oxford, 20s. to Wye-river, 2: 5: 0. The said boat is to be at Cook's-point the second Monday in every month till twelve o'clock, to wait for those that may want to cross to Calvert county, and oftener, if notice is given to the skipper of said boat. She is always ready to receive passengers at any time at the subscriber's landing, to carry to any of the aforesaid places.

w3

HILLARY WILSON.

August 21, 1773.

STOLEN from the subscriber's pasture a week ago, about five miles from Queen-Anne, a bay mare, about 14 hands high, brand-d on the near buttock I M not very perceivable, about five years old, paces, bushy mane, one white hind foot. Twenty shillings reward will be given for bringing home the mare, and five pounds for the thief upon conviction, paid by

w3

JAMES MULLIKIN.

August 23, 1773.

STRAYED or stolen from the subscriber the 8th inst. living near Mr. Stephen Steward's, in the Swamp, a sorrel horse, seven years old last May, betwixt 13 and 14 hands high, branded RG on one of his buttocks, has a blaze on his face which runs into one of his nostrils, paces and gallops. Whoever takes up the said horse and brings him home shall have four dollars reward, paid by

w2

JOHN PARSONS.

August 16, 1773.

RAN away yesterday morning from the subscriber, living on Seneca, Frederick county, near the Widow Dowden's tavern, a convict servant man, named John Gardner, about 24 years of age, and about 5 feet 8 or 9 inches high, dark complexion, gray eyes, is very talkative, and has a very bad scald head: Had on and took with him, old felt hat, ofsnabrig shirt much patched, old striped linsley jacket, white drab breeches, cotton stockings, and good shoes: he pretends to act the slight of hand, so I imagine he will pass for a show-man, and probably may forge a pass. Whoever takes up the said servant, and secures him, so that his master get him again, shall receive twenty shillings reward, besides what the law allows, and reasonable charges if brought home, paid by

w3

GREENBURY GRIFFITH.

Prince-George's county, August 12, 1773. To be sold to the highest bidder, on the twenty-second of September next,

A PARCEL of land supposed to contain about 300 acres, about seven miles below Piscataway, and about two from Patowmack-river, for sterling or current money. The sale to be on the premises, at the house where John Holly now lives as a tenant, who will shew the land to any person who shall incline to view the same before the day of sale, when the exact quantity will be made out, by

w4

ZACHARIAH MACCUBBIN.

July 22, 1773.

RAN away from the subscriber, living in Philadelphia, on the 24th day of april last, a negro man, named Jack, about 22 years of age, about 5 feet 10 or 11 inches high, has been used to the still, he formerly belonged to Mr. Zephaniah Bond, in St. Mary's county, in Maryland. He stole and took with him, about 10 pounds currency, and was seen some time in the month of May last, at the house of Mr. Philip Briscoe, in Charles county, where his father and mother live: had on, when there, a blue broadcloth coat, lapelled, a red flannel jacket lined with white flannel, black plush, or cotton velvet breeches, ribbed worsted stockings, and channel pumps; a fine fashionable hat, two or three white shirts. It is supposed he has a forged pass, as he travelled from Philadelphia to Charles county without being taken up. Whoever will deliver the said negro to Mr. William Faris, or to Mr. John Fry, in Annapolis, shall receive the sum of ten pounds Pennsylvania currency reward, or fifteen pounds like money, if brought to me at Philadelphia.

w5

JOHN ZELLER.

N. B. He has a scar under one of his eyes. All masters of vessels are forewarned carrying him off at their peril.

THERE is in the possession of Francis M'Daniel, living at Mr. Caleb Dorsey's, Elk-Ridge, a stray bay horse, about 13 hands and a half high, a star in his forehead, two saddle spots, one on each side, has a small bell and bell collar on, paces, trots, and gallops.

The owner may have him again, proving property and paying charges. w3

THERE is at the plantation of Rheta Todd, on Elk-Ridge, in Anne-Arundel county, a stray black mare, about 13 hands high, neither docked nor branded, trots and gallops.

The owner may have her again, proving property and paying charges. w3