

MARYLAND GAZETTE.

T H U R S D A Y, M A R C H 4, 1773.

TO THE PEOPLE.



WHAT we live in extraordinary times, is unfortunately too obvious to be denied, and too much felt, not to be generally deplored. Social intercourse is now unhappily interrupted, by fruitless altercation respecting the legality of the taxation by the vestry of St. Anne's; and the forty per poll, and the officers fees, is the never failing subject of conversation. Such topics being lately agitated in a large company, a disputant who seemed to be in the secret, asserted in answer to a sarcasm on the lawyers, that their fees were established by an act of Assembly, and that they must be paid on demand of the sheriff, because leviable by execution. The ignorance of his antagonist prevented a reply, and the confidence of the assertion, seemed to preclude debate. It was natural to reconsider the subject in private, and to apply to the acts of Assembly for information. And, as the fees of lawyers, as well as the officers fees, are objects of great importance to the prosperity of the people, we shall freely communicate what hath occurred to us on a subject so truly interesting.

Many acts of Assembly were made before the year 1715, to prevent the evil practices of attorneys, and to ascertain their fees: but the lawyers of old, as well as the present race, seem to have possessed the happy knack "of finding some legal loop-hole whereby to creep out." This we presume, gave rise to the act of Assembly of 1715, ch. 48, hinted at by the above disputant, and entitled, *An act for redressing the ill practices of attorneys of this province, and ascertaining fees to the attorney-general, clerk of indictments, attorneys and practitioners of the law in the courts of this province, and for levying the same by way of execution.* Two points of great importance to the welfare of the people, were attempted to be gained by the makers of this act—1st, the ascertaining and limiting the lawyers fees—2^d, the rectifying and preventing their evil practices. The attorneys fees were ascertained and limited by the 7th sect. of this act, which enacted, "That from and after the end of this present session of Assembly, there shall be paid to any attorney or other person practising the law in any of the county courts of this province, for bringing, prosecuting, or defending any action, of what nature or quality soever, to final judgment, agreement, or other end thereof, the sum of one hundred pounds of tobacco; unless the principal debt and damage, or balance of any debt and damages sued for and recovered, do exceed the sum of two thousand pounds of tobacco, or ten pounds sterling; that then the said attorney shall have two hundred pounds of tobacco, and no more"—&c. And, their ill practices were rectified, and prevented, as well by the act throughout, as by the 7th sect. which enacted, "That if any attorney or other person practising the law in any of the aforesaid courts, do presume to ask, receive, take or demand, any greater or larger fee than before by this act appointed, and be thereof legally convicted, he shall be incapable to practise the law in any court of this province for the future." The curious reader may have recourse to this act of Assembly in Bacon.

That a lawyer is intitled to his reasonable fee, justice must confess: the how much, is ascertained and limited by the act of Assembly just recited: but the time when the reasonable fee is to be paid, is a question of great importance to the people of this province. It is obvious to common sense (if we have permission to use it) that every reward becomes due, after the service is performed. The Assembly adopted this rule, and therefore enacted—That the attorneys should be intitled to the fees mentioned in this law, for bringing, prosecuting, or defending any action to final judgment, agreement, or other end thereof. Until the lawyer, therefore, prosecutes the action to final judgment, agreement, or other end thereof, he is not to be paid his fee, because, under the above act of Assembly, it is not earned, or become due. And this is founded in the strictest justice, and supported by the soundest policy. For says justice, the labourer is worthy of his hire, when he has performed the service: and, says policy, the lawyer ought not to be paid his fee; till he has ended the suit, because, after the client hath paid the fee, the cause is but too often neglected; the client himself wearied with humble attendance, is received with peevishness, and the poor man, already ruined by the law's delay, is insulted by the insolence of sudden greatness.

The late inspection law permitted the lawyers to send out their fees to the sheriffs to be collected annually: but, unfortunately, this law now no longer exists. The lawyers, however, continue to send out their fees to be collected by the sheriffs though the suits remain undetermined, and the service is not performed. And, though this proceeding may be defended on the admirable principles of the vestrymen of St. Anne's, that after the expiration of an act of Assembly, its regulations continue in force, by we do not know what law, called by them, common law, custom, and usage. Yet it is plain to any man of common sense (if such are allowed by the lawyers to judge), that the proceed-

ing is illegal, arbitrary, and unjust, and not to be defended. It is illegal, because contrary to the act of Assembly above recited; it is arbitrary, because supported by the mere will of the lawyers only: and, it is unjust, because the services remain unperformed. To execute for such fees, the remaining pittance of the unfortunate client, already ruined by the most illegal extortions, is shocking to humanity: and, to lay the naked corpse of the miserable wretch (even before it has expired) on the thorns of a jail, who hath already given his all, is such cruelty, "as beggars all description." Blush lawyers! blush! Countermand your orders to the sheriffs. Recal your fees till you have done the services, and ended the suits of your clients. Give over your monstrous extortions. Cease your illegal exactions. And, "give back peace and happiness to a convulsed province." If the lawyers obey not the calls of justice, or the rules of humanity, let such fees be unanimously denied: when the sheriffs demand such fees, let the questions be asked, Have the lawyers done the services? Have they ended the suits? If not, refuse them with disdain: nor, is there any thing to fear from the sheriffs, for the miserable clients have law and justice on their side.

What is extortion in the eye of the law, and for which a prosecution might be brought, we are unable to say: but we remember the description of it, given by the present Lower House of Assembly, viz. the very nature of extortion is, "taking more, by any officer, by colour of his office, either where none at all is due, or not so much is due, OR WHEN IT IS NOT YET DUE. This needs no comment—it is on a level with the meanest capacity.

To preserve the needy from the gripe of rapaciousness—to protect the man already depressed with misfortunes, from the contemptuous usage of the insolent—to prevent the most crying extortions—and to give efficacy to the act of Assembly above recited, are objects well deserving the attention, and interposition of the legislature of a people, free, and humane. But, from the Assembly, though much is to be desired, little can be expected. For the pestilent influence of a certain race of men, in a certain House, is well known, and ardently deplored. And we have lamented, that a bill respecting lawyers fees, having been sent to the Upper House in a very late session, it was amended by adding an oath, to be administered to the lawyers, That they would not take, demand, or receive any other, or greater fees than allowed by the bill. This amendment was nothing more, than giving efficacy to the bill, than adding force to the act of Assembly above recited. Noble policy! which had for its object, the prevention of crimes, rather than the punishment of them. But when the amendment was sent to the Lower House, there was not a man, no not one, who had virtue or spirit enough to say, he liked the amendment, and hoped the bill would pass.—*Si populus vult decipi, decipiatur.*

A CLIENT.

TO WILLIAM PACA, Esq;
S I R,

IWOULD not willingly be wanting in a due attention to you; else, I own, I see but little in this your last address, to me, that calls for my notice. The paragraph in my letter to you and Mr. Chafe, which you have thought proper, singly, to reply to, stands much as it did; save only, that you have more strongly confirmed the charge. It is, I think, the fate of your replies, to leave things worse than you found them.

I commend your prudence, in not contradicting what I there advanced. You were conscious, I made the assertion, on good authority. Why then, Mr. Paca, do you meanly seek to evade the force of a charge, which you cannot deny, by insinuations as groundless, as they are unmannerly?—if ever the acknowledgment was made! and who has too much honour to carry tales to a parson! Fie, Sir; is this the language of a gentleman? Were the cause you espouse, a better one, than it is, you would disgrace it. Of what moment was it to you, who carried the tale, provided only, it be true: and, Sir, give me leave to say, this busy tale-bearer was a gentleman of undoubted honour and veracity; though, happily, not quite so silly, as to imagine that there could be any dishonour in relating to me, a parson though I am, a tale communicated to him (as, probably, it was also to as many as you conversed with on the subject) not in confidence, nor under any injunctions of secrecy.

True wit and manly satire bear no more resemblance to buffoonery and scurrility than *Hyperion to a Satyr*. I leave it to our readers to say, to which of these your little sneers at Parson Boucher belong. I have no design to defend myself by recriminations of this sort: in your own well-chosen words, Sir, I abhor such ungentleman-like controversy, and the ill-manner'd men that write it. Unfortunately, it seems, for your worthy friend, and myself, you are now, once more re-inflated in a firm conviction, that your opinion is sound law. This is, terrible! and I suppose, we may now give up all hopes

of a possibility of the act's being valid, as, doubtless, the opinion only of the reconsidering and re-asserting Mr. Paca, will be taken for law by every body as it evidently is, by himself. Had I the honour of an acquaintance with your first Citizen, I would ask him, if this specimen does not prove you too, to be fully sensible of the wisdom of the French maxim, *il faut se faire valoir.*

You are pleased to deny, that you boasted of your opinion being unanswered; and allege that you only meant to give me an opportunity of exhibiting my [legal] talents; as you had been told that I had furnished myself with law-books, and had some legal knowledge. Either you must have believed this information, or you challenged me to display what you did not really think me in possession of. If the former be the fairest inference from the whole of your own state; with what colour of propriety did you pronounce me but a mere echo upon legal topics? If a clergyman had been thus caught tripping in the face of the publick; what arguments would not have been drawn from it by Mr. Paca and his friends, to the disreputation of his morality and understanding!

To your boast, that your opinion had the sanction of Mess. Johnson's and Goldborough's approbation, I reply, that, if you will allow the controversy to be determined by the suffrages of eminent gentlemen of the law, I take upon me to answer for every incumbent in the province, to leave it to this issue. Let us see how the account would then stand: Against the law, are Mess. Chafe, Paca, Johnson and Goldborough—I have not heard of another: For it, (I believe) every other lawyer in Maryland. And, with all due deference to the eminence of your abilities, and the patriotism of your principles, I trust there are some in the profession, equal, at the least, to any of you, both in legal knowledge, and a just regard for the real welfare of their country.

The hint, you say, I dropped respecting your courtly life, if given at all, was given equally to Mr. Chafe, and you. Why then unkindly leave him out in your vindication? His adversary as I am, I will do him the justice to declare, that he stood in no need of a vindication, on this head, from any hints dropped by me. In truth, Mr. Paca, like the king in Hamlet, you have been frightened by a false fire. Whether you had any particular reasons for so suddenly taking the alarm, uncharitable people may, if they please, surmise: for me, I content myself with observing, that the only hint I have dropped, was, that your life had been, at the least, as courtly as mine, which, Sir, it may well have been, and you very innocent of any designs inimical to your country; and this too spoken in so plain a manner, that I cannot conceive it possible for you to have mistaken it, but by design. However, if it has been of any service to you in giving you occasion thus triumphantly to proclaim your immaculate purity, you are exceedingly welcome to it.

Twice have you shot your bolt at some anonymous writers through me. What am I, to understand from this? Is it, that you would insinuate, that you suspect me to have written these papers? I guess so: but eager as you are to find out these secrets, I am not disposed, if it be in my power, to gratify your curiosity. *Au Reſſé*, your reply to the epigram, I think, I remember, which I suppose you to allude to, reminds me of a story I have heard of a malefactor, who, when the judge passed sentence on him, swore "he was a sad, hard-hearted villain."

Permit me, for once, to copy your manner, and, through you, to observe to the writer in the last paper, who signs himself, *Ariel*, that where he says "Clergy-men are not over solicitous for, or careful of the interests of their successors, provided their own be suffered to remain unimpaired," he grossly misrepresents the clergy. I pretend to know something of the minds of my brethren, and I hope I deserve to be credited as well as an inflammatory, anonymous, party-writer, when I declare, that it is the earnest wish of the present incumbents, who consider themselves but as trustees for posterity, to have the patrimony of the church handed down to their successors in no worse a condition than they found it. Many individuals of the clergy have given striking proofs of it, and recently: it has, moreover, I believe, been asserted again and again in various petitions of the clergy to the General Assembly, and is a principal argument against any alteration in the present mode of payment, in a piece, printed in this Gazette, in October 1771, and signed, "An Eastern-Shore Clergyman." How wicked then is it in this man, thus rashly to calumniate a body of men, not inconsiderable in the community, in a plain matter of fact, so very easy to be refuted! What foundation there may be for his other conjectures concerning the parsons (how decent, and how elegant this language!) you will, probably, hear elsewhere. Be this as it may, singular and melancholy is the situation of the clergy of Maryland! They have no more connexion either with officers, or lawyers, than any others of their fellow-citizens: and yet they alone, it would seem, are to suffer by the quarrel.—*«delirant reges, plebsur Acbrivi.»*

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These three weeks, or upwards, have I been threatened with the vengeance you were preparing to pour on this devoted head; at last, you vouchsafe, formally, to announce the approach of the storm. How shall I bide its pelting? I should certainly sink under the apprehension, had I not already survived your first attack, which, I remember, was supposed to be no less terrible, while at a distance. Comforted by this recollection, like Freeman, I now wait with great tranquillity, and with the most perfect sang froid, for the discharge of your heaviest artillery. It is not the first time, I have known a storm, that seemed tremendous, whilst it was a gathering, become, on its breaking out, a mere *brutum fulmen*.

I trust to the candor and good sense of the publick, to suspend their judgments respecting the Address (which, after the promise I made you, it was so exceedingly fair and generous in you to have printed) till after we have settled the other parts of this controversy. When that is done, I hope to convince every passionate and reasonable man, that neither my brethren, nor myself, are, or ought to be, so odious to the community, as you threatened to render us, by the publication of this paper.

I am, Sir, your humble servant,
JONATHAN BOUCHER.
Prince-George's County, March 1, 1773.

To a certain Gentleman, of distinguished abilities, who has retired from the Bar.

THAT you have uncommon talents, derived both from genius and a large education, even those of your enemies, against whom you have been repeatedly guilty of the inexcusable crime of *stripping them and showing them for what they are*, will not deny. But neither art nor genius will save you from the destruction that now threatens you. The wooden horse, the boot, the whip of wire, the screw, and the dog's head, are all your bitter, but inevitable lot. The holy acquisition of *Jejuna* and *Independent Whigs* have for *put the question*, that to speak in the words of *Friar Bernard Delucio* on a like subject, "even St. Peter and St. Paul, if they were now alive, if inquisition were made against them, according to the manner used by these inquisitors, could not defend themselves from heresy." For mark the words of AMICUS PATRIÆ, the promulgator of the irrevocable decree "IT IS HOPED (this is the humble formula of the office) that the published opinion will continue to be read, AS IT REALLY IS, UNANSWERABLE, until it shall be publicly answered." Thus are you commanded to answer an opinion, which the omission itself has predetermined and settled to be UNANSWERABLE. God grant you patience to sustain you under your afflictions!

A PROTESTANT WHIG.

A C A R D.

I PRESENT my humble service and respects to Doctor Crispin, and pray that he will take me along with him. I do not pretend to say absolutely that he had not a good intent in writing; but suspect that he had better mind his awl and lathe, than dabble in politics, which the learned say he knows nothing about. His quackery only makes folks laugh at him, and by and by he will be gone to fustice, and so troublesome, and of such bad fame, that he will be obliged to go abroad, and leave the management of his shop to a journeyman, because his neighbours will not suffer him to intrude into a room where they are.

I know it all becomes a Tailor, as I am, to write for the press, but Dr. Crispin must not therefore think to use me ill, otherwise I may bite him, though I am but a Tailor. Mayhap he may some time or other have got something by haling himself in to write; but the pitcher that goes often to the well is broke at last. As for example; an acquaintance of mine, of the same trade, thought himself so clever a fellow once by means of some success in his craft, as to try to take care of himself, and his poor neighbours, by his pen. For when a journeyman, by name Mahgairaj Scaggib, was carrying home some new cloaths, he floundered over a horsehoe, near a stream, and had like to have ruined his whole burthen, which would have been to the cost of his customers. But my acquaintance paid for this through the nose, and some might think, perhaps, if they knew all, that he ought to have paid by his neck. He afterwards however got to writing upon publick matters; and all the paper he stained was fit for nothing but to cool his own goose. So I think, for the reasons aforementioned, that Dr. Crispin had better let alone the Bishop, who had his head chopt off, as I am told (though the Doctor dreams of a cope) and all other publick affairs, for he is much likelier to get by *scratching out* than by writing.

From my own shop-board
in Prince-George's County. A. TAILOR.

Prince-George's, March 1st, 1773.

MR. GREEN,

HAPPENING to be present at the Coffee-House in A. M. on one evening soon after the publication of ANTILO's in your Gazette; I overheard a discourse between a Courtier and a Countryman, which I could not help pausing upon all night, and part of the next day as I rode home.—My memory being naturally retentive, I have since had the substance set down in writing and by the advice of some of my neighbours, who are acquainted with what was said by the Countryman, I send it to the press, and should be obliged to you to publish it in your next paper.

I am your humble servant,
A. PLANTER.

Courtier. Have you read over the piece under the signature of Antilon with attention? He is not such a

simply writer as the Editor; he seems to have rather too much warmth but discovers great depth of historical and political knowledge and his reasoning about the proclamation appears to me unanswerable.

Countryman. I do not pretend to any great degree of knowledge in the history of past ages of the world, but have my eyes open and all my senses perfect and yet cannot see the proclamation in the same harmless light he does—a meer chip in porridge—to men of my plain understanding it appears quite otherwise, and I think I have no difficulty in shewing that the conduct of Administration has been wrong.

Courtier. It will not be sufficient to allege your mere opinion; the declarations of a faction, or the clamours of a mob.

Countryman. I shall not rest my proof entirely on either; my own opinion is of no consequence; the very existence of what you call a faction is a presumption of something wrong in administration, and the clamour of the mob, as you are pleased to call the people, gives strength to that presumption. There cannot be so much smoke, where there is no fire; but our discontents are not confined to what you call the faction or the mob; if you will produce any man in the province of common reflection, who is independent, and has no views on administration for himself or his friends, who will not greatly blame some of the measures lately pursued, I will engage to become your convert.

Courtier. Persons of the class you hint at are always finding fault, and are ever ready to join in the cry against men in power. Some of the most designing expect to fill up our places, when they become vacant.

Countryman. The people in general seldom complain without reason—there is no doubt but that they are uneasy and discontented, and this I look upon as good proof of a bad administration. The end of civil government is to secure to the people the full enjoyment of their important natural rights, whilst these are preserved, they are happy and of course orderly and quiet—when these are invaded by men appointed to preserve them. They immediately feel the consequence in the abatement of their happiness—and become uneasy and unruly, this is the general state of things.

Courtier. You moralize very well by way of preface, but this is wide of the mark. Come to the point and shew me if you can that Antilon is mistaken in what he says about the proclamation. To me it seemeth that the subject is not exhausted; more might have been said in favour of that measure.

Countryman. Happy it is for the people of this province that the subjects of contention are known and established rights which every man of common sense is capable of forming his judgment upon—or they might have been misled by the sophistry of Antilon and other court writers, of which we have had great abundance—who serve rather to puzzle than convince. When the present subjects of contention were first started, the people immediately formed their opinion, and they hold that opinion firmly. I need every rational man can judge of *palpable deviations* from the end and first principles of government.

Courtier. Pray explain yourself and be more particular, or I shall begin to think of applying the old maxim—*dolus versatur in generalibus*. As you do not understand Latin, I will give it you in English—the artful man deals in generals.

Countryman. Have a little patience; I will gratify your request, and am only afraid you will be tired before I have done. By reading the votes and proceedings in the year 1770. I find that the fees of officers were much controverted, and the gross amount of their salaries enquired into by the Lower House—and I have heard from some of our Burgesses that many accounts were produced demonstrating the abuse of the old table of fees in the mode of charging—upon full consideration of the whole matter, they came to a resolution to adopt a new regulation of fees. That being disagreeable to the Officers who composed in great measure the Upper House—the Law failed—what followed? Why that very table of fees rejected by the representatives of the people was to be established some how or other—the Governor by and with the advice of his Council issued a proclamation strictly enjoining and commanding all Officers &c. under pain of his displeasure to take any other or greater fees than limited by the Act entitled, &c. The form of words need not be again repeated—from the language of the proclamation 'tis evident to me that the very table in contest was set up as the standard of right and wrong between the Officers and the People—in other words the Chancellor and Surveyor General of the Western Shore as Governor by and with the advice of the other great Officers who chiefly composed his Council made that very regulation relative to their own fees, which the several constituent branches of the legislature could not agree upon. Needs there many *hard words* to prove that this proceeding cannot be justified on the principles of the constitution?

Courtier. Hold—hold—you seem to go on rather too fast, and are now too particular—you should remember the maxim that the King can do no wrong.

Countryman. Your friend Antilon has exploded that maxim, we have nothing similar to *Majesty* in our petty province—I am quite indifferent who advised or was principally active in bringing about the proclamation—I blame measures not men—and am willing to treat the supreme magistrate on all occasions with complaisance—all I contend for is that he was wrong advised—I have read some where "that nothing can be Law that is contrary to the first principles of justice and reason, and that even an Act of Parliament would be void that constituted a man judge in his own cause." If these maxims be admitted, do they not apply to the proclamation? Every unprejudiced person must perceive their force on the slightest attention. The Officers in the plenitude of their power assume the station of judges in their own cause, and determine contrary to the declared sense of the representative body of the people, and contrary, as I think, both to Law and Justice. The instances put, of the

courts at home or the chancellor settling an allowance for services done by the subordinate ministers or servants of the court; do not apply—they themselves were not deeply if at all interested in the rate so settled, and if either of the parties conceived themselves aggrieved, trial might be had before a jury—how the Law may be on constitutional principles, I take not on myself to determine—be those instances as they may, they come not up to the proclamation.

Courtier. You reason plausibly enough—I wish very sincerely we had never had any anonymous publications—the Editor was greatly to blame for bringing up the fashion of dialogue writing—we shall never have an end to them, I doubt. All this time however you pass over the parallel between ship-money and the proclamation.

Countryman. I am coming to that immediately—great pains have been taken by Antilon to shew a diversity between ship-money, and the fees established by proclamation—compulsory methods by seizing the person or property of those, who did not pay, were directed ('tis alleged) to be used by King Charles and his Ministers—the proclamation threatened only the Governor's displeasure—heavy enough this to annual Officers or mere tenants at will; and farther in case of non-payment in ready money, at 12 6 the whole was to be paid in tobacco by farmers as well as planters—its ready money were paid, no compulsory measures were necessary. The power of demanding tobacco in case of non payment in ready specie was a sufficient rod in the hands of the Officers. Considering how unwilling, indeed unable most men are to imitate the immortal Hampden and go to law with powerful men—and considering also the necessity men are under of having business done in the publick offices; besides let me ask you what is to hinder the Governor and Council under some future less virtuous administration than the present upon complaint of the Officers that their salaries are too small, to issue another proclamation settling a higher rate of fees?

Courtier. I am not prepared with an answer to that question (*yaaron*)—it is not late in the evening? (*looking at his watch*); let us retire—and hereafter renew our conversation.

Countryman. Before I dismiss the subject, let me ask, what is the sum of Antilon's reasoning—if it proves any thing, it proves that we have no use for Representatives, and therefore may stay quietly at home, and not trouble ourselves with politics—If at any time we read the history of those worthies, who have stood forth and nobly asserted the cause of liberty to the utter confusion of their enemies, we must suppress any rising emotion—shake our heads and say—those were halcyon days—we must not expect such; may the genius of this once happy province arise and fire the breasts of all her sons with sentiments worthy of them in these times of difficulty and danger—and grant that the era may not be approaching fast, when we shall be obliged to submit to whatever the Governor and Council shall think proper to impose—good night—I perceive you are heartily tired with the length of my discourse.

A C A R D T O A N T I L O N.

YOU are exceedingly mistaken. We solemnly aver as to any knowledge from us the first Citizen was and is totally and absolutely a stranger to our signature: If he has been told who we are treachery alone could have communicated the information. We approved of his manly spirit in defence of Liberty: His merit called for our publick acknowledgments.—We propose, Sir, hereafter, to expose the futility of your arguments, in favour of the palpably illegal and unconstitutional proclamation: Passionate expression and furious assertion have no weight with us; nor are our nerves of such a delicate nature as to feel an alarm from the insinuation of office and petulance of station.

INDEPENDENT WHIGS.

T O A M I C U S P A T R I Æ.

SIR,
WHEN my Opinion is attacked I shall endeavour to defend it, unless the arguments advanced convince me, that I am wrong in my assertion of the Law: thus far you might have ventured to say of me without my leave: but to challenge a Gentleman to a publick discussion of my Opinion, and then to assure him that I shall be ready to answer him, certainly Antilon this is a liberty you ought not to have taken without my privity or consent. To prevent unfavourable impressions, I must beg leave to deny that you had any authority from me to do what you have done, and by the by what you ought not to have done.

4 March, 1773. Your humble Servant,
WILLIAM PACE.

M A R S E I L L E S, O B. 30.

THE report which was current, that the plague had manifested itself at Sale and the ile of Fedala, alarmed the traders, but the report proves to be groundless. What gave rise to it was the fevers which always reign there every year, when the fruits are ripe. In that season the Moors eat nothing else, and take no precautions for guarding themselves against the effects of this ailment: they drink only water, and go almost naked; during the day they are scorched by the sun, and in the night are chilled by the excessive dews. For these fevers, as they have neither physicians nor surgeons, they take no remedies, but support themselves under their system of absolute predestination. They are so accustomed to this mortality from the living on fruits, that at Fez, where it reigns more than in any other part, the persons charged with the office of interring the dead make their bills payable annually, after the cessation of the fruits.

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STOCKHOLM, Nov. 24. This day arrived here General Pecklin, under a guard of fifty dragoons, and was delivered to the military jail, which is to be guarded with twenty-four men with drawn swords in their hands. On the same day was released out of his confinement, the chief justice Engstrom, with a pension of 1,000 dollars per annum, besides a place in Pomerania. This doctor had not only refused to sign the new form of government to his Majesty, but even expressed himself very warmly in the presence of the King, after which he was confined; but at last he petitioned the King, that he would beg his pardon, which was granted, and a pension also into the bargain. The officer who had the guard the same day, before the jail where General Pecklin is confined, acquainted the general with the news, as an instance of his Majesty's generous conduct; but the general made him the following answer: "Sir, it is more honour for me, in the eyes of a free nation, and more satisfaction for myself, to see myself thus guarded with drawn swords for the cause of liberty, publick spirit, courage, patriotism, truth, and a liberal heart of thinking and speaking, than to be a dissembling pensioner at the expence and ruin of a whole nation, which is generally the case of ministers at every court, who draw upon them the curses of the whole nation for a trifling avarice and false ambition; and at the same time when they are sensible of being instrumental to the enormous evil; they hear the cries of conscience in their ears, but make it silent, by saying, it is politicks, a necessary evil; but I thank God I enjoy a perfect rest of conscience, and will strive to support it as long as I shall exist. Should I die for it, I will call aloud with the apostle, "O death, where is thy sting! O grave, where is thy victory!"

L O N D O N, Nov. 10.

A memorial of the most spirited nature is said to be preparing, setting forth the distresses of industrious people in this country by the height of the taxes, and the almost univarsal combinations now entered into for raising provisions.

The want of wheat and barley in the corn-markets, gives a very alarming winter prospect to the poor of this kingdom. It is expected that the Parliament will put an immediate stop to the distillery of malt in order to save the brewery, which is now in a ruinous situation. And, unless a speedy importation of wheat should take place, the price of bread must rise to an extravagant height.

Nov. 11. A letter has been received by the Earl of Rochford, from his Majesty's ambassador at Constantinople, giving an account that a violent plague and scarlet fever rages there; in consequence of which, strict orders have been sent to the several seaports in this kingdom, to take the necessary precautions in case any ships arrive from Turkey.

Nov. 14. It is now thought that the peaceable demeanor of the two royal brothers has a source of which the publick are in no degree apprised, viz. a secret understanding with their supposed enemies.

Extra of a letter from Deal, Nov. 9.

"We have here six Dutch Indiamen, outward bound for the East Indies. An affair has just happened which gives great pleasure to every body here: and this is the redeeming from the most wretched slavery between twenty and thirty of our countrymen, who were decoyed on board these Dutch ships in Holland by a set of artful crimps, whom they call silver copers, and who get so much a head for as many poor victims as they can by any means invisible on board, where they are kept in the closest confinement till they get into the southern latitudes. I am told great numbers are every year sent in this manner to the Dutch settlements, from whence they never return, being slaves for life. The Flora man of war, who now lies in the Downs, hearing that some Englishmen were confined on board these Dutch ships, sent her boat to demand them, but the Dutch officers refused to deliver them, and threatened to repel force with force; however I find our man of war has obliged them to comply, and that too without any bloodshed. One of our pilots who has seen them, tells me they are all very fine stout hardy English seamen, and that they all declare that they did not know where they were a going to be carried to, though their lot would have been the worst kind of slavery, if they had not been so lucky as in this unexpected manner to regain their liberty: The Downs is very full of outward bound ships, having long had westerly winds, &c. &c.

Nov. 18. A letter from Stockholm, dated the 27th ult. says, "Lieutenant Chieslen, and the Subaltern who had been arrested with him, were released the day before yesterday by the King's order. Doctor Rutherford is dead in prison."

Nov. 19. A gentleman just arrived from Brest, informs us that workmen are now employed in enlarging that port. Barracks are already built for the sailors, with warehouses for ship building materials, and a new bakery.

Dec. 2. On Sunday se'nnight the rock known by the name of the Needle, or Lot's Wife, upwards of 120 feet above high water mark, which stood at the well end of the Isle of Wight, was, by a continued washing of the sea, thrown down. This rock will be a great loss to mariners, as it was a direction for them to steer by.

ANNAPOLIS, MARCH 4.

The following Account of the Trial between Mess. Harrison and Lee has been communicated to us by a Correspondent. Last Week was tried in Charles County the important Cause between Joseph H. Harrison, Plaintiff, one of the Representatives, and Richard Lee, jun. who was Sheriff of the said County. Mr. Lee had executed Mr. Harrison for the Forty per Poll, upon which he brought his Action for false Imprisonment. The Evidence offered on Behalf of the Defendant was very favourable: He conducted himself in the Execution of the Plaintiff with great Mildness. He waited upon him and made

the Arrest at his own House: After a short Conversation upon the Subject Mr. Harrison redeemed his Person by Payment of the Demand: There was no such aggravating Circumstance as dragging the Plaintiff to Jail or ill Treatment of him: Yet such was the Idea which the Jury entertained of the Liberty of the Subject, that they looked upon the Sheriff's Arrest and Execution of the Plaintiff for the oppressive and illegal Demand of the Forty per Poll as an Offence of the First Magnitude against the Rights of Englishmen, and brought in a Verdict for the Plaintiff, and gave him Sixty Pounds Sterling Damages, which was the whole Sum in the Declaration. There was a Demurrer in the Pleadings, which by Agreement is to share the Fate of those Actions which were brought in the supreme Courts.—The following Gentlemen were the Jurymen:

- Geor. C. Smoot,
- John Bruce,
- John Acton, jun.
- William Morris,
- Arch. Johnson,
- John M'Pherson,
- Sam. Marshall,
- William Taylor,
- John Hanton, jun.
- Oliver Burch,
- And. M'istree,
- Zephaniah Turner.

The Council for the Plaintiff were Mess. Baker Johnson, Chase, Paca, and Thomas Johnson: For the Defendant, M. Stone, Rogers, and Cook.

His Excellency the Governor has been pleased to induct the Rev. Matthias Harris, Rector of Christ's Church in Queen-Anne's County, to Chester Parish in Kent County.

Lately died in Worcester County George Hayward, Esq, Attorney at Law, and Parker Selby, Esq; High Sheriff of that County. It is said a Disorder is prevalent in that Neighbourhood, something of the Nature of a Quinzy, which carries off Numbers of the Inhabitants, and that they seldom survive the Attack more than Three Days.

Our Correspondents are requested to send such Pieces as are intended for Publication, by Monday Evening at farthest.

SCHEME of a LOTTERY,

for raising 1350 Dollars, for repairing the Road from Comdallow to The winding Ridge.

Number of Prizes.	Dollars.	Dollars.
1 of 300	is	300
3 of 100	are	300
6 of 50	are	300
15 of 20	are	300
30 of 10	are	300
60 of 5	are	300
75 of 4	are	300
850 of 3	are	2550

1040 Prizes are 4650
1960 Blanks gain 1350

3000 Tickets at Two Dollars each amount to 6000

BY the above Scheme there are not Two Blanks to a Prize, and the Prizes subject to no Deduction; and as there are many of them very valuable, it is not doubted but the Tickets will very soon be disposed of, especially as a great Number of them are already engaged.

The Drawing to begin at Hagar's-Town, on Tuesday the Third Day of August next if full, or sooner if sooner full, in the Presence of Three Managers at least, and as many of the Adventurers as choose to attend.

The Managers are, Mess. Thomas Crispp, Michael Crispp, James Wood, Jonathan Hagar, John Swany, James Caldwell, John Caldwell, and Richard Yeates.

A List of Prizes will be published in the Maryland Gazette, which will be ready to be paid in One Month after the Drawing. Those not demanded within Six Months will be deemed as generously given towards repairing the aforesaid Road.

Tickets may be had of any of the Managers.

T O B E S O L D,

THE Dwelling Houses and Lots belonging to the late John Morton Jordan, Esq; deceased, situated on the Bank of Severn River in the City of Annapolis. Any Person inclinable to purchase the said Houses and Lots, may know the Terms by applying to

their most obedient humble Servant,

REUBEN MERIWETHER, Admr.

To be sold, on Monday the 22d Instant, at the House of

Mr. William Minor, in Queen-Anne's County,

A PARCEL of fine, healthy, likely young Slaves, consisting of Men, Women, Boys and Girls; among which are several excellent Cook Wenches; and most of the Slaves Country born. They will be sold for either Cash, Bills of Exchange, or short Credit, giving Bond with Interest, and Security, if required.

3w JAMES HUTCHINGS, jun.

THE Inhabitants and Proprietors of George-Town, Frederick County, intend to present a Petition to the General Assembly next Session, praying that an Act may pass to include within the Limits of said Town a Quantity of Land, which is now laid out into Lots and called The Addition to George-Town, as also all Land which lies between the Boundaries of said Town and Patowmack River, including a Tract called Frog-Land.

THE Inhabitants of Frederick County intend to present a Petition to the General Assembly next Session, praying that an Act may pass for a Division of said County, below Bennett's-Creek.

W A N T E D,
A MAN well qualified to teach the Latin and Greek Languages Such a Person, well recommended for his Sobriety and Diligence, may meet with good Encouragement, by applying to the Subscriber in Bladenburg.

JAMES HUNT.

P. S. The Subscriber also takes this Method of informing the Publick, that agreeable to his Advertisement some time past, he has opened a Grammar School in Bladenburg; which, by the favourable attention of the friends of science, though an infant seminary, hath arrived to such a state as enables him to employ assistant tutors. And he farther assures the promoters of this institution, that, for the special benefit of his pupils, as often as the Increase of their Number shall require it, he will be careful to procure additional assistance, so that their tuition may be conducted with the greatest accuracy and expedition.

He teaches the Latin and Greek Languages, Arithmetick, Logick, Rhetorick, Geography, Geometry, the most useful practical Branches of the Mathematicks; and the other Arts and Sciences necessary to form a complete academical Education.

He also compleats the English Education of such young Gentlemen as have not an Opportunity of attending a general Course of polite Literature, by instructing them in the Arts of Reading, Writing, Geography, pronouncing English with Propriety and Elegance. (Surveying and Navigation at the usual Premium, and in the most exact and approved Methods.)

Tuition at 6 l. per Annum; genteel Lodgings in the Country and convenient to the School at 15 l. the whole Amount 21 l. Currency.

There is a Vacancy for Two (young Lads) at this Time in my own House. Such Gentlemen and Ladies as choose to commit the Charge of their Children to him, may depend on the strictest Care of their Morals and civil Breeding, as well as literary Education, by the Publick's humble Servant,
3w JAMES HUNT, A M.

THE Subscriber takes this Method to acquaint the Publick and his kind Customers, that he has removed to his Corner Brick Houe on Corn-hill and Cross-streets, not above 100 Yards from where he formerly lived; where he keeps wet and dry Goods for Sale, and takes in private Lodgers as usual. Any Gentlemen who please to favour him with their Company, may depend on good Entertainment, and their Horses well taken Care of, by their very humble servant,
w3 JOHN BREWER, sen.

P A T R I C K T O N R Y,

TAKES this Method to inform the Publick, that he has opened Tavern in a neat commodious Houe for that purpose, situated in East-Street, a few Doors below Mr. James Brice's new Houe, being near and very convenient to the Dock; and as he has provided himself with a good Stock of Liquors, and Accommodations for Travellers, as also good Stabling and Provender for Horses, those Gentlemen who please to favour him with their company may depend on his utmost Endeavours to give them Satisfaction.

Said Tonry proposes also, for the Convenience of Travellers betwixt Annapolis and Baltimore-Town, to erect Two Carriages, to begin the Second Week in March next to carry Passengers to and from said Town, in the following Manner, viz. To set out One Carriage from his said Houe, on every Monday, Wednesday and Friday, precisely at Half after Eight o'Clock in the Morning, will stop One Hour at Mr. Charles Doild's about Half Way to Baltimore, and from thence proceed to Capt. Limes's in Baltimore-Town; and return from said Limes's for Annapolis every Tuesday, Thursday and Saturday Morning, at Seven o'Clock, will wait for any Passengers to breakfast at Mr. Killo's Tavern at the Ferry, and to dine at Mr. Tootell's, where John M'Donall lately lived, and from thence to said Tonry's Houe in Annapolis; where, as also at Capt. Limes's, a Person will be appointed to let Seats to Passengers at 10 s. each from Baltimore to Annapolis, and the like Sum from Annapolis to Baltimore. Outside Passengers or any Child under Ten Years of Age at Hal. Price Seats to be held as applied for. Small Parcels will be carried from Annapolis to Baltimore and from Baltimore to Annapolis at reasonable Rates.

N. B. Said Tonry will purchase a Quantity of Rye at 3 s. and Barley at 4 s. per Bushel, if delivered at his Houe in Annapolis, where may be had good Geneva, by Wholesale or Retail, at reasonable Rates.
8w

February 16, 1773.

WE the Subscribers have determined to meet at Talbot County Court-Houe on Monday the 29th of March next, to hear all Evidences that may be offered in a Dispute between Robert Newcomb and Capt. William Brackinridge, referred to us by the Hon. Justices of the Provincial Court.
JAMES BICKINSON,
JAMES LLOYD CHAMBERLAINE,
WILLIAM NICOLS.

Port-Tobacco, February 23, 1773.
ALL Persons indebted to Mess. John Jamieson and Son, for Dealings with their Port-Tobacco, Newport, and Vienna Stores, are desired to make immediate Payment to

GEORGE GRAY.
THE Subscriber proposes carrying on a Fishery at the Mouth of Mattawoman Creek on Patowmack, Charles County, where there is a fine Harbour for Vessels, which may lay almost close to the Shore. Those who chuse to favour him with their Custom, may depend on good Usage, and be served as reasonably as any where on the River. There are several Landings to let out at reasonable Rents.

BASH SMITH.
THERE is at the Plantation of Thomas Hanson Marshall, in Pomonkey-Neck, Charles County, a Stray dark bay Gelding, about 13 Hands and a Half high, paces slowly and canters, appears to have been branded, but not so as to be made out. The Owner may have him again on proving Property and paying Charges.

THE Members of the LUNATICK CLUB are desired to take Notice, that their Meeting is fixed upon to be at Annapolis, at the Coffee-House, on Tuesday the 8th Day of March. (being full Moon) Dinner will be upon Table at Six in the Afternoon precisely.

N. B. Circular Letters are sent to the Members, which perhaps may not be received. Attention therefore is desired to this Notice.

St. Mary's County, February 12, 1773.
To be rented for any Term of Time, and may be entered on immediately,

VERY good Store-House, with a Lumber-House nearly adjoining, situated on Briton's Bay, and within Three Miles of Leonard-Town; and on the Land where Mr. John Fenwick now lives, has an extraordinary good landing Place, where ships may lye with safety, and load within Thirty Feet of the Shore; there is lately erected thereon a Warehouse, by Joseph Fenwick, for the Reception and Inspection of Tobacco; where it is generally supposed, Three Hundred Hogheads will at least be brought this Year; it is remarkably healthy, has excellent Water, is very convenient either for the Tobacco or West-India Trade; and in a Neighbourhood, where there are large Crops made both of Corn and Tobacco, and who in general it is believed, will encourage to the utmost of their power, any Gentleman who might incline to fix among them, in witness to the Truth of the above Particulars we the Subscribers living in the said Neighbourhood, have hereto set our Hands.

PHILIP MIDLEY,
BENNET COMBS,
JOHN GREENWILL, junr.
JOSEPH WILLIAMS,
JAMES WILLIAMS,
ROBERT MANNING.

N. B. Any Gentleman whom this may suit may have Board, Washing, &c. for any Number he pleases, at Mr. John Fenwick's, close to the Store, upon the most reasonable Terms. For further Particulars enquire of Mr. John Fenwick,
Or of their humble Servant,
JOSEPH FENWICK.

Annapolis, the 4th of February, 1773.
WHEREAS it hath been represented to his Excellency the Governor, that on the Seventh Day of December last the Dwelling-House of Mr. John Lucas, in Saint Mary's County, was maliciously set on fire, by some Person or Persons unknown, and entirely consumed; His Excellency for the better discovering and bringing to publick Justice the Person or Persons concerned in setting on fire the said House, doth promise his Lordship's Pardon for the said Offence to any of them (the Principal or Principals only excepted) who shall discover his, her, or their Accomplice or Accomplices in the said Fact, so that he, she, or they may be apprehended and convicted thereof,

Signed by Order,
U. SCOTT, Cl. Con.
And as a further Encouragement, the Subscriber living in Saint Mary's County, doth promise a Reward of Fifty Pounds Currency to any one who shall discover the Person or Persons concerned in burning the said House, so that he, she, or they may be brought to Justice and convicted thereof.

JOHN LUCAS.
February 10, 1773.
ALL Persons indebted to the Estate of Mr. William Willett, Pewterer, late of Prince-George's County, deceased, are desired to make immediate Payment; and all those who have any just Claims against the said Estate, are requested to bring them in legally proved that they may be settled and paid, by

MARY WILLETT, Executrix.
N. B. The Pewterers Business is still carried on at the Subscriber's House in the same Manner, and at the same Rates as were in my deceased Husband's Life.

M. W.

Now ready for the Press,
And to be printed by Subscription, in one large Octavo Volume, containing about Three Hundred Folios.
(Price Ten Shillings)

FOR
Mr. _____
County.

THE
DEPUTY COMMISSARY'S
GUIDE
WITHIN THE PROVINCE
OF
MARYLAND.

TOGETHER
With plain and sufficient Directions for Testators to form, and Executors to perform their Wills and Testaments; for Administrators to compleat their Administration, and for every Person any Way concerned in deceased Persons Estates, to proceed therein with safety to themselves and others,

ELIE VALLETTE,
Register of the PREROGATIVE COURT, of the PROVINCE aforesaid.

PROPOSALS.
The above will be put to the Press on the First Day of May next, by which Time, it is apprehended, the Subscription will be compleated. Every Subscriber shall have his Name and Title printed in the Title Page, in a Label adapted for that Purpose, as in the above Scheme, provided their Signature come timely to Hand.

All Endeavours shall be used to procure a Book-binder, in which Case the Volume shall be neatly bound in Calf, gilt, and lettered, for which an additional Half-Crown will be demanded at the Delivery of the Book.

SUBSCRIPTIONS are taken (and Money received, if tendered) by the several Deputy Commissaries in each respective County of this Province, as also,
At Oxford, by Mr. Charles Cruikshank.
At Bladenburg, by Mr. Richard Henderson.
At Upper-Marlborough, by Ralph Forster, Esq;
At Lower-Marlborough, by Mr. Thomas Jones.
At Elk-Ridge, by Mr. John Dorsey, Merchant.
At George-Town, by Mr. Robert Peters.
At Cambridge, in the County Clerk's Office.
And at Annapolis, by Mrs. Howard, at the Coffee-House; Messrs. Williams and Co. and Mr. M'Hard, at the Dock; Mr. Cornelius Garretsen, Mr. Robert Johnson, and at the Printing-Office.

For an Illustration of the Contents, the Preface is here inserted.

P R E F A C E.
The following Sheets, written principally with the View of introducing a general Uniformity in the Proceedings of Deputy Commissaries, and of assisting Executors and Administrators in the Performance of their Duties, are submitted to the Candour of the Publick. I flatter myself they contain Informations which may be serviceable to many, and that such, as do not need my Instructions, will not censure my Endeavours to assist those, who do.

In my Office of Register, which I have executed for Eight Years past with Application and Diligence, I hope, I may be permitted to say, that I have gained some Knowledge at least of the interior and practical Part of the Business I have undertaken to explain, and it is upon this Experience I have adventured to appear in print. There are very few Persons, who are not in some Respect, concerned in the Management of the Estates of deceased Persons, as Creditors, Executors, Administrators, Legatees, Relations, or in what they have to leave, as well as to claim, and I may presume to observe, that very few have not frequent Occasion for Advice in these Concerns, and therefore my undertaking cannot but be extensively useful, unless the Execution of it be extremely defective.

In order that the Reader may have a general Idea, of what he is to meet with in the following Treatise, I am to observe, that it begins with pointing out the Duties, and Function of Deputy Commissaries, in the various Cases of Administration, in receiving Inventories, and examining and passing Accounts, and then proceeds—2dly, On the Subject of Wills written and nuncupative—3dly, Of Legacies—4thly, Of Descent—5thly, Of Distribution—6thly, Concerning the Office of Executors and Administrators—7thly, The Appointment and Duty of Guardians, in the Management of the Estates of Orphans—8thly, Concerning Rules of Office respecting only Deputy Commissaries—9thly and lastly, An Appendix comprehending as well such Precedents as are occasionally referred to in the Treatise, as other Process issuable out of the Prerogative Office, and a general Index to the Whole.

December 21, 1772.
To be let to the lowest Bidder, on the second Monday in March next, if fair, if not, the next fair Day, on the Land of Joshua Evans, near the Falls of Patowmack, in Loudoun County, in Virginia,

THE building of a Brick Church, Fifty-three by Forty-two Feet in the clear, the Walls to be raised Twenty-eight Feet from the Surface. One Hundred and Fifty Pounds Virginia Currency will be paid the Undertaker the Day the Work is let, on his giving Bond and approved Security; Three Hundred and Fifty Pounds more will be paid in June next, the other Payments will be agreed on the Day the Work is let. Any Person willing to build the said Church, is desired to attend at the Time and Place aforesaid, in order to undertake the same.

JOHN MOSS,
JEREMIAH HUTCHISON. } Church Wardens.

February 15, 1773.
To be sold at publick Vendue, on Saturday the 6th Day of March next, if fair, if not the next fair Day, at the Subscriber's Dwelling Place,

SUNDRY Negroes, and sundry Household Furniture, and many Plantation Utensils; and likewise Stock of almost all Kinds; a good Blacksmith who hath Four Years and a Half to serve; a compleat Set of Smiths Tools, One new Waggon finished in the neatest Manner, One good Cart.

The above Articles will be sold for Cash or London Bills of Exchange.

The Subscriber had stolen from him about the middle of September last, One gray Mare, branded with H S but One Letter on the Shoulder, the other on the Buttock, is a natural pacer, about Nine Years old, about Fourteen Hands high. Whoever secures the said Mare, so as the Subscriber may get her again, shall have Five Pounds Reward, and if the Thief be brought to Conviction, Five Pounds more, paid by

RICHARD YEATES.
N. B. The Subscriber had some Time past assigned to him; the Indentures of a certain William Noble, who indented himself to a certain Dr. John M'Donald, for the space of Three Years and Three Months; and as it appears he never served his Time: These are therefore to acquaint the Publick, that if any Person will apprehend the said William Noble, and bring him to the Subscriber, shall have good Compensation for their Trouble, and all reasonable Expences, paid by R. Y.

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.

N. B. William Allen, a Clockmaker from Birmingham, has joined them, who makes and repairs all Sorts of musical, Chime, Town, and plain Clocks, after the best Manner. He also repairs Gentlemens Fire-arms and most Kinds of Metal and Hardware Work, at reasonable Rates. Any Person in the Country, having Clocks out of Order, shall, on directing a Line, be waited on as soon as possible.

December 4, 1772.
LOST, between Baltimore-Town and Mr. Samuels Norwood's Plantation, a small Silver Watch, made by John Campbell, Campbell's-Town, No. 12 with a Silver Chain, Steel Key, a Key belonging to a Brass Lock to Saddle Bags, a Glass Seal set in Silver, the Impression Two Doves and a Man's Head. Whoever finds the said Watch, and delivers it safe to Capt. Christopher Limes in Baltimore-Town, at the Sign of the King of Prussia's Head, or to Mr. Thomas Ricketts, at Elk-Ridge Landing, shall receive a Reward of Six Dollars, and no Questions asked. All Watchmakers, Silver-Smiths, and others, into whose Hands the said Watch may fall, are earnestly requested to give Notice thereof to the abovementioned Gentlemen, which will intitle them to the said Reward, paid by

JAMES WILSON, Musician.
Just imported, and to be sold by the subscribers, at their Store on the Dock in Annapolis,

A QUANTITY of choice Barbados Rum and Spirits.
WALLACE, DAVIDSON and JOHNSON.

Lower Marlborough, January 19, 1773.
To be sold by Wholesale at a low Advance, for Cash or Bills,

ABOUT Fifteen Hundred Pounds prime Cost of Goods, well assorted.

COLIN CAMPBELL.

ANNAPOLIS: Printed by ANNE CATHARINE GREEN and SON.

MARYLAND GAZETTE.

T H U R S D A Y, MARCH II, 1773.

Though some counsellors will be found to have con- tributed their endeavours, yet there is ONE, who challenges the infamous pre-eminence, and who by his capacity, craft, and arbitrary counsels, is entitled to the first place among these betrayers of their country." Hume's Hist. of Eng. Vol. V. p. 243. 4to. edit.



HE most despotic counsels, the most arbitrary measures, have always found some advocates, to disgrace a free nation: when these men, in the room of cool, and dispassionate reason, substitute virulent invective, and illiberal abuse, we may fairly presume, that arguments are either wanting, or that ignorance and incapacity know not how to apply them. Considering the known abilities, as a writer, of the person pointed out to be the principal adviser of the Proclamation, considering too, his legal and constitutional knowledge, we can hardly suppose, if solid reasons could be adduced in support, or extenuation of that measure, but what they would have been urged, with all the force of clear, nervous, and animated language. There will not, I imagine, be wanting lawyers, to undertake a refutation of Antilon's legal reasoning in favour of the Proclamation; I shall therefore examine his defence of it, rather upon constitutional principles, and endeavour to shew, that it is contrary to the spirit of our constitution in particular, and would, if submitted to, be productive of fatal consequences: but previous to my entering upon this enquiry, it will be necessary to expose the "shameless effrontery," with which Antilon has asserted facts, entirely destitute of truth, and from which he has taken occasion to blacken the character of a gentleman, totally unconnected with the present dispute. Who that gentleman is, no longer remains problematical; the place of his education, and his age, have been mentioned, to fix the conjectures of the publick, and to remove all doubt "He, infligated by inveterate malice, has invented falsehoods for incorrigible jolly to adopt, and indurated impudence to propagate." Of this Antilon has confidently accused him; but upon what proof? on no other than his own conjecture. The first Citizen avers (and his word will be taken sooner than Antilon's) that he wrote the dialogue between two citizens, published in the Maryland Gazette of the 4th instant, without the advice, suggestion, or assistance of the supposed author or coadjutor. But the first Citizen, and the Independent Whigs are most certainly confederated; they are known to each other; an assertion this, Antilon, equally rash and groundless with your former. Why do you suppose this confederacy? From a similitude of sentiments with respect to your conduct, and Proclamation? If so, then indeed are nine tenths of the people of this province confederated with the first Citizen. The Independent Whigs however, as it happens, are unknown to the first Citizen; of their paper he had not the least intelligence, till he read it in the Maryland Gazette of the 11th instant: he now takes this opportunity, of thanking these gentlemen, for the compliments, which they have been pleased to bestow on his endeavours, to draw the attention of the publick, from other objects, to the real authors, or rather author of all our evils.

With what propriety, with what justice can Antilon reproach any man with malignity, when stimulated by that passion, he accuses others without proof of being confederated with the first Citizen, and from mere suspicion of so treasonable a confederacy, vomits out scurrility and abuse against imaginary foes? Not content with uttering falsehoods, grounded solely on his own presumption, he has imputed the conduct of "one of the confederates" to a motive, which if real, can only be known to the great searcher of hearts. This confederate is represented "as wishing most devoutly" (a pious and christianian insinuation) for an event of all others the most calamitous, the death of a most loved parent; ungenerous suggestion! unfeeling man! do you really entertain such an opinion of the son? Do you desire, that the assigned cause of the imputed wish should have its intended effect, create uneasiness, a coolness, or distrust? What behaviour, what incident, what passage of his life, warrant this your opinion of the son, supposing it to be real? That they have always lived in the most perfect harmony, united by nature's strongest ties, parental love, filial tenderness, and duty, envy itself must own. That father, whose death the son devoutly wishes for, never gave him cause to form a wish so execrable; he has been treated with the utmost affection, and indulgence by the father; in return for all that tenderness and paternal care—

"Him, let the tender office long engage,
"To rock the cradle of reposing age;
"With lenient arts extend a father's breath,
"Make languor smile, and smooth the bed of death."
POPE.

I cannot conceive what "the generous and spirited behaviour" of the words in small Roman letters are substituted instead of the words enterprize, and courage, made use of by the Author.

"viour of one of the confederates" (who by the bye is no confederate) on a former occasion, has to do with the present question, unless to divert the attention from the subject, or to introduce a specimen of satire, and falsehood prettily contrasted in antitheses. The period, I confess, runs smooth enough; but Antilon, let me give you a piece of advice, though it comes from an enemy, it may be useful; whenever you mean to be severe, confine yourself to truth; illiberal calumny recoils with double force on the calumniator. An expression of the first Citizen has been construed into a "preparation" to malign the minister's son: if this intention could be fairly gathered from the words inserted in the note (A) (and there are no other to give the least colour to the charge) it would cause the first Citizen unfeigned concern. To wipe off the imputation, I must beg leave to refer the reader to the dialogue published by the first Citizen; he will there see, that the 2d Citizen intimates, a confidence ought to be placed in our ministers, because they are men of property, "and have as deep a stake in the safety of the constitution as any of us." In answer to this reasoning, the first Citizen observes, that a minister's wealth is not always a security for his honesty; because, to increase that wealth, to maintain his fear, and to aggrandize his own, he may be tempted to enlarge the powers of the crown, (the first Citizen speaks generally) more especially should he (the minister) have any expectation of transmitting his post to one of his own family, to his son for instance. "It has been the maxim" (says a judicious historian) of English princes whenever popular leaders espouse too much on royal authority, to confer offices on them, in expectation that they will afterwards become more careful, not to diminish that power, which has become their own." It is not even asserted, that the minister does actually entertain a hope of securing his office to his son, but that, possibly, he may entertain such a hope. It may be impoitic in the supreme magistrate, to grant offices to many of, and to continue them in the same family, but it is natural for the head of that family, to wish it; if even to wish to transmit an office to his son, should be thought culpable in the father, yet still is the son exempt from all blame.

I must answer a question or two, put by Antilon, before I go into an examination of his reasons, in support of the Proclamation, that the argument may be as little interrupted, and broke in upon, as possible, by topics foreign to that enquiry. Antilon asks, "What do the confederates mean (he should have said what does the first Citizen mean) by dragging to light—made to feel the resentment of a free people—endeavour to set the power of the supreme magistrate above the laws—dread of such fate." Answer—By dragging to light, nothing more was meant, than that the house of delegates should again endeavour, by a humble address to the Governor, to prevail on him to disclose the ill ADVISER, or "those ill advisers who have most daringly presumed to tread on the invaluable rights of the freemen of Maryland." "Made to feel the resentment of a free people" may need a little explanation; the sense of the subsequent quotations, is sufficiently obvious; if the real adviser, or advisers, of the Proclamation, could be discovered, in my opinion (I do not mean to dictate, and to prescribe to the delegates of the people) they ought, in justice to their constituents, humbly to address the Governor, to remove him, or them, from his counsels, and all places of trust, and profit, if they be invested with such, not merely as a punishment on the present transgressor, or transgressors, but as a warning to future counsellors, not to imitate their example. I have dwelt the longer on the meaning of the words—"made to feel the resentment of a free people," because I perceive puffillanimity and conscious guilt have infered from the expression, "a sanguine hope in the confederates," that the free people of Maryland will become a lawless mob at their infligation, and be the dupes of their infernal rage.

Sleep in peace, good Antilon, if thy conscience will permit thee; no such hope was conceived by, a thought of the sort never entered the first Citizen's head, nor (as he verily believes) of any other person. The first Citizen rejects with horror, and contempt, the cowardly aspersions. But should a mob assemble to pull down a certain house, and hang up the owner, methinks, it would not be very formidable, when headed and conducted by a monkey, against a chief of such spirit and resolution. Sarcasms on personal defects, have ever been esteemed the sure token of a base and degenerate mind; to possess the strength and graces of your person, the gentleman alluded to, would not exchange the infirmities of his puny frame, were it, on that condition, to be animated by a soul like thine.

I have at length gone through the painful task, of silencing falsehood, exposing malice, and checking insolence. The illiberal abuse so plentifully dealt out by Antilon, would have been passed over with silent contempt, had he not so interwoven it with positive assertion of facts, that the latter could not be contradicted, without taking some notice of the former.

I shall now examine Antilon's reasons in justification

† HUME.

of the Proclamation, and after his example, I shall first compare the two transactions, the Proclamation, and the assessment of ship-money.—That the latter was a more open, and daring violation of a free constitution (B) will be readily granted; the former, I contend, to be a more disguised, and concealed attack, but equally subversive, in its consequences, of liberty.—Antilon's account of the levy of ship-money, though not quite so impartial as he insinuates, I admit in the main to be true—"The amount of the whole tax was very moderate, little exceeding £. 200,000; it was levied upon the people with justice and equality, and this money was entirely expended upon the navy, to the great honour and advantage of the kingdom."—At that period the boundaries between liberty and prerogative were far from being ascertained; the constitution had long been fluctuating between those opposite, and contending interests, and had not then arrived to that degree of consistency and perfection, it has since acquired, by subsequent contests, and by the improvements made in later days, when civil liberty was much better defined, and better understood. The assessment of ship-money received the sanction of the judges—"After the laying on of ship-money, Charles, in order to discourage all opposition, had proposed the question to the judges, "whether in a case of necessity, for the defence of the kingdom, he might not impose this taxation; and whether he was not sole judge of the necessity."—These guardians of law and liberty, replied with great complaisance (reflect on this, good reader) that in a case of necessity, he might impose that taxation, and that he was sole judge of the necessity." The same historian speaking of that transaction concludes thus: "These observations alone may be established on both sides, That, the appearances were sufficiently strong in favour of the King, to apologize for his following such maxims; and that, publick liberty must be so precarious, under this exorbitant prerogative, as to render an opposition, not only excusable, but laudable in the people."—But I mean not to exculpate the assessment of ship-money, nor to exculpate Charles, his conduct will admit of no good apology.

Now let us take a view of the Governor's Proclamation, advised by the minister, and of all its concomitant circumstances.—A disagreement in sentiment, between the two branches of our legislature, about the regulation of officers fees, occasioned the loss of the inspection law in the month of November, 1770.—Some proceedings in the land-office, had created a suspicion in the members of the lower house of that assembly then sitting, "That the government had entertained a design, in case the several branches of the legislature should not agree in the regulation of officers fees, to attempt establishing them by Proclamation." To guard against a measure "incompatible with the permanent security of property and the constitutional liberty of the subject," they in an address to his Excellency asserted, "That could they persuade themselves, that his Excellency could possibly entertain a different opinion, they should be bold to tell him, that the people of this province will ever oppose the usurpation of such a right." To which address the Governor returned this remarkable answer in his message of the 20th day of November 1770, "That his lordship's authority had not yet interposed in the regulation of fees of officers, nor had he any reason to imagine, it would interpose in such a manner as to justify a regular opposition to it." (C) —Notwithstanding this declaration, a few days after the prorogation of that assembly, the Proclamation of the 26th day of November (the subject of the present controversy) was issued, contrary to a seeming promise given by the minister (for I consider the Governor's speeches and messages as flowing from his minister's advice) and contrary to the opinion entertained by the minister himself, of its legality. The accusation will not appear too rash, when we reflect on the abilities of the man, his experience, his knowledge of the law and constitution, and his late flimsy and pitiful vindication of the measure. He knew that a similar Proclamation published in the year 1733 had agitated and disjointed this province till the year 1747. "The evils, which were thereby occasioned, ought strongly to have dissuaded a second attempt, to exercise such power." Antilon has admitted this fact, and has attributed "the most violent opposition that ever a Governor of Maryland met with" to this very measure—"He (Ogle) was so well convinced of the authoritative force of the Proclamation, for settling fees of officers, that he expressly determined, as Chancellor, by a final compulsory decree, fees should be paid upon the authority, and according to the very settlement of the Proclamation," which of his own will and mere motion he had pre-ordained as Governor.

What is the meaning of all this in plain English? Why, that Ogle made himself both judge and party; like the French King, he issued out his edict as a law, which he enforced in his own court, as judge. I am unwillingly, and unavoidably drawn into the censure of a man, who by his subsequent conduct, which was mild and equitable, fully atoned for the oppressions (shall I call them errors) of his former administration.

Antilon asks, "What did he (Ogle) deserve, infamy, death, or exile?" No, not quite so severe a punishment, Antilon; he only deserved to be removed from his government, and not even that punishment, if he was directed, advised, and governed by such a minister as thou art; for in that case, the disgrace, and removal of the minister would have been sufficient, and would probably have restored ease, security, and happiness to the people. But if Eden should follow Ogle's example, what then? Eden is a Governor, a Governor is a King, and a King can do no wrong, ergo, a Governor may cut the throats of all the inhabitants of Maryland, and then pick their pockets, and will not be liable to be punished for such atrocious doings; excellent reasoning! exquisite wit and humour! If you, Antilon, should still be hardy enough, to continue to inspire the same counsels, which have already set this province in a flame, and the Governor, when warned, and cautioned against your pernicious designs, should still listen to your advice; in opposition to the inclination and wishes of the people, over whom he has the honour to preside, I confess, I should be one of those, who would most heartily wish for his removal; Does his look like flattery, Antilon? I scorn the accusation. The first Citizen has always treated his Excellency with that respect, which his station commands, and with that complaisance, which is due from one gentleman to another; to flatter, or to permit flattery, is equally unbecoming that character; Antilon accuses the confederates, of *flattering servility, extravagant adulation, and the meanest devaluation*; yet this very man is not entirely exempt from the imputation of flattery—"They know not the man, whom they thus treat."

Cui, male si palpere, recalcitrat undique tutus.—

was an artful compliment paid by a courtly poet to the tyrant Augustus.—Ye, Antilon, I know the man; I know him to be generous, of a good heart, well disposed, and willing to promote, if left to himself, the happiness and welfare of the province; but youthful, untrusting, and diffident of his own judgment in matters legal and political (P): failings (if they deserve the name) that have caused him to repose too great a confidence in you; from this opinion of the man, from a persuasion of his good intentions, I was induced to apply to him, the maxim of the British constitution, "the King can do no wrong," which you have so wittily, and humorously ridiculed. The Governor is not King; wonderful discovery! Who said he was? You commend the full force, and justice of the application, and you best know the reason of it; in order to elude, and defeat its aim, you affect to be witty, and not to take my meaning. You want to shelter yourself under the protection of the Governor, and to draw him, and all the Council, into a justification of measures peculiarly yours, by endeavouring to make them responsible for your counsels. "There can be no difficulty in finding out his (the King's) ministers; the Governor and Council are answerable in this character; he cannot disavow an act, to which his signature is affixed." Have not many Kings of England revoked, and cancelled acts, to which their signatures were affixed? Have not some Kings too, at the solicitation of their parliaments, disgraced ministers, who advised these acts, and affixed to them the royal signature? The Governor is improperly called the King's minister; he is rather his representative, or deputy; he forms a distinct branch, or part of our legislature; a bill though passed by both houses of assembly, would not be law, if dissented to by him; he has therefore the power, *loco Regis*, of assenting, and dissenting to laws; in him is lodged the most amiable, the best of powers, the power of mercy; the most dreadful also, the power of death. A minister has no such transcendent privileges.—So help, to instruct, to advise is his province, and let me add, that he is accountable for his advice, to the great Council of the people; upon this principle, the wisdom of our ancestors grounded the maxim, "The King can do no wrong." They supposed, and justly, that the care and administration of government would be committed to ministers, whom, abilities, or other qualities had recommended to their sovereign's choice; lest the friendship and protection of their master should encourage them to pursue pernicious measures, and lest they should screen themselves under regal authority, the blame of bad counsels became imputable to them, and they alone were made answerable for the consequences; if liable to be punished for male-administration, it was thought, they might be more circumspect, diligent, and attentive to their charge; it would be indecent and irreverential to throw the blame of every grievance on the King, and to be perpetually remonstrating against majesty itself, when the minister only was in fault. The maxim however admits of limitation.

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

Should a King, deaf to the repeated remonstrances of his people, forgetful of his coronation oath, and unwilling to submit to the legal limitations of his prerogative, endeavour to subvert that constitution in church and state, which he swore to maintain, resistance would then not only be excusable, but praise worthy, and deposition, and imprisonment, or exile, might be the only means left, of securing civil liberty, and national independence. Thus James the second, by endeavouring to introduce arbitrary power, and to subvert the established church, justly deserved to be deposed and banished.

The revolution, which followed, or rather brought on James's abdication of the crown, "is justly ranked among the most glorious deeds, that have done honour to the character of Englishmen." In that light the first Citizen considers it; and he believes the Independent Whigs entertain the same opinion of that event, at least, nothing appears to the contrary, save the malevolent insinuation of Antilon. It is high time to return to the Proclamation; your digressions, Antilon, which have occasioned mine, shall not make me

lose sight of the main object. "It is not to be expected that any man will bear reproaches without reply, or that he, who wanders from the question, will not be followed in his wanderings, and hunted through his labyrinths." We have seen, the Proclamation was apprehended some time before its publication, and guarded against by a positive declaration of the lower house—"The people of this province will ever oppose the usurpation of such a right." Nevertheless our minister, regardless of this intimation, advised the Proclamation. It came out soon afterwards clothed with the specious pretence of preventing extortion in officers. I shall soon examine the solidity of this softening palliative.

In a subsequent session, it was resolved unanimously by the lower house, "to be illegal, arbitrary, unconstitutional and oppressive." It was resolved also, "That the advisers (D) of the said Proclamation are enemies to the peace, welfare and happiness of this province, and to the laws and constitution thereof."

I shall now give a short extract from Petyt's *Jus Parliamentarium*, page 327, and leave the reader to make the application.—In a list of grievances presented by the commons to James the first, are Proclamations, of which complaining bitterly, among other things they say, "Neve theless, it is apparent, that Proclamations have been of late years much more frequent than heretofore, and that they are extended, not only to the liberty, but also to the goods, inheritances, and livelihood of men; some of them, tending to alter some points of the law, and make them new; other some made shortly after a session of parliament for matter directly rejected in the same session, and some vouching former Proclamations, to countenance and warrant the latter."

The Proclamation is modestly called by Antilon, "a restriction of the officers," at another time, "prevention of extortion," though in fact, it ought rather to be considered as a direction to the officers, what to demand, and to the people, what to pay, than a restriction of the officers. I appeal to the common sense and consciences of my countrymen; do ye think, that the avowed motive of the Proclamation, was the true and real one? If no such Proclamation had issued, would ye have suffered yourselves to be oppressed, and plundered by the officers? Would ye have submitted to their exorbitant demands, when instructed by a vote of your representatives, "That in all cases where no fees are established by law, for services done by officers, the power of ascertaining the quantum of the reward for such services is constitutionally in a jury upon the action of the party?" To let this matter in a clear point of view, and to expose the hollow and deceitful shew of a pretended clemency, and tenderness for the people, it may not be improper to introduce a short dialogue between an officer and citizen.

Officer. How wretched and distressed would have been the situation of this province, if the well-timed and merciful Proclamation had not issued.

Cit. How so?

Officer. The reason is obvious, had it not issued, we should have been let loose on our countrymen to live on free quarter, for every little piece of service we should have exacted a genteel reward; in a short time your pockets would have been pretty well drained, and to mend the matter, we might have pillaged and plundered, without being liable to be sued for extortion; "for we could not be guilty of extortion merely in taking money or other valuable thing for our services, unless we were to take more than is due; it is obvious to common sense that there must be some established measure—or there can be no excess.—That the term more cannot apply unless what is due be ascertained, there must be a positive, or there can be no comparative; let the result then be considered, if something be undeniably due, when a service is performed, and no certain rule or measure to determine the rate, should an officer take as much as he can exact, he would not commit extortion according to the legal acceptance of the term extortion."

Cit. This may be good law for aught I know, but if I could not sue you for extortion, I should still have a remedy.

Officer. What, pray?

Cit. I would only pay you what I thought reasonable.

Officer. But suppose I should not think the sum tendered sufficient, and refuse to receive it.

Cit. Why, then you might either go without any reward for your service, or you might sue me, to recover, what in your estimation would be adequate thereto, and thus leave the quantum of the recompense to be settled by a jury.

Officer. This expedient did not occur to me; your condition, I own, would not have been quite so deplorable as I imagined.

The plain answer of this citizen will be understood by many, who will not comprehend the more refined reasoning of the officer upon extortion; and I fancy the citizen's resolution in a like case, would be adopted by most people.—Antilon has admitted that "If the Proclamation had not the authority to fix the rates according to which the officers might receive and beyond which they could not lawfully receive, it was not preventive of extortion, but whether it had or not such authority depended on its legality, determinable in the ordinary judicatories." I should be glad to know whether its legality be determinable by the judges, or by a jury; if determinable by a jury, the liberty and property of the people will be exposed to less danger: were we sure of always having judges, as honest and upright as the present, the question, though of the most momentous concern, might perhaps be safely left to their decision: but our judges are removable at pleasure, some of them might be interested in the cause, and if suffered to establish their own fees would become both judge and party—a Governor, we have seen, decreeing as chancellor fees to be paid upon the authority of his own Proclamation, would fall under that predicament. Let us admit, by way of argument, that the decision of this question (the legality of the Proclamation) belongs properly to the judges:

suppose they should determine the Proclamation to be legal; What consequences would follow? The most fatal and pernicious, that could possibly happen to this province; the right of the lower house to settle fees, with the concurrence of the other branches of the legislature, a right, which has been claimed, and exercised for many years past, to the great benefit of the people, would be rendered useless, and nugatory. The old table of fees abounding with exorbitances and abuses, would ever remain unalterable; government would hold it up perpetually, as a sacred palladium, not to be touched, and violated by profane hands.

Reasons still of greater force might be urged against leaving with the judges the decision of this important question, whether the supreme magistrate shall have the power to tax a free people without the consent of their representatives, nay! against their consent and express declaration, I shall only adduce one argument, to avoid prolixity.

The Governor, it is said, with the advice of his lordship's council of state, issued the Proclamation: three of our provincial judges are of that council; they therefore advised a measure as proper, and consequently as legal, the legality of which, if called in question, they were afterwards to determine. Is not this in some degree pre-judging the question? It will perhaps be denied, (for what will not some men assert, or deny?) That to settle the fees of officers by Proclamation, is not to tax the people; I humbly conceive that fees settled by the Governor's Proclamation, should it be determined to have the force of law, are to all intents and purposes, a tax upon the people, flowing from an arbitrary, and discretionary power in the supreme magistrate—for this assertion, I have the authority of my Lord Coke express in point—that great lawyer, in his exposition of the statute *de tallagio non concedendo* makes this comment on the word tallagium—"Tallagium is a general word and doth include all subsidies, taxes, tenths, fifteenths, impositions, and other burthens or charge put or set upon any man, that within this act are all new officers erected with new fees or old officers with new fees for that is a tallage put upon the subject, which cannot be done without common consent by act of parliament." The inspection law being expired, which established the rates of officers fees, adopted by the Governor's Proclamation, I apprehend, the people (supposing the Proclamation had not issued) would not be obliged to pay fees to officers according to those rates; this proposition, I take, to be self-evident; now, if the Proclamation can revive those rates, and the payment of fees agreeable thereto, can be enforced by a decree of the chancellor, or by judgment of the provincial court, it will most clearly follow, that the fees are new, because enforced under an authority entirely new, and distinct from the act, by which those rates were originally fixed. Perhaps my Lord Coke's position will be contradicted, and it will be asserted, that fees payable to officers, are not taxes; but on what principle, such an assertion can be founded, I am at a loss to determine; they bear all the marks and characters of a tax; they are universal, unavoidable, and recoverable, if imposed by a legal authority, as all other debts; universal, and unavoidable, "for applications to the publick officers are not of choice but of 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 be admitted, so certainly must the fees thereby established, be paid in order to obtain redress." There is not a single person in the community, who at one time, or other, may not be forced into a court of justice, to recover a debt, to protect his property from rapacity, or to wrest it out of hands, which may have seized on it with violence, or to procure a reparation of personal insults.

Why was the inspection law made temporary? With a view no doubt, that on an alteration of circumstances, the delegates of the people, at the expiration of the act, with the consent of the Governor, and upper house, might alter, and amend the table of fees, or frame a new table.

That the circumstances of the province are much changed since the enacting of that law in 1747, the Proclamation itself evinces, by allowing planters to pay the fees of officers in money, in lieu of tobacco, which alternative has considerably lessened the fees, and is a proof, if any were wanting, that they have been much too great. It was insisted on by the lower house, that a greater reduction of fees was still necessary; by the upper, that the fees were already sufficiently diminished, and that they would not suffer any further reduction of fees, than that, which must necessarily follow from the election given to all persons, to discharge the fees in tobacco, or money as they may best suit them." One would imagine that a compromise, and a mutual departure from some points respectively contended for, would have been the most eligible way, of ending the dispute; if a compromise was not to be effected, the matter had best been left undecided; time, and necessity would have softened dissent, and have reconciled jarring opinions, and clashing interests; and then a regulation by law, of officers fees, would have followed of course. What was done? The authority of the supreme magistrate interposed, and took the decision of this important question, from the other branches of the legislature to itself: in a land of freedom this arbitrary exertion of prerogative will not, must not, be endured.

From what has been said, I think it will appear that the idea of a tax is not improperly annexed to a regulation of fees by Proclamation "but if the idea be proper, then fees can be settled in no case except by the legislature, because it requires such authority to lay a tax; but the house of lords, the house of commons, the courts of law and equity in Westminster hall, the upper and lower houses of assembly have each of them settled fees"—they have so; the house of lords, and the house of commons have that

SCHEME of a LOTTERY,

for raising 1350 Dollars, for repairing the Road from Cannalloway to The winding Ridge.

Number of Prizes.	Dollrs.	is	Dollars.
1	of 300	is	300
3	of 100	are	300
6	of 50	are	300
15	of 20	are	300
30	of 10	are	300
60	of 5	are	300
75	of 4	are	300
850	of 3	are	2550
1040	Prizes	are	4650
1960	Tickets	gain	1350

3000 Tickets at Two Dollars each amount to 6000

By the above Scheme there are not Two Blanks or a Prize, and the Prizes subject to no Deduction and as there are many of them very valuable, it is not doubted but the Tickets will very soon be disposed of, especially as a great Number of them are already engaged.

The Drawing to begin at Hagar's-Town, on Tuesday the Third Day of August next if full, or sooner if sooner full, in the Presence of Three Managers at least, and as many of the Adventurers as choose to attend.

The Managers are, Mess. Thomas Griffop, Michael Griffop, James Wood, Jonathan Hagar, John Swan, James Caldwell, John Caldwell, and Richard Yeates.

A List of Prizes will be published in the Maryland Gazette, which will be ready to be paid in One Month after the Drawing. Those not demanded within Six Months will be deemed as generously given towards repairing the aforesaid Road.

Tickets may be had of any of the Managers.

TO BE SOLD,

THE Dwelling Houses and Lots belonging to the late John Morton Jordan, Esq; deceased, situated on the Bank of Severn River in the City of Annapolis. Any Person inclinable to purchase the said Houses and Lots, may know the Terms by applying to

their most obedient humble Servant,
REUBEN MERIWETHER, Admr.

To be sold, on Monday the 22d Instant, at the House of Mr. William Minor, in Queen-Anne's County,

A PARCEL of fine, healthy, likely young Slaves, consisting of Men, Women, Boys and Girls; among which are several excellent Cook Wenches; and most of the Slaves Country born. They will be sold for either Cash, Bills of Exchange, or short Credit, giving Bond with Interest, and Security, if required.

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A MAN well qualified to teach the Latin and Greek Languages. Such a Person, well recommended for his Sobriety and Diligence, may meet with good Encouragement, by applying to the Subscriber in Bladenburg.

JAMES HUNT.

P. S. The Subscriber also takes this Method of informing the Publick, that agreeable to his Advertisement some time past, he has opened a Grammar School in Bladenburg; which, by the favourable attention of the friends of Science, though an infant seminary, hath arrived to such a state as enables him to employ assistant tutors. And he farther assures the promoters of this institution, that, for the special benefit of his pupils, as often as the Increase of their Number shall require it, he will be careful to procure additional assistance, so that their tuition may be conducted with the greatest accuracy and expedition.

He teaches the Latin and Greek Languages, Arithmetick, Logick, Rhetorick, Geography, Geometry, the most useful practical Branches of the Mathematicks, and the other Arts and Sciences necessary to form a complete academical Education.

He also compleats the English Education of such young Gentlemen as have not an Opportunity of attending a general Course of polite Literature, by instructing them in the Arts of Reading, Writing, Geography, pronouncing English with Propriety and Elegance. (Surveying and Navigation at the usual Premium, and in the most exact and approved Methods.)

Tuition at 6l. per Annum; genteel Lodgings in the Country and convenient to the School at 15l. the whole Amount 21l. Currency.

There is a Vacancy for Two (young Lads) at this Time in my own House. Such Gentlemen and Ladies as choose to commit the Charge of their Children to him, may depend on the strictest Care of their Morals and civil Breeding, as well as literary Education, by the Publick's humble Servant,

3W JAMES HUNT, A. M.

THE Subscriber takes this Method to acquaint the Publick and his kind Customers, that he has removed to his Corner Brick House on Corn-hill and Cross-streets, not above 100 Yards from where he formerly lived; where he keeps wet and dry Goods for Sale, and takes in private Lodgers as usual. Any Gentlemen who please to favour him with their Company, may depend on good Entertainment, and their Horses well taken Care of, by their very humble Servant,

JOHN BREWER, sen.

PATRICK TONRY,

TAKES this Method to inform the Publick, that he has opened Tavern in a neat commodious House for that purpose, situated in East-Street, a few Doors below Mr. James Brice's new House, being near and very convenient to the Dock; and as he has provided himself with a good Stock of Liquors, and Accommodations for Travellers, as also good Stabling and Provender for Horses, those Gentlemen who please to favour him with their company may depend on his utmost Endeavours to give them Satisfaction.

Said Tonry proposes also, for the Convenience of Travellers betwixt Annapolis and Baltimore-Town, to erect Two Carriages, to begin the Second Week in March inst. to carry Passengers to and from said Town, in the following Manner, viz. To set out One Carriage from his said House, on every Monday, Wednesday and Friday, precisely at Half after Eight o'Clock in the Morning, will stop One Hour at Mr. Charles Dodd's about Half Way to Baltimore, and from thence proceed to Capt. Limes's in Baltimore-Town; and return from said Limes's for Annapolis every Tuesday, Thursday and Saturday Morning, at Seven o'Clock, will wait for any Passengers to breakfast at Mr. Kells's Tavern at the Ferry, and to dine at Mr. Footell's, where John M'Donnell lately lived, and from thence to said Tonry's House in Annapolis; where, as also at Capt. Limes's, a Person will be appointed to let Seats to Passengers at 10s. each from Baltimore to Annapolis, and the like Sum from Annapolis to Baltimore. Outside Passengers or any Child under Ten Years of Age at Half Price. Seats to be held as applied for. Small Parcels will be carried from Annapolis to Baltimore and from Baltimore to Annapolis at reasonable Rates.

N. B. Said Tonry will purchase a Quantity of Rye at 3s. and Barley at 4s. per Bushel, if delivered at his House in Annapolis, where may be had good Geneva, by Wholesale or Retail, at reasonable Rates.

8W

Port-Tobacco, February 23, 1773.

ALL Persons indebted to Mess. John Jamieson and Son, for Dealings with their Port-Tobacco, Newport, and Vienna Stores, are desired to make immediate Payment to

10W GEORGE GRAY.

St. Mary's County, February 12, 1773.

To be rented for any Term of Time, and may be entered on immediately,

A VERY good Store-House, with a Lumber-House nearly adjoining, situated on Briton's Bay, and within Three Miles of Leonard-Town; and on the Land where Mr. John Fenwick now lives, has an extraordinary good landing Place, where ships may lye with Safety, and load within Thirty Feet of the Shore; there is lately erected thereon a Warehouse, by Joseph Fenwick, for the Reception and Inspection of Tobacco; where it is generally supposed, Three Hundred Hogheads will at least be brought this Year; it is remarkably healthy, has excellent Water, is very convenient either for the Tobacco or West-India Trade; and in a Neighbourhood, where there are large Crops made both of Corn and Tobacco, and who in general it is believed, will encourage to the utmost of their power, any Gentleman who might incline to fix among them, in witness to the Truth of the above Particulars we the Subscribers living in the said Neighbourhood, have hereto set our Hands.

PHILIP MIDLEY,
BENNET COMBS,
JOHN GREENWILL, junr.
JOSEPH WILLIAMS,
JAMES WILLIAMS,
ROBERT MANNING.

N. B. Any Gentleman whom this may suit may have Board, Washing, &c. for any Number he pleases, at Mr. John Fenwick's, close to the Store, upon the most reasonable Terms. For further Particulars enquire of Mr. John Fenwick,

Or of their humble Servant,
JOSEPH FENWICK.

THERE is at the Plantation of Frederick Daker, near the Dugg-Hill, in Baltimore County, a middle sized bay Suray Mare, about two Years old last Spring, is a natural Pacer, and has no perceivable Brand or Flesh Mark.

The Owner may have her again, proving Property and paying Charges.

Annapolis, the 4th of February, 1773.
WHEREAS it hath been represented to his Excellency the Governor, that on the Seventh Day of December last the Dwelling-House of M^r John Lucas, in Saint Mary's County, was maliciously set on fire, by some Person or Persons unknown, and entirely consumed; His Excellency for the better discovering and bringing to publick Justice the Person or Persons concerned in setting on fire the said House, doth promise his Lordship's Pardon for the said Offence to any of them (the Principal or Principals only excepted) who shall discover his, her, or their Accomplice or Accomplices in the said Fact, so that he, she, or they may be apprehended and convicted thereof,

Signed by Order,
U. SCOTT, Cl. Con.

And as a further Encouragement, the Subscriber living in Saint Mary's County, doth promise a Reward of Fifty Pounds Currency to any one who shall discover the Person or Persons concerned in burning the said House, so that he, she, or they may be brought to Justice and convicted thereof.

6W JOHN LUCAS

February 18, 1773.

To be sold at publick Vendue, on Thursday the Eighteenth Day of March next,

THE Four following Tracts of Land, adjacent to each other, lying within Twelve Miles of Frederick-Town, and within Four of Patowmack River, near Kittleckon Creek, viz. Forest of New-would, 300 Acres; Hawkins's Plains, 390 Acres; Swede's March, 300 Acres; Fertile Meadows, 100 Acres. There are very good Improvements on them, together with an Apple Orchard, consisting of 300 Trees of excellent Fruit. The Land is level, clear of Stones, extremely well timbered, plentifully supplied with constant Springs of Water; and the Soil well adapted to Tobacco, or Grain of any Kind. It is generally reputed to be the best Land in that Settlement. Any Person or Persons inclinable to purchase the Whole, or any Part thereof, may view the same any Time before the Day of Sale, by applying to Nicholas Hook, who lives on the Premises. An indisputable Title will be made to the Purchaser.

2W FIELDER GAUNIT.

Annapolis, February 15, 1773.

JOSHUA COLLINS,
Musical Instrument-maker and Turner from MANCHESTER,

BEGS leave to acquaint the Publick, that he has commenced the said Branches of Business, at Messrs. Shaw and Clisbols Cabinet Shop; where the all Sorts of Turner's Work is executed in the best, pleatest Manner; also German and common Flutes, Hautboys; Fifes, &c. of all Sorts and Sizes; and all Sorts of Musical Instruments repaired, Harpsichord, Forte Pianos, or any stringed Instruments put in tune. He has opened an Evening School for Music, at Mr. John Hepburn's, where he teaches the most modern and approved Methods of playing the German Flute, Hautboy, Clarinet, Bassoon, &c. Having been educated in that Science, under the Care of some of the greatest Masters in England. Those whom it may please to encourage the Subscriber may depend on being served on the most reasonable Terms; and such Gentlemen as cannot attend his Evening School may be waited on in the Day Time at their own Apartments.

By their very humble Servant,
JOSHUA COLLINS

4W Alexandria, February 19, 1773.

BAYBOLTO

Imported last October, Six Years old this Spring, will stand at Fotherold, my Plantation, Three Miles from Alexandria, an excellent Season at One Guinea the cap, and Five Shillings to the Groom, or Two Guinea the Season, and Shillings to the Groom; and Pasturage Mares at all in good Pasturage, but I will not be answer'd and in case of Loss, though the same Care shall be taken of them as my own.

He was got by that beautiful Horse Sterling, a full blooded Hunter Mare; he is near Hands, a dark bay, stout, and well formed.

To be sold at publick Vendue, for Cash or Bill, change, on Thursday the 18th of March, at the house of Mrs. Charleton in Frederick-Town, as has by Virtue of a Deed of Trust made to me for that purpose by John Wilmot,

A TRACT or Parcel of Land lying in Frederick County, called Dinab's Fancy, containing 100 Acres. The following Persons live adjacent to said Land, and will shew it to any Persons desirous of seeing the same: Joseph Dyer, John Lag myself, Natley Norris, David Smaer, Andrew Young, &c. because mon Miller.

15 THOMAS BUCH

Now ready for the Press,
And to be printed by Subscription, in one large Octavo
Volume, containing about Three Hundred Folios.
(Price Ten Shillings)

FOR
Mr. _____
County.

THE
DEPUTY COMMISSARY'S
GUIDE
WITHIN THE PROVINCE
OF
MARYLAND.

TOGETHER
With plain and sufficient Directions for Testators to
form, and Executors to perform their Wills and
Testaments; for Administrators to compleat their
Administration, and for every Person any Way
concerned in deceased Persons Estates, to pro-
ceed therein with safety to themselves and others,

ELIE VALLETTE,
Register of the PREROGATIVE COURT, of the PRO-
VINCE aforesaid.

PROPOSALS.

The above will be put to the Press on the First
Day of May next, by which Time, it is apprehend-
ed, the Subscription will be compleated. Every
Subscriber shall have his Name and Title printed in
the Title Page, in a Label adapted for that Purpose,
as in the above Schemes, provided their Signature
come timely to Hand.

All Endeavours shall be used to procure a Book-
binder, in which Case the Volume shall be neatly
bound in Calf, gilt, and lettered, for which an
additional Half-Crown will be demanded at the De-
livery of the Book.

SUBSCRIPTIONS are taken in (and Money received,
if tendered) by the several Deputy Commissaries in
each respective County of this Province, as also,
At Oxford, by Mr. Charles Cruikshank.
At Bladensburg, by Mr. Richard Henderson.
At Upper Marlborough, by Ralph Forster, Esq;
At Lower-Marlborough, by Mr. Thomas Jones.
At Elk-Ridge, by Mr. John Dorsey, Merchant.
At George-Town, by Mr. Robert Peters.
At Cambridge, in the County Clerk's Office.
And at Annapolis, by Mrs. Howard, at the Coffee-
House; Messrs. Williams and Co. and Mr. M'Hard,
at the Dock; Mr. Cornelius Garretson, Mr. Robert
Johnson, and at the Printing Office.

For an Illustration of the Contents, the Preface
is here inserted.

PREFACE.
The following Sheets, written principally with
a View of introducing a general Uniformity in
the Proceedings of Deputy Commissaries, and of
enabling Executors and Administrators in the Per-
formance of their Duties, are submitted to the
Candour of the Publick. I flatter myself they con-
tain Informations which may be serviceable to ma-
ny, and that such, as do not need my Instructions,
will not censure my Endeavours to assist those, who
do.

In my Office of Register, which I have executed
for Eight Years past with Application and Diligence,
I hope, I may be permitted to say, that I have
gained some Knowledge at least of the interior and
practical Part of the Business I have undertaken to
explain, and it is upon this Experience I have ad-
blattered to appear in print. There are very few
Persons, who are not in some Respect, concerned in
the Management of the Estates of deceased Persons,
their Creditors, Executors, Administrators, Legatees,
and Attorneys, or in what they have to leave, as well as
to claim, and I may presume to observe, that very
few have not frequent Occasion for Advice in these
affairs, and therefore my undertaking cannot
but be extensively useful, unless the Execution of it
be extremely defective.

In order that the Reader may have a general Idea,
of what he is to meet with in the following Treatise,
I am to observe, that it begins with pointing out the
duties, and Function of Deputy Commissaries, in
the various Cases of Administration, in receiving
and examining and passing Accounts, and in
proceeding—2dly, On the Subject of Wills
written and nuncupative—3dly, Of Legacies—
and 4thly, Of Descent—5thly, Of Distribution—
6thly, Concerning the Office of Executors and Ad-
ministrators—7thly, The Appointment and Duty
of Guardians, in the Management of the Estates of
Orphans—8thly, Concerning Rules of Office re-
specting only Deputy Commissaries—9thly and
10thly, An Appendix comprehending as well such
lightedents as are occasionally referred to in the
Treatise, as other Process issuable out of the Prerog-
ative Office, and a general Index to the Whole.

to be sold by _____

COMMITTED to my Custody as a Runaway,
a certain James Clarke, who says he belongs to
James Martin, on Kent-Island; he had a Collar
round his Neck, and his left Hand is much deformed;
he crossed the Bay in a Yawl with Two other
Persons. His Master is requested to take him away
and pay Charges.

WILLIAM NOKE,
Sheriff of Anne-Arundel County.
By Virtue of a Deed of Trust from Captain William
Richardson, for the Benefit of his Creditors,
To be sold on Wednesday the 4th of August next, by pub-
lick Sale, at the House of Mrs. Chilton, in Balti-
more-Town,

THAT valuable and well known Tract of Land
called Colrain, said to contain near 800
Acres, though only patented for 602 Acres. There
are about 100 Acres cleared, being the poorest Part
of the Land, whereon is built, a framed Dwelling-
House, 30 by 20 Feet, with Brick Chimnies, hav-
ing Two Rooms below and Three above, a Kitchen,
Meat-House, Milk-House on a Spring, Hen House,
Corn-House, Stables and Barn, and an exceeding
good Apple Orchard, about 40 Acres of Meadow
are cleared, and under middling Fence; Part
whereof is embanked Marsh, the Rest white Oak
Bottom, and upwards of 100 Acres more may be
made. This Land abounds with Locust, Maple,
Hickory, red and white Oak, and is conveniently
situated in Baltimore County, upon Bush River, 4
Miles from Bush-Town and Joppa, and 22 from Bal-
timore-Town. There is a good Fishery, particularly
of Herrings in the Season, and plenty of wild Fowl.
It is supposed to contain plenty of Iron Ore, from
the Appearances, is convenient to many Furnaces,
and hath a good Landing. Twelve Months Credit
will be given to the Purchaser, and if any inclinable
to purchase privately, they may know the Terms,
by applying to Mr. James Christie, Merchant, in
Baltimore-Town; and Capt. William Richardson will
attend on the Premises to show the Land.

February 18, 1773.
HEREBY give Notice to the Owners of all the
Tobacco put into the Warehouse at Elk-Ridge
Landing, preceding the Year One Thousand Seven
Hundred and Seventy-Two, (and now remaining
there) to take away the same, otherwise I shall dis-
pose of it at the next March Court for the Benefit of
the Owners.

PATRICK MACGILL,
Annapolis, February 23, 1773.

Imported last September, in the Nelly Frigate, Arch-
Greig, Master, from London,
ONE Cask of Merchandise, marked A B Glass,
No. 7, and left with R. C. Also left on the
Wharf at out-fame Time, One Barrel and One Bar-
rel of Goods, which lay exposed there for several
Days, (without Mark or Number) and were since
taken care of by Isaac M'Hard, and found to be
Slate. The Owner or Owners of the above Goods
may have the same delivered to them, on proving
their Property and paying Charges.

December 16, 1772.
THE Lower Ferry on Patuxet River, which I
have had an Allowance from Anne-Arundel
County this Twenty-five Years past for keeping the
same, is now kept by James Kello; and as the Pub-
lick may think I have declined keeping Boats, I
take this Method to inform them, that I still have
Two good Boats going as usual, and hope that all
my old Friends and Acquaintance in the Out Coun-
ties will favour me with their Custom.

FLORA DORSEY,
February 3, 1773.

COMMITTED to the Jail of Charles County, on
the 2d Inst. as a Runaway, a Negro Man,
who calls himself HARRY, and says he belongs to
William Clark Compton, living in Nangemoy, but
that he ran away from Joseph Courts, in Virginia,
with whom he lived; he appears to be a young Fel-
low, and is about Five Feet Eight Inches high:
Has on, an old Osnabrig Shirt, and a new one over
it, an old Sagathy Jacket, old Surtout Coat, and a
Pair of very ragged black Everlasting Breeches, good
Yarn Stockings, Shoes and Steel Buckles.
The Owner is desired to take him away and pay
Charges, to

WILLIAM HANSON, deputy Sheriff.
October 10, 1772.

TO BE SOLD,
ABOUT 800 Acres of good Land, in Five Plan-
tations, in St. Mary's County; on one of the
Plantations, situate on the River Patowmack, there
is a Brick House in good Order, 2 Stories high,
with 4 Rooms and a large Passage on a Floor, with
Office-Houses, &c. Also, about 800 Acres in Vir-
ginia, viz. 499 near the Town of Dumtries, 194
near the Great Falls of Patowmack, 92 upon Ceasar
Run, and the Remainder of a Tract of Land in
Fauquier County, patented to the Rev. Lawrence De
Butts. Proposals for the Whole, or any Part of the
above recited Lands will be received, and an indis-
putable Title made to the Purchaser, by

JOHN DEBUTTS.

THERE is at the Plantation of Thomas Reynolds,
near the Head of Elk, Cecil County, a dark
brown Stray Mare, Seven Years old next Spring, a
bright Star in her Forehead, neither Brand nor
Earmark that can be observed, trots, paces, and
gallops. The Owner may have her again proving
Property and paying Charges.

Baltimore, January 6, 1773.
ALL Persons having any just Claim against the
Estate of Col. Charles Ridgely, deceased, are
desired to send in their Accounts properly proved,
and such as are indebted to the said Estate, are
hereby required to come and pay to prevent Expence
to themselves, at Trouble to

CHARLES RIDGELY,
DANIEL CHAMBERLAIN,
WILLIAM GOODWIN, } Executors.

Richmond, James River, Virginia, Jan. 1773.
To be SOLD by the Subscriber,
THAT valuable Tract of Land, called Moccasin
Island, lying within a Mile of the Mouth of
Chickabomony River, One Mile from James River, a
Quarter of a Mile above Barret's Ferry, and within
Ten Miles of the City of Williamsburg; it contains Six
Hundred Acres of the highest, driest, and richest
Marsh in this Colony, in its present State during the
Spring and Summer Months; it will afford graz, for
above One Thousand Head of Cattle.

In the Marsh are Three Islands; the eastern, or
low Island, contains about One Hundred and Fifty
Acres of rich high Land, has Two good Springs upon
it, a Barn, Two Negro Quarters, and an Oversee-
House; a Quarter of a Mile distant is middle or High
Island, containing about Forty Acres, Half a Mile dis-
tant lies westernmost Island, containing Three or Four
Acres; and they are so situated that the banking in
the Marsh is rendered very easy: The eastern and
northern Parts of these Islands are divided from the
main Land by a Branch of the River, no more than
Thirty Yards broad, and the southern and western
Parts are divided by the main Body of Chickabomony,
about Three Hundred Yards broad. Up this River is
Navigation for Forty Miles for Vessels of Four Thou-
sand Bushels; the Branch dividing the Island from the
main Land, is esteemed the best-towling and fishing in
this Colony. Opposite Low or Great Island, there are
on the Continent, One Hundred and odd Acres well
timbered Land belonging to this Plantation, pleasantly
situated and over-looking the whole Island. This Land
runs from the Branch about Half a Mile across the
main Road leading from the Ferry to Williamsburg, so
that the Distance from Town is not above Nine Miles;
common Tides cover no Part of the Marsh; spring
Tides, with continued North East Wind cover the
greatest Part of it, with Four Inches Water, but the
best Criterion of the Tides over-flowing it, is taken
from the remarkable great Gulf on Friday the 8th of
Sept. 1769, which spread over a great Part of America,
and then there were only Seven Inches Water in the
said Marsh. Any Person purchasing this Island, may
have the Stock and Utensils upon reasonable Terms.

PATRICK COUTTS,
Purchasers to apply to Messrs. James Dick and
Stewart.

Elk-Ridge, December 29, 1772.

WHEREAS Mr. Caleb Dorsey, late of Anne-
Arundel County, deceased, did by his last
will and Testament, bearing Date the 14th Day of
March last past, order and direct sundry Lands to be
sold, viz. a Tract or Parcel of Land, called Caleb's
Delight Enlarged; also a Tract, called Timber-Ridge,
and Part of a Tract, called The Mill Frog, all ad-
joining and lying in Frederick County, near Simp-
son's Tavern, about Thirty Miles from Elk-Ridge
Landing, and contains about Two Thousand Four
Hundred Acres. The said Land is well adapted to
farming, and will be sold on the 29th Day of June
next, in small Parcels, or in any Manner that may
best suit the Purchasers;—Also Two Thirds of about
Seven Thousand Acres of Land, lying in Anne-
Arundel County, on Curtis's-Creek, about Seven
Miles from Baltimore-Town, on which is a Furnace,
a good Dwelling-House, and sundry Out-Houses,
with a good Grist-Mill, and Saw-Mill: The Land
is well timbered, and the Water navigable, within
Fifty Yards of the Furnace Door, and will be expos-
ed to sale on the 20th Day of July following. The
Terms will be made known on the Days of Sale, by

MICHAEL PUE, Executor,
MILCAH DORSEY,
ELEANOR DORSEY, } Executrices.

N. B. All Persons having just Claims against the
Estate, are desired to bring them in legally proved,
and those who are indebted to the Estate, are desired
to make immediate Payment to Two or more of the
Executors only.

ALL Persons who have any Demands against the
Estate of Richard Thomas, late of Cecil County,
deceased, are desired to send them properly at-
tested; and those who are indebted to said Estate
are desired to pay off their respective Balances with-
out further Notice, to

SAMUEL THOMAS,
THOMAS HUGHES, } Administrators.

Just imported, and to be sold by the Subscribers, at the
Store on the Dock in Annapolis,

A QUANTITY of choice Barbados Rum and
Spirits.
WALLACE, DAVIDSON and JOHNSON

right derived from long usage, and from the law of parliament, which is *lex terræ*, or part at least of the law of the land. Our upper, and lower houses of assembly claim most of the privileges, appertaining to the two houses of parliament, being vested with powers nearly similar, and analogous (E) to those, inherent in the lords, and commons. "The courts of law, and equity in Westminster hall have likewise settled fees;" by what authority? Antilon has not been full, and express on this point: Have the judges settled the fees of officers in their respective courts solely by the King's authority, or was that authority originally given by act of parliament to his Majesty, and by him delegated to his judges? Admitting even, that the chancellor and judges of Westminster-hall have settled fees, by virtue of the King's commission, without the sanction of a statute, yet the precedent by no means applies to the present case. The judges in England have not settled their own fees—if the Proclamation should have the force of law, the commissary general, the secretary, the judges of the land office, who are all members of the council, and who advised the Proclamation, that is, who concurred with the minister's advice, may with propriety be said to have established their own fees. The Governor as chancellor decreeing his fees to be paid "according to the very settlement of the Proclamation," would undoubtedly ascertain, and settle his own fees; Would he not then be judge in his own cause? Is not this contrary to natural equity? "Where a statute is against common right and reason the common law shall controul it, and adjudge it to be void; a statute contrary to natural equity, as to make a man judge in his own cause is likewise void, for *jura naturæ sunt immutabilia*." The quotation from Hawkins given by Antilon, militates most strongly against him; the chief danger of oppression, says the serjeant, is from officers being left at liberty to set their own rates on their labour, and make their own demands. Have not the officers, who advised the Proclamation, and the Governor who issued it, in pursuance of their advice set their own rates, and made their own demands? Answer this question, Antilon? If you remain silent, you admit the imputation; if you deny it, you will be forced to disavow the advice, you gave. The Proclamation is sometimes represented by Antilon as a very harmless sort of a thing—it has no force, no efficacy, but what it receives from its legality "determinable in the ordinary judicatories." He has not indeed told us expressly, who are to determine its legality; if the judges of the provincial court are to decide the question, and they should determine the Proclamation to be legal, in that case, I suppose, an appeal would lie from their judgment, to the court of appeals—Would not an appeal to such a court, in such a cause, be the most farcical and ridiculous mummery ever thought of? All that has been said against the Proclamation, applies with equal, or greater force against the instrument, under the great seal for ascertaining the fees of the land office. Antilon having noticed "That in consequence of a commission issued by the crown, upon the address of the British house of commons, the lord chancellor by the authority of his station and by and with the advice and assistance of the matter of the rolls, ordered, that the officers of the court of chancery should not demand or take any greater fees for their services, in their respective offices, than according to the rates established"—I have thought proper to insert in the note (F) referred to, some particulars relating to a similar measure, for the information of my readers, and to shew, that a regulation of officers fees, fell under the consideration of the house of commons, and that the same encroaching spirit of office, which has occasioned such alterations, heart burnings, and confusion in this province, has prevailed also in the parent state. The settlement of fees by order of the chancellor, under his Majesty's commission, issued pursuant to an address of the house of commons, is not, I will own, a tax similar to ship-money. But a regulation of fees by Proclamation, contrary to the express declaration of our house of burgesses, is very similar thereto. (G)

Exclusive of the above reasons, another very weighty argument, arising from the particular form of our provincial constitution, may be brought against the usurped power of settling fees by Proclamation, and against the decision of its legality, in our "ordinary judicatories." We know, that the four principal officers in this province, most benefited by the Proclamation, are all members of the upper-house; I have said it, and I repeat it again, a tenderness, a regard for those gentlemen, a desire to prevent a diminution of their fees, have hitherto prevented a regulation of our staple; in a matter of this importance, which so nearly concerns the general welfare of the province, personal considerations and private friendships, shall not prevent me from speaking out my sentiments with freedom; neither shall antipathy to the man, whom in my conscience I believe to be the chief author of our grievances, tempt me to misrepresent his actions, "or set down ought in malice"—neither a desire to please men in power, nor hatred of those, who abuse it, shall force me to deviate from truth. "But the present Proclamation is not the invention of any daring ministers now in being" who said he was the inventor? The minister now in being has revived it only, in opposition to the unanimous sense of the people, expressed by their representatives, after a knowledge too of the evils, and confusion, which it heretofore brought on the province. Dismayed, trembling, and aghast, though cowering behind the strong rampart of Governor and council, this Antilon has entrenched himself chin deep in precedents, fortified with transmarine opinions, drawn round about him, and hid from publick view, in due time to be played off, as a masked battery, on the inhabitants of Maryland. I wish these opinions of "Lawyers in the opposition" would face the day, I wish the state, on which they were given was communicated to the publick, "the opinion respecting the Proclamation is on no point which the minister for the time being aims to establish"—if in favour of the Proclamation, I deny the

assertion; the Proclamation is a point which the minister of Maryland aims to establish, in order to establish his own power, and perquisites. Antilon asks "If they (the confederates) have any other measure besides the Governor's Proclamation, to arraign as an attempt to set the supreme magistrate above the law?" First evince, that the Proclamation is not such an attempt; till then, it is needless to point out others; without entering into foreign matter; I have already given you an opportunity "of shewing me stripped of disguise What I am"; I have thrown what stripped of disguise you are—

"Homo natus in perniciem bujuse reipublicæ".

a man born to perplex, distress, and afflict this country.

FIRST CITIZEN.

February 27, 1773.

(A) "Hopes may be entertained that the good thing like a precious jewel will be handed down from father to son."

(B) The most open and avowed attacks on liberty are not perhaps the most dangerous. When rigorous means—the arbitrary seizure of property and the deprivation of personal liberty are employed to spread terror, and compel submission to a tyrant's will—they rouse the national indignation, they excite a general patriotism, and communicate the generous ardor from breast to breast; fear and resentment, two powerful passions, unite a whole people, in opposition to the tyrant's stern commands; the modest, mild, and conciliating manner, in which the latent designs of a crafty minister come sometimes recommended to the publick, ought to render them the more suspected "timeo Danaos, et dona ferentes": The gifts, and smiles of a minister should always inspire caution, and diffidence. There is no attempt, it is true, in the Proclamation "to subject the people indebted to the officers for services performed to any execution of their effects or imprisonment of their persons—on any account"—If the judges however should determine costs to be paid, according to the rates of the Proclamation, execution of a person's effects, or imprisonment would necessarily follow his refusal to pay those rates.

(C) From the words in the text, I think it is evident, the minister had at that very time determined on issuing the Proclamation; should he afterwards be reproached with a breach of promise, he had his answer ready, the Proclamation was not issued in such a manner, as to justify a regular opposition, it was only issued with a view to prevent the extortion of officers—for this reason I have called the minister's promise a seeming promise.

(D) It cannot be supposed that the King can have a thorough knowledge of every department in his kingdom; he appoints judges, to interpret, and to dispense law to his subjects; ministers to plan, and digest schemes of policy, and to conduct the business of the nation; generals, and admirals, to command his armies, and fleets; over all these he has a general superintendency, to remove, and punish such as from incapacity, corruption, or other misdemeanors may be unfit, and unworthy of the trust reposed in them—the King cannot exercise a judicial office himself, for though justice and judgment flow from him yet he dispenses them by his ministers, and has committed all his judicial power to different courts; and it is highly necessary for his people's safety he should do so, for as Montesquieu justly observes—"There is no liberty if the power of judging be not separated from the legislative, and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary controul, for the judge would then be legislator; were it joined to the executive power, the judge might behave with all the violence of an oppressor."

Here, the Governor, who exercises the executive and a share of the legislative power holds and exercises also one of the most considerable judicial offices—for he is chancellor, a jurisdiction, which in the course of some years, may bring a considerable share of the property of this country, to his detriminations. The Governor is so well satisfied of wanting advice, that in determining causes of intricacy, he always chuses to have the assistance of some gentleman, who from study, and a knowledge of the law, may be presumed a good judge, and able to direct him in cases of difficulty and doubt. He has recourse to the advice of his council in all matters of publick concernment; it is therefore highly probable he took the advice of some, or of one in the council before he issued the Proclamation. It is well known, that in England the prime minister directs and governs all his Majesty's other ministers; in Charles the 1st's time the whole care of Government, was committed to five persons, distinguished by the name of the *Cabal*: the other members of the privy council were seldom called to any deliberations, or if called, only with a view to *save appearances*.

(E) It is plain from the above resolve of the delegates, that they considered the Governor, not as my lord's minister, but as his deputy, or lieutenant, acting by the advice of others, nor pursuing his own immediate measure, and sentiments. It is no imputation on the Governor's understanding to have been guided by a counsellor, from whose experience, and knowledge, he might have expected the best advice, when he did not suspect, or did not discover the interested motive, from which it proceeded; the minister has the art of covering his real views with fair pretences.

"And seems a saint, when most he plays the devil."

(F) I say nearly similar; a perfect similitude cannot be expected; our upper house falls vastly short of the house of lords in dignity, and independence; our lower house approaches much nearer in its constitution to the house of commons, than our upper house, to

the house of lords; the observation of a sensible writer on the assembly of Jamaica may be applied to ours—"The legislature of this province wants in its two first branches (from the dependent condition of the Governor and council) a good deal of that freedom, which is necessary to the legislature of a free country, and on this account, our constitution is defective in point of legislature, those two branches not preserving by any means, so near a resemblance to the parts of the British legislature, which they stand for here, as the assembly does; this is a defect in our constitution, which cannot from the nature of things be intirely remedied, for we have not any class of men distinguished from the people by inherent honours; the assembly, or lower house has an exact resemblance of that part of the British constitution, which it stands for here, it is indeed an epitome of the house of commons; called by the same authority, deriving its powers from the same source, instituted for the same ends, and governed by the same forms; it will be difficult, I think to find a reason, why it should not have the same powers, the same superiority over the courts of justice, and the same rank in the system of our little community, as the house of commons in that of Great-Britain. I know of no power exercised by the house of commons for redressing grievances or bringing publick offenders to justice, which the assembly is incapable of—I know of none, which it has not exercised at times except that of impeachment and this has been forborn, not from any incapacity in that body, but from a defect in the power of the council; an impeachment by the house of commons in England, must be heard in the house of lords, it being below the dignity of the commons, to appear as prosecutors, at the bar of any inferior court." The powers therefore of the house of commons, and of our lower house being so nearly similar, their respective privileges also must be nearly the same—see the privileges of the island of Jamaica vindicated.

(F) Antilon infers from this argument, that the Governor has the same power in this province. In England, the King originally paid all his own officers; nothing therefore could be more consistent with the spirit of the constitution, than that he should establish the wages, who paid them. It is not so in this country, nor is it at present the case in England; they are now paid out of the pockets of the people; sheriffs, and many other officers have therefore their fees ascertained by act of parliament, and in those cases, where the fees given originally by the crown, are now established by custom, the parliament claims, and has exercised a power of controul over them, as will appear by the following quotations. "The commons ordered in lists of all the fees taken in the publick offices belonging to the law, which amounted annually to an incredible sum most of it to officers for doing nothing; but the enquiry was too perplexed, and too tedious for any effectual stop being put to the evil within the period of one session—Tindal's continuation of Rapin's history.

Extract of a report of a committee of the house of commons empowered to inquire into the state of the officers fees belonging to the courts in Westminster-hall—April 1752.

Among the various claims of those, who now call themselves officers of the court of chancery, none appeared more extraordinary to the committee, than the fee of the secretary, and clerk of the briefs, who upon grants to enable persons to beg, and collect alms, claim, and frequently receive a fee of forty, fifty, or sixty pounds, and the register takes besides twelve or thirteen pounds for stamping and telling the briefs, which fees, with other great charges upon the collection, devour three parts in four of what is given for the relief of persons reduced to extreme poverty by fire, or other accidents." The committee closing their report with "observing how little able or willing many officers were to give any satisfactory account of the fees, they claim, and receive," came to the following resolution.

Resolved, "That it is the opinion of this committee that the long disuse of publick enquiries into the behaviour of officers, clerks, and ministers of the courts of justice has been the occasion of the increase of unnecessary officers and given encouragement to the taking illegal fees.

Resolved, "That it is the opinion of this committee that the interest, which a great number of officers and clerks have in the proceedings of the court of chancery has been a principal cause of extending bills, answers, pleadings, examinations and other forms, and copies of them to an unnecessary length to the great delay of justice and the oppression of the subject.

Resolved, "That it is the opinion of this committee that a table of all the officers, ministers, and clerks, and of their fees in the court of chancery should be fixed, and established by authority, which table should be registered in a book, in the said court, to be at all times inspected gratis, and a copy of it signed and attested by the judges of the court, should be returned to each house of parliament, to remain among the records." If the commons had right to enquire into the abuses committed by the officers of the courts of law, they had (no doubt) the power of correcting those abuses, and of establishing the fees, had they thought proper, to be paid to the officers of those courts.

(G) Because it is a tax upon the people without the consent of their representatives in assembly, as has been; I hope, demonstrated to the satisfaction of my readers.

To the Reverend Mr. JONATHAN BOUCHE.

REVEREND SIR,

I THOUGHT proper singly to reply to that paragraph of your letter to Mr. Chase and myself, which contained a distinct charge against me, because

I apprehended Mr. *Chase* was no more answerable for my conduct than happily I am for yours. How far my reply has justified me, your thoughts will not determine: if it has more strongly confirmed your charge, it has done that, which, even after your assertion of the fact, was much wanting.

Had I immediately on the publication of the epigram, to which I alluded, suspected you to have been the author, my suspicion would not have outrun that of several other people: my then not thinking you capable of such wanton and groundless calumny acquitted you in my own mind; your late sporting with characters has since convinced me, that you have the itch of scribbling strong upon you: so strong, that I cannot fancy a line, at which you would probably stop: you have the remains of your character in your own keeping, and whether you will or will not gratify my curiosity is a point which rests with yourself.

You have surely an inimitable knack of story-telling, and the good natured way, in which you employ that talent, makes your relations very agreeable: the supposed malefactor it is likely knew as well as the judge, whether he was guilty or not, and there might have been some circumstances in the behaviour of the judge to induce the accused to pronounce him a *bad hearted villain*: there have been judges who justly merited that epithet, and some of them even *Bishops*. I would not wishfully shock your delicacy or pain your modesty: but I think myself well justified in repeating "I abhor the charge and the villain who made it."

I told you I did not recollect I ever made the acknowledgement you charged me with. I owned that I had entertained a doubt upon the reference of the *Act* to that of 1701-2, because I had understood from a gentleman of the law that there was a pointed case in favour of such *Acts* constructively confirming a void *Act* of parliament: and that as the same gentleman had since candidly acknowledged he knew of no such case in point and told me I had mistaken his assertion my doubt was removed. In the *polished file* of a gentleman you ask "Why Mr. *Paca* do you meanly seek to evade the force of a charge, which you cannot deny, by insinuations as groundless, as they are unmannerly?"—If to assert the truth is meanly to evade the force of a charge, the cap fits me and I will wear it as a plume. But tell me, Mr. *Boucher*, upon what information do you pronounce the assigned cause of my doubt a groundless insinuation? Are you bleat with the peculiar gift to investigate the mind? By what powers do you dive into my heart and falsify my assertions of what passes there? To what folly and extravagance does your anger mislead you! When you are disposed to exhibit your talents, you attack with the most licentious violence, insult with exaggerated provocations, vilify and traduce without any bounds to your venom, impeach the integrity of men, charge them with artifice and insincerity, and represent them as chicaning, temporizing and dead to every moral impression, upon the foundation of your own conjectures only as to the imputed motives of their actions. If a defence is made with the honest warmth inspired by the occasion, you exclaim "Fie sir: is this the language of a gentleman?" I do not pretend to rival you in your gentlemanly erudition, splendid accomplishments and polished manners: but, Mr. *Boucher*, I am not singular in the opinion, you would be a better man, with more good nature and less of those acquisitions: and that you would discharge your sacred function with more decency and propriety, by propagating humility, peace, and charity, than by endeavouring to shine the comet 'tis probable you fancy yourself, with your long trail of defamation and calumny.

I thank you for the opportunity, you gave me, of vindicating myself from the charge of opposing the late measures of government from a disappointment at court. Abundantly convinced of your good will towards me, I designedly laid myself open to your thrusts upon this point, that you might strike home, if truth could justify you in the stroke. Whether you were or were not the gentleman, who attempted this blot upon my character, is a matter of more consequence to yourself than to me: a generous publick acquit me and I feel myself happy in my immaculate purity, which, as scripture teaches benevolence even to an enemy, I wish the characteristic of Mr. *Boucher*: it is certainly a badge of honour, and when worn by a *Maryland parson* might have the good tendency to buy that proverb in oblivion and exalt our ideas with respect to the clergy in this government.

You are still disgusted with my opinion. I expected it: you feel the force of it, and vanity apart, I may say, it has satisfied some, who were at least as honestly desirous as yourself to be informed: I have the gratification to see too, that it has in some measure contributed to stop the career for the *forty per poll*. Your feeble efforts to expose and ridicule me, which an overweening fondness for your own productions makes you mistake for manly satire, have not produced the wished effect. I am happy in the applauses of my countrymen for my honest intentions to promote their real welfare: and if you pursue the course, you have set out in, your disapprobation will be much more desirable than your praises of a man's conduct.

I don't doubt your readiness to take upon yourself to answer for every incumbent in the province: but I question, whether they will ratify your engagement. I have seen, Sir, a celebrated address—I don't mean, Mr. *Boucher*, to call up a blush in virtue's cheek—but I have seen a celebrated address upon the subject of episcopacy, which thus began "We the clergy of the established church in this your government of Maryland" and though it imported the general voice of the clergy and was delivered into the hands of his Excellency under the pompous signature of a secretary, yet, when truth drew up the curtain, nine sermons only were exhibited to view. Gracious heavens! What a scene of glory! but

How could these self-elected Monarchs raise
So large an Empire on so small a base.

CHURCHILL,

I am told this address was nobly disclaimed by the majority of the worthy ministers of the church of England in this government of Maryland. When then an embodied mine could not letter all, What mult I think of your single attempt? But whether you have or have not a legal and conclusive authority to bind every incumbent in the province, upon the point you challenge me, I cannot accept your offer: I have no such powers over the people: I cannot controul or bind them: were I solely interested I would cheerfully take your proffered terms, and submit the question to the suffrages of eminent gentlemen of the law: nor should I care to do it upon the very principle you intimate—the certainty of a majority: though I should object to your taking the *polls*, as from your manner, you seem to set down every one for you, who, you do not know, has declared an opinion against you.

The particular notice you have been pleased to take of the epithet *parson* betrays a peevishness, which you ought by all means to get the better of: an indulgence of this humour can only promote risibility. The term carries no reproach with it, that I know of; nor can I conceive why you should take offence at it, unless in applying it to you, it reminds you that alas! you are neither *Bishop* nor *Dean*.

An enemy as I am to the establishment of the *forty per poll* and warm and zealous in opposing it, say what you will Mr. *Boucher*, I profess myself friendly inclined towards the worthy ministers of the church of England. Your wanton attack and repeated ill treatment of me shall not provoke a general enmity. The day may come when honoured with a publick character I shall have an opportunity of delivering my sentiments: virulent reflections shall not bias my judgment nor personal animosity influence my heart: I will continue an honest man: endeavour to banish prejudice, to blot out of my memory past affronts and injuries—and to forget *parson Boucher*.

I am Sir,

Your humble Servant,

WILLIAM PACA.

L O N D O N, December 10.

SOME very singular propositions are said to have been made at our court, by the Swedes, on the present critical state of continental affairs.

Should the expected rupture between the Danes and Swedes take place, our situation would be somewhat critical, for it is morally impossible (though the sworn ally of the former) that, after what has happened to a daughter of this country, we should fight for them; and to take the contrary side, or even remain neuter, would be totally repugnant to our own natural interests.

Dec. 12. They write from Paris, that his catholic Majesty's ambassador at that court has insisted on the immediate dismissal of the French Governor at Martinico, for refusing assistance to two Spanish men of war which put in there in September last, in distress. It appears however that at the time of this refusal, the garrison itself was almost in a starving condition.

Dec. 14. A humble address is ordered by the House of Commons to be presented to his Majesty by such members as are Privy Counsellors, that he would be pleased to order that there be laid before that House copies of all intelligence that has been received by any of his Majesty's ministers, and all applications to them; upon which it has been thought expedient to send an additional number of forces into the island of St. Vincent's, together with copies of the orders, which have been sent by any of his Majesty's Secretaries of State or Secretaries of War, relative to the employment of the said forces.

Dec. 15. Since last session 35 appeals have been entered before the House of Peers, 16 of which are from Scotland, nine from Ireland, and six from the high court of Chancery.

The following anecdote is related as fact. The factory at Dantzick, in concurrence with their principals, had agreed that every British ship coming into that port should be assisted in a certain and proportionate sum, in order to form a fund for the relief of such British sailors as might be reduced by sickness, lameness, or any other accident, and for the support and maintenance of the British poor: For there are still at Dantzick, many descendants of British families, who were driven from their country during the civil wars. The produce of the fund arising from this voluntary contribution had often been sufficient to enable the directors of it to extend their benevolence to the poor of other nations. By this establishment the British merchants had acquired a degree of respect and esteem, which is ever of the highest advantage in a commercial city: And the masters of the British vessels have always found it easy to recruit their ship's company, if death, or illness, or any other accident, had deprived them of any sailors. The sums thus paid by the British ships had never been considered as a duty; had never been paid either to the King of Poland or to the town of Dantzick; but into the hands of trustees, appointed by the factory, who were to apply them to this particular purpose. Could the King of Prussia pretend the smallest right to these sums? Yet he has declared this voluntary contribution to be a port duty; and having thus arbitrarily and insolently appropriated these sums to his own use, refuses to make good the pensions assigned on them for the maintenance of divers poor and distressed families.

Dec. 19. Private letters from Lisbon say, that Sir Peter Denis, Rear-Admiral of the red, having settled some matters with the Portuguese ministry with regard to trade, was sailed from thence in his Majesty's ship *Trident*.

We have the pleasure to assure the publick, that in less than two months a reconciliation will take place with the three royal brothers, but their duchesses will not be included in the amity.

ANNAPOLIS, MARCH 11.

Another correspondent requests us to insert the following state of the cause between Mess. Harrison and Lee, in Charles county.

Mr. Lee had executed Mr. Harrison for the *Forty per poll*; upon which he brought his action for assault and battery and false imprisonment. The defendant pleaded not guilty; and also justified under the *act* of 1702. To the latter there was an issue in law, determinable by the court, which would have brought the validity of that *act* in question; and the jury were impanelled to try the former. It was proved, in evidence, that the sheriff had conducted himself with mildness and complaisance; yet, by his own declaration, the plaintiff had been arrested, and would have been carried to jail, if he had not redeemed his person by payment of the demand. The counsel for the defendant urged every favourable circumstance, in mitigation of damages, but could not, regularly, nor did they attempt a justification, before the jury. The charge was an assault and imprisonment. The fact, though denied by the plea, was proved; and the jury found for the plaintiff. They could not have done otherwise; as they did not enter into a consideration of the legality of the defendant's conduct—that point, by the demurrer, being submitted to the judgment of the court. By an agreement at the bar, the final consequences of the suit are to wait the determination of the law in the provincial court. If that court should be of opinion that the *act* of 1702 is not in force; or if in force, that the sheriff has no right to execute the person; then the plaintiff is to enter a judgment on the verdict. If the provincial court should be of opinion that the *act* is in force, and that the sheriff has a right under it to execute the body for the *40 per poll*; then the plaintiff, *Harrison*, is to enter a non-suit. On considering the above *fact*, and *impartial* state, the reader will perceive that the point, whether the *40 per poll act* be in force, or not, is not only not determined, but is not, in any manner, affected by the verdict.

N O W F O R S A L E,

THE Houses and Lots in which I lately dwelt, situated on the Court-House Circle in the City of Annapolis; they are all well inclosed with Rails and Pales. the Houses are mostly new and in very good Repair; they will be sold for a long Credit if required; the Terms may be known by applying to

REUBEN MERIWETHER.

N. B. This House and Lots are so advantageously situated, and so well known, that I think a minute Description of them needless.

March 5, 1773.

ALL Persons who have any just Claims against the Estate of *Richard Sappington*, lately deceased, are desired to bring them, in legally proved, that they may be settled; and those who are indebted to the said Estate are desired to pay their Accounts immediately, to

JOHN & RICHARD SAPPINGTON, Executors,
and,
MARGARET SAPPINGTON, Executrix.

March 3, 1773.

A CERTAIN *Thomas Holmes* broke open the Desk of the Subscriber Yesterday, and stole out of it 13 Silver Dollars and a Silver Watch almost new and much out of Repair. The said *Holmes* is a middle sized Man, full faced, and much pitted with the Small-Pox: Had on a light colored Wilson Coat and Jacket, Leather Breeches, white Worsted Stockings, white Linen Shirt and Neckcloth, and professes bricklaying, painting and drawing. Whoever secures him in any Jail, shall have Ten Dollars Reward, paid by the Subscriber, living in Charles County, near *Bryan-Town*.

THOMAS WATERS

THERE is at the Plantation of *Samuel Rorer* near *Sharpsburg*, a Stray bright bay Mare, about 13 Hands and a Half high, a large Star on her Forehead, her left hind Foot white, and several Saddle Spots on her back; branded on the near Shoulder something like M, and supposed to be Six or Seven Years old. The Owner may have her again on proving Property and paying Charges.

THERE is at the Plantation of *Nicholas Hobbs*, about 12 Miles from *Frederick Town*, a Stray dark bay Mare, about 9 or 10 Years old, 13 Hands and a Half high, branded on the near Buttock C, has some white on her off hind and near fore Feet, some white Spots on her Back, and has a small Bell with a Leather Collar. The Owner may have her again on proving property and paying Charges.

THERE is at the Plantation of *Thomas Tongue*, near *Herring-Creek Church*, a Stray bay Mare, about 13 Hands and a Half high, 3 Years old, has a Star on her Forehead, no perceivable Brand, nor docked. The Owner may have her again on proving Property and paying Charges.

WHEREAS sundry idle persons under a Pretence of shooting and hunting, are frequently going about the Subscriber's Inclosures to his great Prejudice, by pulling down his Fences, and doing other Damages. This is therefore to forewarn all Persons from trespassing in like Manner for the future, as they may depend on being proceeded against agreeable to Law.

WILLIAM THOMAS.

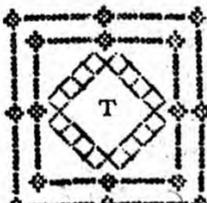
MARYLAND GAZETTE.

THURSDAY, MARCH 18, 1773.

To the Reverend Mr. JONATHAN BOUCHER.

Is not the care of souls a load sufficient? Are not your holy stipends paid for this? Were you not bred apart from worldly noise, To study souls, their cures, and their diseases? The province of the soul is large enough To fill up ev'ry cranny of your time, And leave you much to answer, if one wretch Be damn'd by your neglect.

REVEREND SIR,



HE ardency, you betray for judicial powers, is an unlucky preface of your temper and disposition in the exercise of them; though common prudence might have suggested the impropriety of taking the chair, before your appointment to the Bishoprick had been formally announced by a legal proclamation, yet "you step into the seat of judgment" with as much grace as you ascend the pulpit; perhaps equally called to either. The fury of your wanton attack left us no expectation of satisfying you of the propriety of our conduct, and was you clothed with any other authority than that of a self-elected judge, your frowns would deter us from any further defence; you exhibit to our imagination a striking picture of a spiritual judge; but justice to ourselves obliges us to break in upon your dream of power, and to pluck you down from your self-exaltation; our appeal was made to the publick, not to you.

The text, you recommend for the subject of our meditations, would have been, at least, as well understood, had you given us the whole of it; as you designed our edification, the motive was laudable; but it seems inconsistent with charity to be so sparing of your pains in your professed element. You have spent much labour to prove we are bad, and but little to instruct us how to be good. We have, with the small assistance you have afforded us, considered the whole, which stands thus: "Fear the Lord, and honour the priest, and give him his portion, as it is commanded thee; the first fruits, and the trespass offering, and the gift of the shoulders, and the sacrifice of sanctification, and the first fruits of the holy things"—and do not think it regards the 40 per poll. It would be more candid, if you ground yourself on a divine right to dues of any kind, to speak out, than to insinuate an opinion, which we cannot think, you believe yourself. We acknowledge a moral obligation to obey the laws of society, and of consequence to pay what is legally ordained to be paid, but we hold, as we have before told you, that there is no law for the 40 per poll, and therefore that there is no moral obligation to pay it. Morality as plainly forbids the claiming that which is not, as the withholding that which is legally due; and we would in our turn recommend for the subject of your meditation the 1st book of Samuel, c. 2. Sacrifices were commanded as an atonement for sins, out of which a proportion was drawn and appropriated for the support of the priests: but not contented with this legal provision, their avarice and propensity to oppression invented an implement, called a flesh-hook, with three teeth; and with this tremendous weapon, they attacked the poor and caudrons, pans and kettles of the people, and instead of a mere dip thrusting this prorged instrument with such dexterity, as sometimes to fetch up the sum total, and then bore it off triumphantly to their own tables to pamper and bely upon. The above chapter, which we presume to recommend to you, shews that these illegal exactions of the priests drove the people from the publick exercise of the religion enjoined them, and that for this sin of extortion the priesthood was transferred to another family. We leave Mr. Boucher to make the application.

I have, say you, "no idea of church, parish and vestrymen without a regular established ministry; nor an established ministry without a support or revenue."—It may be so; your thoughts and ideas may have been much engrossed about a revenue; but we do not see, that it follows by any means, that, because you have no idea of an established ministry without support or revenue, therefore such idea would be incongruous. What support or revenue did the Apostles claim for their eminent services? Did they rely on the benevolence of well disposed people, or were they filled with the first fruits, and the trespass offering, and the gift of the shoulders, and the sacrifice of the sanctification, and the first fruits of holy things? Or did they harass the people with law-suits and imprisonment for a 40 per poll? And yet the ministry of the Apostles was as regularly established, at the least, as that of any of their successors.

You display your abilities in the field of criticism, and charge us with "being utterly unacquainted with the first principles of grammar." We have never been engaged in any profession, where the minutiae of

grammar constituted a principal part of the science, and therefore a privation of it in us is no more extraordinary, than that you should think yourself alone sufficient in this eminent qualification. However, Sir, as we cannot entirely give up our understanding, we shall trouble you with an insertion of two of your own questions.

"Query 6th. Why are you so clamorous against the proclamation?—Is not this the avowed principle of your opposition, that it is a tax on the people WITHOUT LAW?"

"Query 7th. Have you any powers or prerogatives which even the supreme magistrate must not be allowed to exercise; and whence are they derived?—Can you, hereafter, presume to place yourselves in an higher rank of patriotism than those members who voted for the proclamation; you who have thus been the arbitrary instruments of an unconstitutional tax on the people—than those, whose only object was, to rescue them from the extortion of officers?—Men who needed such a restraint; if, as you have repeatedly declared, they are nothing better than harpies and publick plunderers."

Your 6th query related to the proclamation for officers fees—that proclamation was issued by the supreme magistrate with the advice of the council, and as it seems, you thought was voted for by a particular member of the lower house. What construction then does the context require? a motive for the proclamation is referred to somebody. Is it to those, who were the authors of the proclamation or those who had no hand in it? If to those, who were the authors of it, we are ignorant of any rule to exclude the supreme magistrate from at least his share of the amiable motive, you assigned for the act, in which he was the principal. We read your seventh question in this manner, "Have you any powers &c.?" Can you presume hereafter to "place yourselves in an higher rank of patriotism than those members," of the lower house, "who voted for the proclamation; you who have thus been the arbitrary instruments of an unconstitutional tax on the people, than the supreme magistrate" and the council, "whose only object was to rescue the people from the extortion of officers—officers who needed such a restraint, &c." which we take to be fully justified by both context and grammar. You dressed up a nosegay for somebody, and by your reply, you would be thought to have done it for the members of the lower house, who voted for the proclamation. You appear to us truly pitiable in this part of your piece: no member of the lower house actually voted for the proclamation; the bull was pointed out, but in the simplicity of your heart, you believed the tale, that you had heard that a particular member voted for the proclamation, and on that information in the simplicity of your heart, to be sure, you inserted in your questions those members, who voted for the proclamation—Grammar was as little offended at referring the nosegay to the supreme magistrate, who was included with others, under the word those, as Truth was by your giving a much larger idea under the words those members than would have been warranted by the information you had received, if true. But as from your reply, it seems as if your nosegay was rejected and that probably you have been admonished "whether the proclamation be or be not a legal act it becomes not you to say"—we shall quit this subject, which is perhaps irksome to you.

Your critical genius is highly offended with our coupling together, as different things, the Christian religion and the Gospel of Christ: you reply pleonastic and pretty; perhaps it may be something like a pleonasm, and yet by your leave no uncommon figure in the pulpit. By the Christian religion we mean the religion of Christ: by the Gospel of Christ we mean the Holy Book of the Christian revelation. That the Gospel is taken as expressive of the book of revelation, your general acquaintance with Dictionaries, particularly Bailey's and Johnson's, supercedes the necessity of a formal proof. Taken in such sense, we conceive, the Gospel imports an idea, that the expression Christian religion does not. We do not deny, that a Christian can go to Heaven without a view of the record of his religion: but we, nevertheless, pray that the record book of Christianity may flourish, that the acquiescence of the mind may be grounded upon authority and not the dictum of a priest.

You charge us with the fault of egotism. We used the expressions WE and the people not as appropriating any superiority to ourselves, but to deepen the impression, that had every man in the province other than ourselves assented to the proclamation, yet if that assent was not given in a constitutional way so as to involve ours, the proclamation was illegal and not obligatory on us. The thread of the argument and manner of the expression sufficiently refute your charge; but if the construction, you are fond of, is the just one, you might, without going back to the egotism of Wolfey, have at least matched it with a modern performance, which ought to be strongly impressed on your memory, "WE THE CLERGY of the established church in this your government of Maryland." We are not conscious

of any emphatical appropriation of the words the Lawyers to ourselves; it would be vanity indeed to rank ourselves in our own ideas as superior to many of the gentlemen of the bar; but when you justify yourself in conveying a charge against us only in the words "Lawyers may chicanery and temporize," which by your explanation you intended, it will warrant any appropriation, we have ever made of "the Lawyers," to ourselves.

You are pleased to say, "the temper and moderation of the Clergy have been as remarkable as the arts we have made use of to inflame and mislead the people have been unmanly and unfair." Your own observation, that general assertions need be refuted only by general negations, makes your-proof of any unmanly and unfair acts by us to inflame and mislead the people unnecessary; for we deny your assertion. Your reminding us of a pitiful performance in verse, much on a level with your own poetic genius, gives us no pain: the author only of that performance has occasion to lament its being remembered. As to the opinion, which chagrined you, it was openly submitted to the publick: if that has been refuted and exposed at all, the prudent method was taken to do it in private: how can you call this conduct art, or the publication of an opinion unmanly or unfair? But, Mr. Boucher, what were the means used by the Clergy, or if there is more propriety in the expression, a considerable number of them, to secure the payment of the 40 per poll? Did they not form their committees; after an opinion had been procured in their favour, were not many copies of that opinion made and industriously circulated throughout the province to silence doubt? Were not executions on the person and effects insisted on by many of the Clergy, and several made in different counties? Were not suits brought against several sheriffs and was not the former composition of 4s rejected by several, who had acquiesced in it before? Have not instructions been given by several clergymen to receive tobacco only, and written orders from no inconsiderable number to levy by way of execution on the person and effects? If these things are true, what temper and moderation have the Clergy had in vindicating their rights? No further means occur to us which could be taken to blow up a storm of oppression. Some of the Clergy, to their praise be it spoken, did not look on the 40 per poll as the first object of their ministry; they from the first cheerfully accepted the 4s, under an impression, as we presume, that the legislature might regulate their temporalities, and a confidence that a handsome competency would be legally and indubitably secured to them; their sentiments have inspired equal benevolence, and we see with pleasure, that though the hands of the people are shut close against force, their hearts are open to the worthy clergymen. That we, as well as others, have dissuaded people from paying the 40 per poll is true; they are welcome to any assistance, we can give them against it, and if you call this inflaming the people, we have done it, and shall continue to do it. Positive, as you are, that the Clergy have the sweet concordance of the voice of the men heretofore deemed the most sensible and moderate in the country, we suspect, that your ears are so open to any musick of this kind, that you have mistaken the loud strains of your own pipe for the pleasing harmony of a general concert.

Several expressions dispersed in your attack, as well as your assertion, that the publick voice arraigned us of duplicity, of acting in direct opposition to the principles we avowed, of loose and fluctuating counsels—the usual effects of artifice and insincerity, conveyed the idea, that our conduct was much the subject of publick conversation and general censure; we knew the fact was otherwise; and when the grounds, you went on, came to be discovered in your reply, it appears, you indulged your propensity in swelling the readers idea of a fact much beyond that, with which yourself was impressed; the hyperbole seems to be a favourite figure of yours; but have you not used it do you think a little too often?

You industriously mistake the charge, we made against you—we no more, than yourself, have any idea of its being criminal or disreputable to be a priest; on the contrary hold it truly honourable; but to be a proud priest; an unvaritable priest, an implacable priest, or a calumniating priest, we do esteem a deprivation of the virtues opposite to those vices. There may be no set forms made and provided, in which an accusing angel is to exhibit charges; but you ought to raise your ideas, at least, so far as to imagine, that temper and moderation would be preferred, and that truth and charity could not be forgot; you may call them forms or essentials, in which ever sense you wear them yourself.

It were in vain to attempt a collection of all those flowers, with which you have bedecked your piece; the abundance of alike beauties distracts the choice. April the 1st 1771 (ominous at the threshold!) must forever characterize you; the novelty of it, in an elegant performance by a clergyman of a liberal education, is not less striking, than that the sentiment is peculiar to a gentleman.

Forty or at- the de- n law, ough y were in evi- f with eclara- ld have perfon the de- in mil- nor did y. The he fact, the jury. done o- ration of point, by nt of the al conle- nation of rt should force; or ecause the gment on e of opi- eriff has a per poll; -suit. the 40 per determin- the verdict. E, tely dwell, cle in the closed with new and in a long Cre- own by ap- WETHER. Advantageously ank a minute of Feb 5, 1773. aims against t, lately de- ally proved, are indebt- their Accounts l, Executors, cutrix. Feb 3, 1773. ce open the ay, and stole Watch almost id Holmes is a h pitted with ived Wilon white Worsted ckcloth, and wing. Who- Ten Dollars ng in Charles S WATERS Samuel Rorer' at bay Marc, large Star on e, and several on the near sed to be Six y have her a- Charges. Nicholas Hobbs, Town, a Stray ld, 13 Hands ir Buttock C, near fore Feet, as a Small Bell may have her Charges. Thomas Tongut, ray bay Marc, ars old, has a e Brand, nor gain on prov- under a Pre- ofures to his s Fences, and efore to fore- ke Manner for ing proceeded M THOMAS.

You have dexterously enough endeavoured to propagate the idea, that our justification rests upon the single point of custom: the question too, you proposed to the attorney-general, relates merely to the operative force of custom to establish the delegation of the parochial authority into our hands as Vestrymen. To the query, by what authority we act as Vestrymen, you are pleased to say you understand our reply is "that we do not derive it from any written law of the province, but from ancient usage and custom of the parish beyond the memory of man." This, Sir, was not our reply. Permit us to recal to the publick attention the real and avowed grounds of our defence, which will be best done by an insertion of our own words. As to the question, then, by what authority we act as Vestrymen? We give you Sir this precise answer. BY THE AUTHORITY OF THE PARISHIONERS FOUNDED UPON COMMON LAW AND COMMON RIGHT, who chose, nominated, and elected us Vestrymen of St. Anne's parish, according to the ancient usage and custom of the parish beyond the memory of man. Independently of any custom, we contend, that a power was lodged in the parishioners to delegate their authority with respect to parochial matters into the hands of a vestry constituted in such manner as the vestry of St. Anne's parish: and we quote custom and usage as an additional argument to prove the fair and legal exercise of such power by the parishioners in the nomination and election of us as Vestrymen.

If, Sir, a power was lodged in the parishioners themselves to elect a temporary select vestry, such as the vestry of St. Anne's parish: and also to elect Churchwardens: If that power has been exercised in the very manner as the Act of 1701-2 meant to enforce, we ask upon what principle will it be contended, that the Act of 1729, which impowers Vestrymen and Churchwardens to impose a tax, is not evidently gratified both in spirit and intention? No imaginary reference of the Act of 1729 to the Act 1701-2, even upon the most rigid rules of construction, can be extended further than as a description of the persons, who should have the power of taxation: and if a power existed at common law in the parishioners themselves to verify such description independently of the Act of 1701-2, and we and our brethren the Vestrymen and Churchwardens have been elected in such manner, as to bring ourselves within every part of such description, what ground is there to charge our conduct as arbitrary and illegal?

We shall proceed Sir to make good our positions: that by the common law the parishioners have the government of the parish and are for that purpose a body politic: and that by the common law, they may delegate such authority into the hands of Vestrymen and Churchwardens constituted in such manner as the Vestrymen and Churchwardens of St. Anne's parish.

In maintaining these points you have an advantage over us: people, in general, have not a competent idea of the common law: their knowledge of law is in great measure confined to the *lex scripta* or Acts of Assembly, so frequently in use and in almost every body's hands: and yet Sir the common law is the basis of all that is dear to them. My Lord Coke says the common law is a reason itself promulgated by the decisions of grave and learned men for a succession of ages. The celebrated Blackstone speaking of the science of the common law says: "a science which distinguishes the criterions of right and wrong: which employs the noblest faculties of the soul and exerts in its exercise the cardinal virtues of the heart: a science which is universal in its use and extent, and accommodates to each individual yet comprehends the whole community." My Lord Chief Justice Hale, who was the light and ornament of his age, says: "This is the law, which limits and ascertains the bounds of prerogative and declares and asserts the rights, liberties, and properties of the subject: this is the law, which regulates the administration of justice and gives the rule in all decisions and determinations upon criminal and civil cases in the courts of justice, where the *lex scripta* is silent: and that this is the law, from whence we derive the trial by jury, the best trial in the world." This great judge further remarks, "when at any time through the errors, distempers or iniquities of men or times, the peace of the kingdom and right order of government have received interruption, the common law has waited and wrought out those distempers and reduced the kingdom to its just state and temperment."

What, then, is the common law? The law of right founded upon reason and ripened into perfection by the wisdom of ages: a system of jurisprudence adored by Englishmen, as the palladium of their rights liberties and properties; and however lightly you may affect to treat the solid foundation of our claim to the office and powers of Vestrymen, the people of this province have before this time strenuously contended for the extension of the English common law as their birthright, and which was at length yielded to them much against the will and in destruction of the designs of the then government.

Having thus imperfectly suggested an idea of the common law, we proceed to the next proposition incumbent upon us to establish: that by common law and common right, when a parish and church are established, the government devolves upon the parishioners and they are for that purpose a vestry and body politic. To prove this position we cite the following cases: 4. Burne. ecc. law. 6. sect. 1. 10. Viner's ab. ch. ward. 226. pl. 3. 5. Coke. 65. 67. b. — 1 mod. 194. 236. 2 mod. 222. 5. mod. 325. Hob. 211. Salk. 165. 166.

But to make good our defence it is equally incumbent upon us to establish our next proposition: That by common law and common right, this authority of the whole may be delegated into the hands of Vestrymen and Churchwardens constituted in such manner as the Vestrymen and Churchwardens of St. Anne's parish.

It is a self-evident proposition, that what a man may do by himself he may do by another: that is, if a man

has an independent authority originating in himself, he may delegate it to another. This principle of natural right equally holds with respect to a society: and therefore the powers, which every assemblage of people possess as common and natural rights, they may transfer into the hands of a select body of men. But as unanimity of sentiment upon publick matters cannot be expected, where numbers are interested, to prevent the purposes of society from being frustrated by a partial dissent the resolutions of the majority bind and conclude the minority—when a society is formed, every member tacitly agrees, that the purposes of it shall be fulfilled and carried into execution: but how could this be effected, where a difference of opinion is entertained upon a subject, unless the minority is concluded by the majority? Wherefore, when a man becomes a member of society, as he accedes to the designs of the institution, he assents to the means to effect such designs, and of consequence submits to be bound by the resolutions of the majority.

Upon the establishment of St. Anne's parish and the church, we have shewn from a number of authorities by the common law the government devolved upon the parishioners themselves, and they had the exercise of all parochial authority: upon the principles above suggested this authority might be, as in fact it was, delegated by the majority of the parishioners into the hands of particular men under the character of Vestrymen and Churchwardens. A question may be asked by what majority? an actual majority of the whole body or such as attend upon the business? This question is well settled by casuists, among whom we rank Mr. Rutherford: he says after notice "such members as are present conclude the whole: because those, that are absent, are by their not attending in person or by proxy understood to devolve their power of acting upon those, who do attend"—and this principle of natural law is adopted by the common law and prevails in the election of members to parliament.

Here, Sir, permit us to distinguish between a delegation of temporary and perpetual authority. We find in our books, that select vestries are founded upon custom only: that these select vestries assume to themselves a delegation of parochial authority for ever, govern the parish without any power in the parishioners to check or control them, and arrogate to themselves an independent and perpetual existence. As such vestries have the power of taxation and yet are not periodically elected by the voice of the parish, the common law looks upon them with a jealous eye and judges will not uphold such encroachments upon the principles of the constitution, unless a custom be proved time immemorial, from whence they may infer the general assent of the parish originally to such a delegation of the parochial authority: custom immemorial will give such general assent the force of a law.

The principles we rely upon, that what a man may do himself he may do by another, we admit cannot justify the delegation of authority into the hands of perpetual vestries, unless a custom comes in to aid it: because, such a delegation is unconstitutional: but this principle may be applied in support of a temporary delegation and of consequence in support of temporary Vestrymen and Churchwardens, without custom: because such delegation of authority is not unconstitutional: originally it was the common practice to elect Vestrymen and Churchwardens for a limited time: such an administration of the parochial authority, we find no where, contradicted or objected to: it is maintainable upon the authority of reason and therefore upon common law: it is exemplified in the constitution of our general assembly. Upon the same principle Churchwardens who are temporary officers are eligible by the parishioners. Carth. 118. Hard. 378.

We have now, Sir, we hope sufficiently evinced, that by the common law the parishioners of St. Anne's parish had a power of electing us and our brethren Vestrymen and Churchwardens without any legislative provision or custom for that purpose: and that we and our brethren are legally and constitutionally Vestrymen and Churchwardens of St. Anne's parish. Therefore we retain our opinion, that we and our brethren, in whom the description of the Act of 1729 is verified, were well justified in our imposition of the tax upon St. Anne's parish.

We shall now consider the objections which you and the attorney general have raised to our defence.

You are pleased to express your belief, that plain men untaught by politics never till now heard or dreamed of Vestrymen by common law. Admit for the sake of argument, that most of the people of this province and even your intelligent self among them never heard or dreamed of vestries at common law, does it follow as a consequence that there can be no vestries in this province at common law? As truly would it follow, that the son, who was ignorant he succeeded to his father's lands by the common law, would lose his inheritance—that the man who was ignorant he was to be tried by a jury by the common law would be stripped of that privilege—and that those, who are ignorant murder is punish'd by the common law, might be murdered: merely because they are ignorant by what law, they are secured in their inheritance privilege or life.

You are pleased to say that "should your opinion on the subject of the common law be right I am not the only one that sees that it will do more towards the introduction of episcopacy—do more for the clergy than all the united efforts of all the American priesthood have yet been able to accomplish." Ah! Mr. Boucher, have all the American priesthood united in any efforts to accomplish any thing for the clergy? You dress up a formidable scarecrow! It is the common law that shields us against the introduction of episcopacy, protects us against the fury of priests and keeps at a distance—beyond the seas—all their infernal jurisdictions: it is the common law that guards us against oppressive proclamations and the injurious excursions of prerogative: it is the common law that prevents extortion by officers and clergy and enforces obedience to that legislature which "we the clergy

"of the established church" have shamefully insulted.

We shall now consider the objections which the attorney general has made. His argument against the delegation of the parochial authority without a custom demands our attention. He says in all corporations, even in such as exist by force of the common law, a charter of incorporation is presumed: by custom he admits there may be a delegation of the parochial authority: the ancient usage being presumptive evidence that this power to delegate was granted by the charter. If Mr. Attorney is right in his law the consequence is obvious, that the delegation of the parochial authority into our and our brethren's hands as Vestrymen and Churchwardens cannot be maintained without shewing a charter of incorporation or proving a custom to justify a presumption of it.

It is with deference we venture to argue a point of law with an attorney general: it is with reluctance we engage in a controversy with Mr. Jennings: we still entertain a respect for that gentleman notwithstanding his unkind attempt to add his weight to the atrocious complicated charge which has been brought against us. Had Mr. Attorney been attached to Mr. Boucher by any particular connexion, or had he been consulted upon a difference in point of property, the assistance of Mr. Attorney would have been a laudable exercise of his profession: but when he was apprized of the nature of the controversy: when he saw the vengeance of a strict building upon us: our integrity wantonly arraigned and our characters publicly stabbed; and when in his own opinion of our conduct, the judgment and not the heart was in fault, under such circumstances to lend a helping hand against us was unfriendly.

But to consider Mr. Attorney's argument. We conceive he has too hastily adopted the expressions in the books without attentively considering all the modes of incorporation. We assert in contradiction to his conception of the law, that the political capacity of a parish is not created by prescription charter or act of parliament: it is a being propagated by operation of law and introduced upon the principles of publick utility.

Our books indeed say a corporation can be erected three ways only: by prescription charter or act of parliament: but this is to be understood of corporations created in fact and not of such, whose political existence is founded upon operation of law.

That the political capacity of a parish is not derived from prescription charter or act of parliament, the following cases are expressly in point: Hob. 211. 5. Cok. 63. 67.—8 mod. 351.

Upon the same grounds Churchwardens are a corporation: they are eligible by the parishioners by the common law and common right: which excludes the idea of their political constitution by prescription charter or act of parliament. To this purpose Carth. 118 March. 67. 2 Salk. 547. Viner's ab. ch. ward. 225. 2 pr. Wms. 126. Vid. Brook. Corporation: pl. 34. Which is expressly that Churchwardens are incorporated by operation of law.

The position therefore of the attorney general is laid down too largely and cannot extend to corporations by operation of law. When indeed a body politic is created by charter, such instrumentality of creation limits and ascertains the extent of their authority, and every exercise of power which is proved time immemorial is presumed to flow from some enabling clause in such charter; and therefore if in fact parishes were incorporated by charter and a custom existed beyond memory for select vestries to exercise the parochial authority, the presumption would be that such charter authorized the delegation of it to them.

But how stands the case with respect to the political existence of a parish by operation of law? Permit us to consider this question upon the principles of reason and of consequence common law. A deputy cannot exceed the authority given him, nor a body politic created by charter its granted powers: a deputy, therefore, cannot delegate his authority without leave of his principal, nor a body politic by charter their authority without some enabling clause. But what shall check or control the political capacity of a parish, which is created by operation of law? Or what superior power shall prevent a delegation of their authority into the hands of temporary Vestrymen and Churchwardens? Churchwardens indeed cannot transfer their authority, because they are the deputies of the parishioners, in the department they act, and cannot go beyond the bounds prescribed to them: upon the same principle members of parliament cannot commit their trust into the hands of others; but the corporate body of a parish is composed of the people themselves, who have no principal or charter to empower or prevent a delegation of the parochial authority vested in them.

But there are such things as perpetual vestries: we have already refuted the notion, that the parishioners are incorporated by prescription charter or act of parliament. What then was the origin of perpetual vestries? A delegation doubtless of the parochial authority by the politic body itself. If then the parishioners by powers derived from the common law could originally as a politic body commit their whole authority into the hands of a perpetual vestry, surely and a fortiori they may appoint temporary Vestrymen and invest them with the parochial authority. The body politic of a parish created by operation of law is in fact nothing more than a society or assemblage of people collected together for the government of themselves and therefore what they can do by themselves they may do by others.

Mr. Attorney takes up our argument in another point of view: and contends that independently of the Act of 1701-2 there can be no Vestrymen and Churchwardens: his argument is this: without a parish, there can be no church: without a church, no incumbent: without an incumbent, no Vestrymen and Churchwardens. He urges there can be no church in legal understanding without an establishment for the incumbent. We cannot comprehend this and should

have thanked him for his authorities. If a parish is established by act of assembly and a church established by act of assembly and such act of assembly be a law, in our judgment such a parish in legal understanding is a parish, and such a church in legal understanding is a church, whether the incumbent, in imitation of the apostles, preaches upon charity and donations or preaches upon established pay. But let us advert to the reason advanced by Mr. Attorney in support of his doctrine—"Parishes and churches were instituted for the administration of spiritual comfort and instruction." This we admit but deny the efficacy of his reason to support his position. We cannot conceive how an established salary for the incumbent is essential to the administration of spiritual comfort and instruction. The apostles preached upon charity and with success: the ministers of the church of England preach in some other colonies with general satisfaction to their respective congregations and yet they preach upon voluntary contributions: the Quakers preach without any pay and yet those of their profession flatter themselves they are sufficiently spiritualized with such an administration of spiritual comfort: the Presbyterians preach upon subscriptions, and that sect is distinguished for their piety and religious attachments. We can find no reason, why the people of the church of England should so widely differ from every other denomination, as to be dead to all impressions of religion, till they are awakened from their lethargy by a plundering ministry with sheriffs and officers at their backs to strip them of their property or drag them to jail. Is it possible that mankind can conceive a more exalted idea of a proud pampered priest than of a meek humble Paul? It is enough for us to know that the clergy of the established church are called up from their natural and respectable stations by a spirit to teach the christian religion: they solemnly avow their belief of it in the hour of ordination: and when they quit England and come amongst us sweating under the heavy load of parchment rolls, certificates, credentials, and testimonials, we cannot presume they adopt a fresh connexion, immediately cultivate an acquaintance with the forty per poll and bid adieu to that miraculous spirit, which called them to take holy orders, washed them across the seas, and conducted them in safety to a fat parish in Maryland.

Mr. Attorney seems to have been misled by the manner of stating your question to him, and has run into some intemperance of expression in exposing our ideas of legal customs; he must have strangely misconceived our intention to charge us with a design of adopting the local customs in England and extending them here. A proposition containing the negative of your question, "that the vestry of St. Anne's parish in Anne Arundel county have no right to act in virtue of any custom in that parish independent of the Law of 1701-2" may be true; and the affirmative of our precise answer "that we act as Vestrymen by the authority of the parishioners founded upon custom, law and common right who chose nominated and elected us Vestrymen of St. Anne's parish according to the usage and custom of the parish beyond the memory of man" may be equally true; the two propositions stand consistent.

But Mr. Attorney is of opinion, we can draw no aid to our argument from any custom originating in this province—he grounds himself upon the legal idea of a custom in England, which cannot exist, as such, when the origin of it or memorial of its creation can be traced and pointed out. We thank him for the apology he has made for our supposed misconception of this legal idea of a custom, though indeed we should not deserve his compliment of "distinguished abilities and genius," if we had in fact betrayed such palpable ignorance. We knew that customs prevailed in this province, and that their origin could be investigated and traced; the legal idea therefore of a custom in England could not be applied to a custom here. We took the expressions beyond the memory of man in a vulgar acceptance; because under such acceptance alone could the customs exist, which have hitherto prevailed as such in this province.

Mr. Attorney is pleased to say that customs in this province are ideal and absurd "the government is created by charter, which on the principles premised is in legal idea within time of memory," and of consequence every act posterior to the establishment of the government must be also within memory and cannot be taken as law upon the ground of custom.

Let us consider the consequences of Mr. Attorney's position. We have in this province such a thing as a middle branch of the legislature distinguished by the dignifying appellation of *The Honourable the Upper House of Assembly*. How and when was this thing propagated and brought forth? We affirm not by the Charter; but long after the settlement of this province our ancestors in an unguarded hour passed an Act of Assembly for the creation of it: this Act of Assembly was temporary and expired with that Assembly. In what element then does this thing draw its vital breath? It exists only by custom, which in vulgar acceptance has prevailed beyond the memory of man: but if the legal idea of those expressions is to take place and a custom fails, when the origin or memorial of its creation can be ascertained, the consequence is obvious, that this celebrated thing is fairly kicked out of its atmosphere.

It is a contested point, whether the duty upon tonnage belongs to the publick, or the lord proprietary: this duty was created by the act of 1661 and made payable in powder and shot or the value. When a question was made before the King and Council with respect to his Lordship's claim of it, the attorney general, in his state of the case, observed that the payment in powder and shot had been converted by usage into money, and settled at fourteen pence per ton. The judgment of the King and Council was not, that his Lordship should receive powder and shot, but the fourteen pence per ton. This fourteen pence per ton has been received by his Lordship in the vulgar acceptance of the expressions beyond the memory of man: but in Mr. Attorney's judgment no custom here can prevail, when the origin of it can be proved. Captains of vessels, then,

may pay this duty in powder and shot: let them do it: this good consequence will result from it: we shall have plenty in case of an invasion; the lord proprietary, when the payment is in money, may appropriate it to his private use in England, but when the payment is in powder and shot, he must lock up this revenue in some warehouse here, as 'tis probable no body would buy; exigencies may require an application of it to publick purposes and thus the original intention of the act may be effected and carried into execution.

In last September provincial term, a question was started, whether costs should be taxed in tobacco or money: no Act of Assembly existed to determine this question: our judges taxed the costs in tobacco. They proceeded upon the ground, that as far back as our constitution could be traced, costs had been taxed in that manner: we do not mean to vindicate this judgment: but we quote it to shew that in the opinion of our judges, there may be such an antient usage as obtains the force of law.

The lord proprietary in 1728 assured the assembly he never would break in upon the laws, customs and acts of assembly of this province.

But what has been the idea of the legislature itself with respect to customs originating here? the oath of our judges is framed by an act of assembly; by this oath they are solemnly bound to regard the customs of the province: this is the oath—

"You shall swear &c. you shall do equal law and right &c. according to the laws, customs and directions of the acts of assembly of this province &c. and where they are silent, according to the laws, statutes and reasonable customs of England as used and practised within this province."

Mr. Attorney, after endeavouring to prove the absurdity of setting up an ideal custom, proceeds to tell us of the consequences, which he thinks may be deduced from our doctrine—"If vestries had obtained authority and a right of acting by the usage which had then prevailed independently of the Act of 1701-2" then "the customs which have prevailed of inducting ministers by the Governor and their receipt of the forty per poll will be certainly thought of equal force."

As to the point of induction, we throw that out of the case; Mr. Attorney has not been explicit, whether the authority to induct needs the aid of the act of 1701-2 or custom.

That a right to the forty per poll is deducible from our principles of a custom, we take the liberty to deny. It is not only essential to a custom, that it has prevailed beyond the memory of man, but it is an equal ingredient to constitute the validity of it, that there be no interruption or suspension of it. 1 Blackf. Comm. 77. "Any interruption, says that learned judge, would cause a temporary ceasing: the revival gives it a new beginning, which will be in time of memory and therefore upon the custom will be void." How then stands the forty per poll upon the point of custom? This custom has been broken in upon and interrupted twenty-four years by divers successive acts of assembly. It is plain these acts or inspection laws occasioned a temporary ceasing of the forty per poll: When did they expire? Only two years ago: the revival, then, of such custom must be dated from that period and of consequence within memory "and thereupon the custom will be void." Those acts of assembly were negative laws with respect to the forty per poll, and expressly enacted a temporary discontinuance of the right to it. The words of the several acts were, "During the continuance of this act the county courts shall levy &c. no more than 30 pounds of tobacco per poll instead of 40 per poll." Is not this an express discontinuance of the right to the forty per poll pro tempore or during the act? If the right subsisted, the right might be exercised; but would not an execution of the forty per poll have been a palpable breach of the act of assembly? If then the right was discontinued "though for a day," the same learned judge declares the custom annihilated and destroyed. An inheritance indeed derived from prescription or custom cannot determine by matter in pais, but our acts of assembly are certainly matters of record.

But Mr. Attorney endeavours to alarm us with tithes. "By the general custom of England and of common right tithes are due to the clergy for their support and maintenance: if they are not entitled to the forty per poll under the act of 1701-2, the common law in this respect remains in full force unimpair'd by any positive act of the legislature, and consequently the claim upon legal principles stands unimpair'd." We cannot presume Mr. Attorney in earnest upon this point: our idea of his legal abilities forbids it; yet why should he endeavour to alarm the province with apprehensions he himself cannot feel?

Mr. Attorney, surely, is not of opinion, that tithes can be extended to this province on an admission that the act of 1701-2 is not in force, any more than they can under an admission that it is in force. To speak in general, the common law certainly extends here; it has an operative force till altered by our acts of assembly; the act of 1701-2 is in the affirmative only to assent forty per poll without any thing negative to exclude tithes; if the common law for tithes then extends, it is only the common case of two consistent laws, where the obligation to obey both remains.

When God ordained sacrifices for the atonement of sins and established a ministry to be exercised by Moses in the character of high priest and by the levites in an inferior subordinate capacity, he ascertain'd what offerings should be brought to the altar and appropriated a part for the priest and to the levites he gave tithes or tenths as a compensation for their care of the tabernacle. The levites seem to us to stand in the predicament of churchwardens.

Sacrifices were abolished by the Gospel dispensation and of consequence the different offices of priest and levite: the offices then being annihilated, the fees, offerings and tenths fell of course.

The Apostles preached the Gospel at the hazard of their lives, and yet their Lord and Master established no pay for their services: but when persecution and the

natural fate of mankind had swept them away, in process of time doctors of divinity notwithstanding their declarations in the hour of ordination felt themselves as men—with every propensity and appetite for the good things of this world.

In times of old an opinion was generally adopted that it was in the power of the priest to damn or save; under this impression Offa, a King of part of England, in order to coax the priests to give him an absolution for the murder of King Ethelbert, made a law, by which he gave the tithes or tenths of the produce of all his lands to the churches in his kingdom.

When the several parts of what is now called England, through a variety of changes and mutations, had devolved upon King Ethelwulf, he by a grant now extant upon record enlarged and extended Offa's establishment of tithes over the whole realm and granted them to the churches.

Antiently all the lands of England were the property of the crown; and as a man may charge what is his own with such incumbrances as he pleases, the above Kings had a legal authority to burthen their lands or territories in the manner they did by their respective acts and deeds.

When lands, in process of time, were disposed of by the crown to the subject, they were purchased with the precedent charge of tenths or tithes: and all the statutes with respect to tithes consider them as the property and inheritance of the respective churches and officiating clergy in England, acquired by antient grants and donations, and as inseparably annexed to these churches as the gifts of a glebe: the statutes do not create tithes but merely enforce the payment of them.

When this province was in the hands of the crown and the King originally vested with absolute property in the soil, he might have exercised such a power of ownership, as to charge it with tithes or any other incumbrance: but he never did: his grant to the lord proprietary was free from all incumbrances and of consequence from tithes. When his lordship became entitled to the province, he too from that power, which he had over his own property, might have disposed of his lands under the reservation or incumbrance of tithes: but he never did. Our American ancestors also when they obtained grants from his lordship might upon the same principle have charged their respective property with such a burthen, but they never did: the people therefore of this province hold their lands free from tithes or tenths.

The lands, we have purchased, are our property; as such they cannot be burthened or charged without our assent; the common law shields us from such an evil: the eternal laws of nature and reason are invincible bars to it.

It is said in our law books, that tithes are due by common law to the churches in England: and our books are right: the common law with respect to tithes there has a legal foundation to operate upon, the assent and grants of our English ancestors, who had the lands in England and had of consequence the power to charge them with such a burthen: but the common law has no such capital ground here to work upon.

A question may be asked, why tithes are said to be due by common law and common right, when in fact they are founded upon donations and grants? The reason is this: by the statute of Westminster cap. 38. it is enacted, that whatever was done in the reigns antecedent to the time of Richard should be deemed and taken as beyond the memory of man: and therefore the statutes made before that period and general grants and donations cannot be plead as such but are adopted and received as common law and common right. Tithes were granted before the time of Richard and hence they are claimed by the churches in England as common law rights.

It is held that the common law which is the birth-right of every subject extends to the British colonies. Saik. 411. 666. 2 p. Wms. 75. But says Mr. Blackstone the colonists carry with them only so much of the English law as is applicable to their own situation and the condition of an infant colony; and he further observes that the artificial refinements and distinctions incident to the property of a great and commercial people, the laws of police and revenue (such especially as are enforced by penalties) the mode of maintenance for the established clergy, the jurisdiction of spiritual courts and a multitude of other provisions are neither necessary nor convenient for them (colonies) and therefore are not in office—1. Blackf. 106.—Mr. Blackstone is certainly right in his law, though as certainly mistaken in the fact, when he asserts that our American plantations are principally conquered countries.

We have now done with Mr. Attorney whose argument occasioned an unavoidable prolixity in our answer.

You urge a long string of questions and use a profusion of argument to prove our election and qualification as Vestrymen were under an idea of the existence of the Act of 1701-2; you seem to hope, contrary to any design we ever entertained, we should deny it; but as we do not, we shall be glad to know the inference you would draw? If we were elected and sworn as Vestrymen under an idea we then entertained, that the act had the force of a law, and we have been since clearly satisfied, that the act is void; and if we are, as we think, legal and constitutional Vestrymen by the common law, is it not our duty, and are we not empowered to act still in our office? Your aim in this could not be to convince the understanding; your own mind could not be influenced by your reasoning. But, Mr. Boucher, as it will be in your professed element, and we are but in our noviciate, we should be obliged to you to inform us, whether if you were in our circumstances and had taken the oath, we did, which admit was only voluntary, and thought with us, that you had still a rightful authority by the common law, would you have had no impressions, that you were under a moral obligation from your oath to exercise your office?

Notwithstanding a considerable majority of the worthy clergy in this government of Maryland are a

gainst the introduction of an episcopate, and the sense of America is so well-known, you still avow yourself a warm advocate for the measure; and allege that owing to the misrepresentation of such ill-disposed and ill-advised writers as we are, it was supposed to be unpopular and therefore failed; thus not only pertinaciously persisting in your opinion on a measure rather political than religious against the almost unanimous sentiment of America, but also abusing your opponents who, without compliment to them, were superior to yourself in abilities, as you do us for ill-disposed and ill-advised writers; and yet at the same time you will not allow us to act our own conscience against your opinion of consistency. Does this prove you the man of real worth or ready to light the fagot if you dared?

We do not wish that our ideas of law should control any man: but as we acted in the publick station of Vekrynsen it was natural for us to make our judgment the rule of our conduct. We do not affect a superiority of legal knowledge: we may have erred; but it was extreme injustice in you Mr. Boucher to impute it to a depravity of heart. Mr. Attorney acquits us of *criminal intentions*: you adopt his *law* but reject his *humanity*: is this the *charity* or *implacability* of a priest?

We are, Sir,

Your humble Servants,

SAMUEL CHASE,
WILLIAM PACA.

Annapolis, March 8, 1773.

TO THE PRINTERS.

THE author of the dialogue, Gazette No. 1434, between a Courtier and a Countryman, has very much misrepresented the subject of it; but I do not charge him with any unfair design; he may have been deceived by others. But though his intention, may be upright, he may mislead, in consequence of having been misled himself, if his errors are not pointed out. To obviate this mischief, I shall collect the substance of what he has advanced, and make such remarks thereon, as upon the whole, may enable the reader to form his own judgment. It is of no use to take notice of general expressions. On each side they may be advanced without end and without information.

That the two houses of assembly, the session before the last, differed on the point of what table of fees should be established is, unhappily, too true; and it is well known that abuses were alleged, and a new table of fees, therefore, to prevent them, proposed by the one, and that it was alleged, by the other house, too great a reduction of fees was aimed at, under the pretence of abuse, and therefore the old table of fees insisted upon. What passed, on this dispute, will better appear from the messages between the two houses, and from the proceedings on the conference the last session, than from any state the narrow limits of this paper will allow.

It is said by the author of the dialogue, that "the new table, being disagreeable to the officers, who composed in great measure the upper house, the bill failed." It is true, that the session before the last, the two houses spilt on the article of the fees. Both houses, however, agreed so far that all persons, planters and others, should be at liberty to pay the clergy and officers in tobacco or money at 12/6, as might best suit them. The one house being as much a part of the legislature as the other, the assent of both was necessary to make a law, and the dissent of the one to the new table as strong as the dissent of the other to the old table. No binding authority, therefore, can be drawn from the opinion of the one house or of the other. When, then, the session was over, there was nothing done by the assembly to regulate the fees. If there was no other authority to regulate and restrain the officers, there could be none to hinder them from taking as much as they could get. In this situation, then, the method, pursued to regulate and restrain the officers, was the proclamation; but to this the author of the dialogue objects, that "the very table in contest was set up as the standard of right and wrong between the officers and the people. In other words, the chancellor and surveyor general of the western shore, as Governor, by and with the advice of the other great officers, who chiefly compose his council, made that regulation relative to their own fees, which the several constituent branches of the legislature could not agree upon."—Again he asserts, that "officers, in the plenitude of their power, assume the station of judges in their own cause," &c. This objection contains great misrepresentation as well as absurdity. For as to the chancellor's fees, the old and new table were exactly the same; and therefore what the author of the dialogue has said, that "the very table in contest was set up," is not just with regard to the chancellor's fees. And as to the Governor's setting his fees as surveyor, this also is not just, for he was not surveyor. Besides, to suppose that the Governor issued a proclamation, relative to any fees claimed by himself, is absurd; for he threatens by the proclamation all officers, whose fees are regulated by it, with his displeasure, if they exceed the rate settled. These threats extend to all officers, to whom the regulation extends. If, then, the regulation extends to himself, his threats extend to himself. But that he threatens himself with his own displeasure, should he not ob-

serve his own regulations is a supposition so bullish, that, in my conscience, Mr. Countryman, I will not presume you to be a countryman of mine, or a native of this petty province, as you call it; since, from a variety of similar symptoms, it is sufficiently apparent that nothing less than the kingdom has a just claim to that honour.

That "the great officers, who chiefly composed the council, advised the regulation of their own fees," is likewise not true; for the treasurer, agent, naval officer or judges of the land-office claim no fees regulated by the proclamation. Therefore the allegation is not just, that "the officers, who chiefly composed the council, advised a regulation of their own fees."—Instances, it is said, of courts at home settling fees do not apply; "because the courts are not so deeply, if at all, concerned."—This objection is founded on the mistake I have noticed, viz. "that the officers, who chiefly compose the council, made the very regulation relative to their own fees"—therefore, there can be very little weight in an objection, founded principally on mistake.—But, moreover, I have understood that the judges at home have fees and a considerable interest in the value of the offices, the fees of which they settle. It is said, further, "if, in England, either of the parties conceive themselves aggrieved (by the settlement of the fees by the judges as I understand the passage) trial may be had before a jury." By the word parties, I suppose, the officers and suitors are meant. And if this be the meaning of the author of the dialogue I think he is here again mistaken. For I can't imagine that the judges would suffer the officers to pretend to more than their allowance. If his meaning be confined to the suitors, there seems to be reason for it. And if I understand Antilon aright, he allows the remedy for the officers to recover fees must be such as every other creditor must pursue in a course of law: Taken, therefore, in this light, there is no difference in the two cases.

When afterwards the author of the dialogue grows warm, he must excuse my saying, that I think he is off his guard. "He will not," he says, take upon himself to determine how the law may be on "constitutional principles;" but yet undertakes to pronounce, "be those instances as they may, they come not up to the proclamation." Here seems to be some degree of haughtiness. "Be they what they may," &c. This is rather too much to say, without an acquaintance with what the instances may be. Modestly to allow, that he has not a full knowledge of the matter, and yet to use expressions, which seem to imply all possible knowledge of it, is rather unguarded. When he proceeds to make some comparison between ship-money and the proclamation, it seems to me, that he is again very wide of the mark. "Compulsory methods, says he, by seizing the person or property of those who did not pay, were directed, 'tis alleged, by King CHARLES and his ministers. The proclamation threatened only the Governor's displeasure; heavy enough this to annual officers, or mere tenants at will."—Here the reader must perceive the most material difference. The people were compelled to pay the arbitrary tax of ship-money, by having their property or their persons executed. But the proclamation does not compel the people to pay the officers by execution; but its binding powers are confined to the officers; who are obliged not to receive beyond a certain rate. "Officers, says the author of the dialogue, are mere tenants at will." Very true; and what is the consequence?—That being tenants at will, they may be turned out, if they take more of the people than the proclamation allows. From this consideration is derived the great force of the proclamation; which, operating upon the officer's dread of the Governor's displeasure, restrains from extortionate exactions. In a word, the tax of ship-money was levied upon the people, under the pain of execution. By the proclamation nothing is levied upon the people. They are fully at large; but the officer is kept within a certain line in his demands on the people, under pain of the Governor's displeasure; which, as this author very justly observes, "is heavy enough to annual officers, or mere tenants at will."—How could you, Mr. Countryman, ever think of comparing things, so entirely unlike?

In pursuit of the sentiment, that the proclamation and the rigorous tax of ship-money are similar, he remarks, "that in case of non-payment in ready money at 12/6, the whole was to be paid in tobacco by the farmer as well as planter; and the power of demanding tobacco, in case of non-payment in ready specie, was a sufficient rod in the hands of the officer." On this remark I must first observe, that if it be just; the cases of the proclamation and of the arbitrary tax of ship-money are widely different; because in the ship money the tax was levied by execution, and by the proclamation the fee is recoverable only in due course of law. But in the next place, I must observe, that here too is another mistake; for by the proclamation the fees are to be paid according to the inspection act; by which the farmer may pay at 12/6. And if a sufficient rod was intended, the officers did not take the hint, for in all the fees they have sent out for collection, they have left it to the option of the people, planters as well as farmers, ever since the proclamation issued, to pay in money at 12/6, or in tobacco.

He observes, that "men are under a necessity of having business done at the publick offices.—Very true.—But what then? Surely, they who do the business are to be paid for the service. The persons to pay, and the persons to receive have each their interest—the one to pay as little as he can—the other to receive as much as he can. If interest ought to hinder one from settling the sum, so it ought the other. Suppose, then, no settlement or rule; what will be the consequence? Says the person who wants his business done, "I will pay you a shilling for it"—Says the officer, "I won't do it for less than 2s" If there be no settlement or rule; who is right and who is wrong, and what is to be done? Why, go to law about it.—Is this the measure you would advise, Mr. Countryman? And don't you think the lawyers and officers get enough of our property already? This, indeed, would bring grist to their mill, with a witness.—But hearkee, Mr. Countryman, don't let us forget out of whose pockets the toll is to come.

If fees may be so settled, says the author of the dialogue, "we have no use for representatives, and therefore may stay quietly at home, and not trouble ourselves with politics."—Why so?—Is there nothing else to be done, but settling the fees of officers? If your ideas of the business of a legislature are thus limited, you, indeed, Mr. Countryman, have "troubled your head very little with politics."—Officers fees, however, may also be settled, when animosities subside, and moderation is restored on both sides; but I must observe, that it does not follow, that nothing can be done, if the will and pleasure of one branch of the legislature is not, of course, to be a law; unless it can be proved, that nothing can be done, till the present constitution is undone, and a new one erected on the ruins of it. But we should be well satisfied of consequences, before we venture on this experiment.

The alarm of the author of the dialogue seems to be very great, when he expresses his apprehension, that the time may be approaching, when we shall be obliged to submit to whatever the Governor and council shall think fit to impose. God forbid such a time should be, as that the Governor and council, or any other set of men, should be allowed to impose upon us what they please, against law and right.—This alarm seems to be raised in the author of the dialogue, by the misrepresentations I have endeavoured to correct. If the Governor and council, or any other order of men should break through the provisions of express law, and thereby arbitrarily draw a great deal more money from the peoples pockets than the law allows, there would be much reason to be upon our guard against such men. We should not be such dupes as to rely upon their professions of regard for the laws of their country and the ease of the people, whose conduct should violate the law, and lay an heavy charge upon the people.—Suppose, for instance, a positive act of assembly, directing in the clearest terms, that only such and such particular fees should be taken, and that the persons, thus directed, should take double, nay often a great deal more than double of those particular fees, so settled by the law, or refuse or neglect doing the business. This would give just cause of alarm. For if any set of men intended to be expressly controuled by a law, may violate that law, and make it useless, such men so far would exercise arbitrary power. And if suffered to trample upon one law, and draw from the peoples pockets more than by law they ought to pay; why may they not trample upon another law, if they have a like interest to promote by it?—The author of the dialogue professes to censure measures and not men, and therefore has censured the proclamation, because he thinks it not warranted by law. Candour and consistency, then, must make him censure any other conduct, by which money is taken out of the peoples pockets against law; and his censure will be in proportion to the clearness and certainty of the law which is violated.—By a most clear and positive act of assembly the legal fees of the lawyers are thus settled. Lawyers shall not presume to ask, receive, take, or demand for bringing, prosecuting, or defending any action in the county court to final judgment, agreement, or other end, more than the sum of 100 lb of tob. if the principal debt or damage or balance thereof sued for and warranted exceed not the sum of 2000 lb of tob. or 1/10 of 100 lb. and if it exceed that sum, then 200 lb of tob.—And in the provincial and commissary's court 400 lb tob.—In the chancery, admiralty, and court of appeals 600 lb tob.—Nothing can be more certain than that there is such an act of assembly, and nothing more clear and positive than the words of it. The penalty the act provides, in order to secure an obedience to what it directs, is, that a lawyer, convicted of presuming to violate it, shall be incapable to practice.—If the very order of men, intended to be bound by this certain, positive, clear law, break it, and take from the people more, and often a great deal more than the law allows; needs there any proof to show that their conduct is arbitrary, and that they make a law useless, because it is for their interest to trample upon it? Many people are obliged to apply to the officers to have business done, and perhaps as many or more are obliged to apply to lawyers. And as they are under this necessity, both lawyers and officers ought

SUPPLEMENT to the MARYLAND GAZETTE.

T H U R S D A Y, MARCH 18, 1773.

to be restrained, and not allowed to plunder the people as they please. I confess that the insult to my understanding ruffles my temper, when I hear men harrangue about the oppressions committed by others, when I know *they themselves* oppress, and oppress grievously; and talk about the constitution, when they notoriously infringe *so certain a part of it as a clear, positive law*.—Surely, such immense impudence is without any precedent!—On these occasions I can't help suspecting, that their design is to divert the attention of the publick from their own conduct, and to recommend themselves to the people by a pretended tenderness for their ease and interests, in order that they may be in a station to prevent the passing of an essential law; which they may not be able to evade or violate.

I know not what *Antilon*, means, when he says, "that this act is become a dead letter, from its illiberal allowance in causes of difficulty in the superior courts."—When an act of assembly is regularly made by the legislature, what order of men, who have not the legislative authority, have a right to say the law is unreasonable, and ought to be disregarded, in order to make profit at the expence of the people? Every lawyer who charges a fee in any action, *before it is finished* violates a clear, positive law; and so does every lawyer who presumes to ask, take, receive, or demand, in any of the courts, any more than the fees I have mentioned.—This is no point, upon which there may be arguments *pro* and *con*; but is certain and clear. Our constitution in this is not to be doubted.—Let us, then, lay aside prejudices—judge of mens measures—compare them with their professions; and conclude fairly that they are right or wrong as they appear to be so by the just test of the law; and rely upon, or suspect their sincerity, not according to what they say, but according to what they do.

PLAIN TRUTH.

TO THE FIRST CITIZEN.

HAVING as much respect for you, as you have any degree of pretension to, I shall take all the notice of your last admirable publication, that the veracity, candour, pertinence, erudition, ingenuity, and magnanimity of the author, or authors of it may seem to deserve, when an argument shall be offer'd by the INDEPENDENT WHIGS, or any other of the CONFEDERATES, worthy of attention, and entitled to an answer.

ANTILON.

TO WILLIAM PACA, Esq;

SIR,

WILLFULLY to misunderstand, and misrepresent an adversary, are tricks in controversy, that have been practised, time immemorial. It was therefore natural for me to expect them from you: I did so, and you have not disappointed me. But, Sir, it is as convenient to me to be rightly understood, as it is to you, to mistake me. I, therefore, avail myself of the privilege of a fair disputant, to declare, that I have no where pronounced the assigned cause of your doubt, a groundless insinuation. Your affecting to doubt my veracity, I did, justly, pronounce to be an insinuation both groundless and unmanly; and yet, you are not ashamed to repeat it. What must the world think of your candor, when informed, that you did certainly know my assertion of the fact to be true, even now that you again say, it still wanted confirmation? Be more just to yourself, Mr. Paca, and despise such disingenuous thrusting, and ungentleman-like evasions. Believe me, it would have better become you, along with other exceptional paragraphs, discreetly to have blotted this out.

It is with reluctance I find myself constrained to call back the attention of the publick, to a charge of inconsistency brought against you in my last, which you have, prudently, overlooked. Mess. Chase and Paca considered me as a mere echo on legal topics: Mr. Paca had been told, that I had furnished myself with law books, and had some legal knowledge; and testified, by his conduct, that he believed what he was told. Whence, then, this difference in the accounts of Mess. Chase and Paca in co. and Mr. Paca's proper account.

For your sake, I am sorry, I cannot think your vindication of yourself from a supposed charge, of opposing the government, from a disappointment at court, quite so satisfactory, as you seem to do. What would you think of a culprit, who, when arraigned, should content himself with coming into court, with a declaration, that he had a paper in his pocket, that would evince his innocence beyond the possibility of a doubt? Whoever he was that attempted this blot upon your character, I much fear, will hardly think you have yet wiped it out; I fear, moreover, that the world will think with me, that you needlessly stepped out of your way, to vindicate yourself from an imaginary charge, which you have failed in: unkindly, and, I think, ungenerously, leaving your friend and colleague under a strong, implied suspicion of being indefensible.

"You feed upon opinions, errors, dreams, and make them truths." Be assured, I am not of that choleric temperament you imagine; and, through the medium of your own jaundiced eyes alone, you could

see in me this furious spirit of anger, you so pathetically deplore. In this controversy with you, I have studiously avoided being satirical: it will be time enough for me to begin this, if I possess the talent, when I find you likely to baffle me in argument: nor have I, otherwise, exposed and ridiculed you, than by tempting you to write. If what you have written against me, escapes contempt, you may, Sir, safely bid defiance to me.

"That Jemmy Twitcher shou'd impeach me, I own surprises me." Of all men, I thought, you would have been the last to accuse any man of having the itch of scribbling strong upon him. My suspicions do not outrun those of several other people, in thinking, that, even in these scribbling days, few are more infected than yourself. I add, Sir, without the least design of being sarcastical, that it has been the lot of but few, with no greater abilities than yours, to have it in their power to do so much mischief by scribbling.

I am weary and ashamed of this frivolous controversy, which is degenerating into a mere contest of saying smart things, and personal altercation. Let us, I pray you, return to the original point in debate, which was not unimportant, nor unworthy the attention of the publick. On this condition, I forgive your repeated efforts to draw me off into bye-matters, losing sight of the main subject. I mean not, Sir, to be so unreasonable, as rigidly to restrict you to the question concerning vestries; you may exhibit your talents in occasionally flourishing on the matter of episcopacy; if I recriminate, it shall only be in quietly requesting you to vindicate yourselves from the imputations brought against you in a late piece, signed, *A Client*. You still may preach to me, to hasten to part with my gentlemanly erudition, splendid accomplishments, and polished manners: you still may wish me, after your own example, immaculate purity, a badge of honour, which, when worn by a Maryland parson, might have the good tendency to bury that proverb in oblivion. What proverb, my good Sir! And how, I would fain ask, may I wear this badge of honour—may I plume myself in wearing it as a cap, or as a plume, or both? I promise too, to give you full liberty to vent your spite, in calling me names, even worse names than those of *priest* or *parson*. I know, this last word, in its true and original meaning, carries no reproach with it: you know, that, in vulgar acceptance, it is supposed to be expressive of contempt. I fancy, you would betray some peevishness, were I, in return, to call you *knave*, or *villain*, or even *pettifogger*; terms, which your law books may tell you, in their literal and primary import, were unreprouchful.

When you will be pleased to explain what you mean by *stopping the career of the forty per poll*, I may perhaps give you my opinion on the merits of yours. I ask pardon, if I mistake your meaning: but, I suppose you to allude to the late trial in Charles. From the state of the case in the Gazette of the 4th instant, one would have supposed your opinion might have contributed to stop the career of the forty per poll act, if that expression means, to nullify it. But, the fair and impartial state, in the last paper, gives, you see, a different account of the matter. And, I appeal to the publick, if so unfair a representation of a plain matter of fact, was not to offer a gross insult to the court, in which the verdict was obtained; if the lathering a presumption of the act's being *oppressive* and *illegal*, on the jurymen, whom it did not concern to consider in their verdict, be not, unwarrantably, in some measure to prejudice a cause now depending in the provincial court. The world will suspect a cause, in which they see so much finesse and stratagem employed: of this sort, I judge the irregular publication of your opinion, in the publick prints—the endeavours that have been made use of to render unpopular the gentlemen, who have undertaken the cause of the clergy, so unworthy of men, country-born (how little, and how mean was this reflection!) and your sudden, and unexpected attendance on this trial, on the issue of which, probably, you supposed so much of your popularity to depend. Whether the act of 1701-2 be, or be not in force, that old common arbitrator, Time, will, one day, shew: and my most earnest wish, on this occasion, is, that you would concur in letting it be shewn speedily.

I can the better bear the cruelty of your forgetting me, in this coming hour of your exaltation, when I recollect that, were you to remember me, it, probably, would not be with that benevolence which scripture teaches even to an enemy. A man may easily pardon the being forgotten by one, who has the infirmity to forget himself. All I am in pain about is, lest those who are to honour you with this publick character, should not chuse to forget what has happened between you, and, Sir,

your humble servant,

JONATHAN BOUCHER.

12th of March, 1773.

L O N D O N, December 21.

By the report from the secret committee it appears, that a certain great company have now in their warehouses no less than 16,000,000 pounds of tea; a quantity more than sufficient to answer the sale of three succeeding years. It likewise appears, that the value of the company's estates in the city of London, that is, the India-house, and the different warehouses, as estimated by a surveyor, expressly employed for that purpose, amount to about 214,000 l. It is now beyond question, that the whole amount of the company's neat stock, after paying all their debts, will fall short half a million, unless government should agree to give them a compensation for their territorial revenues, or

reimburse them for the vast sums laid out on the fortifications in Bengal. Should the former be the case, the proprietors will not divide twenty per cent. even on the original stock, which would not amount to twelve per cent. according to the current price.

WILLIAMSBURG, March 4.

This Day the General Assembly met at the Capitol, agreeable to the Governor's Proclamation, when His Excellency was pleased to make the following Speech:

Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Burgesses,

IT was far from my intention, when we parted last, to have put you to the Expence and Trouble of meeting again here so soon; but I am persuaded you will see the Necessity of it when I inform you that all the Emissions of your Paper Currency, now in Circulation, are forged, and that in so masterly a Manner as to make it almost impossible for those the most knowing in such Matters to distinguish the good from the bad. Seeing that the Credit of the Country is so deeply affected by it, I thought it my Duty to assemble you immediately, that you might pursue such Measures as you shall think proper to restore it, if possible, to its former Credit. And I do most sincerely congratulate you, both on its being discovered so soon, and that the Authors of coining your Gold and Silver, as well as forging and passing your Paper Money, are in so fair a Way of receiving that Punishment which is due to their Crimes, as well those in a neighbouring Province as them in this Colony.

Mr. Speaker, and Gentlemen of the House of Burgesses, Having nothing in Command from his Majesty to trouble you with at present, I hope you will proceed immediately, with the Coolness and Candour that is becoming so respectable a Body, to the Business on which you are now assembled.

Gentlemen of the Council, Mr. Speaker, and Gentlemen of the House of Burgesses,

I do assure you that I shall be exceedingly happy to concur with you in enacting any Laws that it may be thought will contribute to the mutual Advantage of this and our Mother Country, whose Interests, I hope, we shall ever think inseparable.

A N N A P O L I S, MARCH 18.

The pieces signed PATUXENT and LERICUS PHILOGERAETHOBOLUS are received, and will be inserted next week.

N O W F O R S A L E,

THE Houses and Lots in which I lately dwelt, situated on the Court-House Circle in the City of Annapolis; they are all well inclosed with Rails and Pales. the Houses are mostly new and in very good Repair; they will be sold for a long Credit if required; the Terms may be known by applying to

REUBEN MERIWETHER.

N. B. This House and Lots are so advantageously situated, and so well known, that I think a minute Description of them needless.

March 5, 1773.

ALL Persons who have any just Claims against the Estate of Richard Sappington, lately deceased, are desired to bring them in legally proved, that they may be settled; and those who are indebted to the said Estate are desired to pay their Accounts immediately,

JOHN & RICHARD SAPPINGTON, Executors, and, MARGARET SAPPINGTON, Executrix.

T O B E S O L D,

THE Dwelling Houses and Lots belonging to the late John Morton Jordan, Esq; deceased, situated on the Bank of Severn River in the City of Annapolis. Any Person inclinable to purchase the said Houses and Lots, may know the Terms by applying to

their most obedient humble Servant, REUBEN MERIWETHER, Admr.

To be sold, on Monday the 22d Instant, at the House of Mr. William Minor, in Queen-Anne's County,

A PARCEL of fine, healthy, likely young Slaves, consisting of Men, Women, Boys and Girls; among which are several excellent Cook Wenches; and most of the Slaves Country born. They will be sold for either Cash, Bills of Exchange, or short Credit, giving Bond with Interest, and Security, if required.

3w JAMES HUTCHINGS, jun.

THE Subscriber takes this Method to acquaint the Publick and his kind Customers, that he has removed to his Corner Brick House on Corn-hill and Cross-streets, not above 100 Yards from where he formerly lived; where he keeps wet and dry Goods for Sale, and takes in private Lodgers as usual. Any Gentlemen who please to favour him with their Company, may depend on good Entertainment, and their Horses well taken Care of, by their very humble Servant,

JOHN BREWER, sen.

SCHEME of a LOTTERY,

for raising 1350 Dollars, for repairing the Road from Connalloway to The winding Ridge.

Number of Prizes.	Dollars.	Dollars.
1	of 300	is 300
3	of 100	are 300
6	of 50	are 300
15	of 20	are 300
30	of 10	are 300
60	of 5	are 300
75	of 4	are 300
850	of 3	are 2550

1040 Prizes are 4650
1960 Blanks gain 1350
3000 Tickets at Two Dollars each amount to 6000.

By the above Scheme there are not Two Blanks to a Prize, and the Prizes subject to no Deduction; and as there are many of them very valuable, it is not doubted but the Tickets will very soon be disposed of, especially as a great Number of them are already engaged.

The Drawing to begin at Hagar's-Town, on Tuesday the Third Day of August next if full, or sooner if sooner full, in the Presence of Three Managers at least, and as many of the Adventurers as choofe to attend.

The Managers are, Mess. Thomas Crissop, Michael Crissop, James Wood, Jonathan Hagar, John Swan, James Caldwell, John Caldwell, and Richard Yeates.

A List of Prizes will be published in the Maryland Gazette, which will be ready to be paid in One Month after the Drawing. Those not demanded within Six Months will be deemed as generously given towards repairing the aforesaid Road.

Tickets may be had of any of the Managers.

February 3, 1773.
COMMITTED to the Jail of Charles County, on the 2d Inst. as a Runaway, a Negro Man, who calls himself HARRY, and says he belongs to William Clark Compton, living in Nangemoy, but that he ran away from Joseph Courts, in Virginia, with whom he lived; he appears to be a young Fellow, and is about Five Feet Eight Inches high: Has on, an old Ofnabrig Shirt, and a new one over it, an old Sagathy Jacket, old Surtout Coat, and a Pair of very ragged black Everlasting Breeches, good Yarn Stockings, Shoes and Steel Buckles.

The Owner is desired to take him away and pay Charges, to
3w WILLIAM HANSON, deputy Sheriff.

W A N T E D,
A MAN well qualified to teach the Latin and Greek Languages. Such a Person, well recommended for his Sobriety and Diligence, may meet with good Encouragement, by applying to the Subscriber in Bladenburg.

JAMES HUNT.
P. S. The Subscriber also takes this Method of informing the Publick, that agreeable to his Advertisement some time past, he has opened a Grammar School in Bladenburg; which, by the favourable attention of the friends of science, though an infant seminary, hath arrived to such a state as enables him to employ assistant tutors. And he farther assures the promoters of this institution, that, for the special benefit of his pupils, as often as the Increase of their Number shall require it, he will be careful to procure additional assistance, so that their tuition may be conducted with the greatest accuracy and expedition.

He teaches the Latin and Greek Languages, Arithmetick, Logick, Rhetorick, Geography, Geometry, the most useful practical Branches of the Mathematicks, and the other Arts and Sciences necessary to form a complete academical Education.

He also compleats the English Education of such young Gentlemen as have not an Opportunity of attending a general Course of polite Literature, by instructing them in the Arts of Reading, Writing, Geography, pronouncing English with Propriety and Elegance. (Surveying and Navigation at the usual Premium, and in the most exact and approved Methods.)

Tuition at 6l. per Annum; genteel Lodgings in the Country and convenient to the School at 15 l. the whole Amount 21 l. Currency.

There is a Vacancy for Two (young Lads) at this Time in my own House. Such Gentlemen and Ladies as choofe to commit the Charge of their Children to him, may depend on the strictest Care of their Morals and civil Breeding, as well as literary Education, by the Publick's humble Servant,
3w JAMES HUNT, A. M.

ALL Persons who have any Demands against the Estate of Richard Thomas, late of Cecil County, deceased, are desired to send them properly attested; and those who are indebted to said Estate, are desired to pay off their respective Balances without further Notice,
w6 SAMUEL THOMAS, } Administrators.
THOMAS HUGHES, }

Now ready for the Press,
And to be printed by Subscription, in one large Octavo Volume, containing about Three Hundred Folios.
(Price Ten Shillings)

F O R
Mr. _____ County.

T H E
D E P U T Y C O M M I S S A R Y ' S
G U I D E
W I T H I N T H E P R O V I N C E
O F
M A R Y L A N D.

TOGETHER
With plain and sufficient Directions for Testators to form, and Executors to perform their Wills and Testaments; for Administrators to compleat their Administration, and for every Person any Way concerned in deceased Persons Estates, to proceed therein with safety to themselves and others,

E L I E V A L L E T T E,
Register of the PREROGATIVE COURT, of the PROVINCE aforesaid.

P R O P O S A L S.

The above will be put to the Press on the First Day of May next, by which Time, it is apprehended, the Subscription will be compleated. Every Subscriber shall have his Name and Title printed in the Title Page, in a Label adapted for that Purpose, as in the above Scheme, provided their Signature come timely to Hand.

All Endeavours shall be used to procure a Book-binder, in which Case the Volume shall be neatly bound in Calf, gilt, and lettered, for which an additional Half-Crown will be demanded at the Delivery of the Book.

SUBSCRIPTIONS are taken in (and Money received, if tendered) by the several Deputy Commissaries in each respective County of this Province, as also,

- At Oxford, by Mr. Charles Cruikshank.
- At Bladenburg, by Mr. Richard Henderjon.
- At Upper Marlborough, by Ralph Forster, Esq;
- At Lower-Marlborough, by Mr. Thomas Jones.
- At Elk-Ridge, by Mr. John Dorsey, Merchant.
- At George-Town, by Mr. Robert Peters.
- At Cambridge, in the County Clerk's Office.
- And at Annapolis, by Mrs. Howard, at the Coffee-House; Messrs. Williams and Co. and Mr. M'Hard, at the Dock; Mr. Cornelius Garretson, Mr. Robert Johnson, and at the Printing-Office.

P A T R I C K T O N R Y,

THAT he has opened Tavern in a neat commodious House for that purpose, situated in East-Street, a few Doors below Mr. James Brice's new House, being near and very convenient to the Dock; and as he has provided himself with a good Stock of Liquors, and Accommodations for Travellers, as also good Stabling and Provender for Horses, those Gentlemen who please to favour him with their company may depend on his utmost Endeavours to give them Satisfaction.

Said Tonry proposes also, for the Convenience of Travellers betwixt Annapolis and Baltimore-Town, to erect Two Carriages, to begin the Second Week in March inst. to carry Passengers to and from said Town, in the following Manner, viz. To set out One Carriage from his said House, on every Monday, Wednesday and Friday, precisely at Half after Eight o'Clock in the Morning, will stop One Hour at Mr. Charles Dodd's about Half Way to Baltimore, and from thence proceed to Capt. Limes's in Baltimore-Town; and return from said Limes's for Annapolis every Tuesday, Thursday and Saturday Morning, at Seven o'Clock, will wait for any Passengers to breakfast at Mr. Kelso's Tavern at the Ferry, and to dine at Mr. Toote's, where John M'Donnell lately lived, and from thence to said Tonry's House in Annapolis; where, as also at Capt. Limes's, a Person will be appointed to let Seats to Passengers at 10 s. each from Baltimore to Annapolis, and the like Sum from Annapolis to Baltimore. Outside Passengers or any Child under Ten Years of Age at Half Price. Seats to be held as applied for. Small Parcels will be carried from Annapolis to Baltimore and from Baltimore to Annapolis at reasonable Rates.

N. B. Said Tonry will purchase a Quantity of Rye at 3 s. and Barley at 4 s. per Bushel, if delivered at his House in Annapolis, where may be had good Geneva, by Wholesale or Retail, at reasonable Rates.
8w

THERE is at the Plantation of Thomas Tongue, near Herring-Creek Church, a Stray bay Mare, about 13 Hands and a Half high, 3 Years old, has a Star on her Forehead, no perceivable Brand, nor docked. The Owner may have her again on proving Property and paying Charges.

St. Mary's County, February 12, 1773.
To be rented for any Term of Time, and may be entered on immediately,

A VERY good Store-House, with a Lumber-House nearly adjoining, situated on Briten's Bay, and within Three Miles of Leonard-Town; and on the Land where Mr. John Fenwick now lives, has an extraordinary good landing Place, where ships may lye with safety, and load within Thirty Feet of the Shore; there is lately erected thereon a Warehouse, by Joseph Fenwick, for the Reception and Inspection of Tobacco; where it is generally supposed, Three Hundred Hogheads will at least be brought this Year; it is remarkably healthy, has excellent Water, is very convenient either for the Tobacco or West-India Trade; and in a Neighbourhood, where there are large Crops made both of Corn and Tobacco, and who in general it is believed, will encourage to the utmost of their power, any Gentleman who might incline to fix among them, in witness to the Truth of the above Particulars we the Subscribers living in the said Neighbourhood, have hereto set our Hands.

- PHILIP MIDLEY,
- BENNET COMBS,
- JOHN GREENWILL, junr.
- JOSEPH WILLIAMS,
- JAMES WILLIAMS,
- ROBERT MANNING.

N. B. Any Gentleman whom this may suit may have Board, Washing, &c. for any Number he pleases, at Mr. John Fenwick's, close to the Store, upon the most reasonable Terms. For further Particulars enquire of Mr. John Fenwick,
Or of their humble Servant,
JOSEPH FENWICK.

Annapolis, the 4th of February, 1773.

WHEREAS it hath been represented to his Excellency the Governor, that on the Seventh Day of December last the Dwelling-House of Mr. John Lucas, in Saint Mary's County, was maliciously set on fire, by some Person or Persons unknown, and entirely consumed; His Excellency for the better discovering and bringing to publick Justice the Person or Persons concerned in setting on fire the said House, doth promise his Lordship's Pardon for the said Offence to any of them (the Principal or Principals only excepted) who shall discover his, her, or their Accomplice or Accomplices in the said Fact; so that he, she, or they may be apprehended and convicted thereof,

Signed by Order,
U. SCOTT, Cl. Con.

And as a further Encouragement, the Subscriber living in Saint Mary's County, doth promise a Reward of Fifty Pounds Currency to any one who shall discover the Person or Persons concerned in burning the said House, so that he, she, or they may be brought to Justice and convicted thereof.

6w JOHN LUCAS.

Annapolis, February 15, 1773.

JOSHUA COLLINS,
Musical Instrument-maker and Turner from MANCHESTER.

BEGS leave to acquaint the Publick, that he has commenced the said Branches of Business, at Messrs. Shaw and Chisbolsm's Cabinet Shop; where all Sorts of Turner's Work is executed in the completest Manner; also German and common Flutes, Hautboys, Fifes, &c. of all Sorts and Sizes; all Sorts of Musical Instruments repaired, Harpsicords, Forte Pianos, or any stringed Instruments put in tune. He has opened an Evening School for Musick, at Mr. John Hepburn's, where he teaches the most modern and approved Methods of playing the German Flute, Hautboy, Clarinet, Bassoon, &c. Having been educated in that Science, under the Care of some of the greatest Masters in England. Those whom it may please to encourage the Subscriber may depend on being served on the most reasonable Terms; and such Gentlemen as cannot attend his Evening School may be waited on in the Day Time at their own Apartments,
By their very humble Servant,
7w JOSHUA COLLINS.

COMMITTED to my Custody as a Runaway, a certain James Clarke, who says he belongs to James Martin, on Kent-Island; he had a Collar round his Neck, and his left Hand is much deformed; he crossed the Bay in a Yawl with Two other Persons. His Master is requested to take him away, and pay Charges.
WILLIAM NOKE,
8f Sheriff of Anne-Arundel County.

Port-Tobacco, February 23, 1773.

ALL Persons indebted to Mess. John Jamieson and son, for Dealings with their Port-Tobacco, Newport, and Vienna Stores, are desired to make immediate Payment to
10w GEORGE GRAY.

Advertisements omitted this week will be in our next.

MARYLAND GAZETTE.

T H U R S D A Y, MARCH 25, 1773.

TO THE PRINTERS.

By publishing the following extract of a letter from a friend, you will oblige your humble servant, CLERICUS PHILOGERAETHOBOLUS. St. Mary's.



WHEN I read the paper signed Annilon, my fallies of triumphant joy were checked by the reflection that, it might be my fate to survive, in this government; a man who, upon every trial, convinces me that the rectitude of the measures he may reasonably be supposed to be consulted upon, is sufficient to protect him from the most rancorous malice of his enemies; notwithstanding it proceeds in part from those in whom the people have unfortunately placed an unlimited confidence. It is shameful however to hear some complaining, that he sounds too much in personal invective. Such is the attachment to party, such the blindness of folly, that they will not see from whence the abuse unprovoked first took its rise. Unaccountable! But the same ideas were adopted with respect to the proceedings of the conference last session; but the people will not read, and therefore cannot judge for themselves. Whilst the uncomb'd puritan, whose spirit like a corrosive acid hath laid waste all the fine fibres that vibrate at the impulse of another's good, whose momentary smiles are ever the certain harbingers of mischief, and who never forgave a kindness, is distilling his poison in secret, whilst POPYRY, ambition, avarice, and deadly private hate are venting the most malignant calumnies, credit seems to be but sparingly allowed, for the lenity Annilon discovers in his application of the law regulating the fees of officers, and practices of attorneys. Which law, if considered in its full extent, operates forcibly against them on the present occasion. But I rejoiced at the liberality of the sentiment, till the first Citizen appeared. I looked on and laughed. But when I saw the man, from whom this country hath reaped such solid advantages, and such peculiar honour, the man who but a few years ago, in the hour of our distress, stood forth in vindication of our then doubted rights, to whom the whole continent hath paid its tribute of gratitude, and to whom even the illustrious Pitt was wholly indebted for his famous enthusiastic speech in support of America, held up as an object of lawless fury, and that too principally by one, who doth not enjoy the privilege of offering his puny voice at an election, I cannot describe what I felt. Is it possible that the admiration of the author of the Considerations, affected in one place by this patriotic nursing of St. Omer's could escape you.

Cum dira libido

Moverit ingenium FERVENTI TINCTA VENENO?

Doth not the haggard image of Jacques Clement, professing a zeal for the service of Henry 3d of France, at the very moment he was summoning all the powers of his soul and body, to plunge the knife into his bowels, rush upon your thought? That Jacobin monk, you know, was an engine of the Jesuits, and when we were last together, we went through the Latin sermon of Pope Sixtus the 5th, wherein it was proved clearly to the apprehension of a full confessor, that the murderer's hand was Heaven-directed. It is quite consistent too, as you observe, for the confederacy to maintain a chaplain of this same holy order of Jesus, as well for the good of their country, as their own ghottly consolation. He may pour the healing medicine of absolution into their distracted souls, after the tumult of their consults. He may furnish them with many important hints, towards the furtherance of their grand work, of rooting out the protestant establishment of this priest-ridden province. But let these new profelytes look to it; let them bend earnestly to the business, else the dagger or the poisoned water may chance to quiet the suspicions of a falling off; you recollect that the Emperor Henry 7th fell by the hands of a popish priest who mixed poison with the sacrament. And at this day, the Pope himself never receives the eucharist until the minister who officiates at the altar has tasted it. Indeed it is matter of wonder to me, that these matterly and catholic methods should not always be preferred, not only to the innocuous anathema, but to the coarser ones of blackening a man's morals, or BURNING HIS DWELLING over his head, that is suspected of meditating apostasy. And if any dangerous genius should be at work, to counteract the machinations of the papist junto, they cannot be at a loss for implements of destruction. The indefatigable industry and influence of the holy fathers with the slaves of those families, as well protestant as popish, to which their cures are contiguous, is well known. A knife or a potion of Joan Speeding geer, with a piece of the true cross by way of charm, might be disposed of to advantage in such hands. No doubt sufficient care would be taken, to compose the draught of such sovereign ingredients, as hastily to disperse itself through all the veins, and effectually prevent squeaking or tale-telling; and when the business of this hea-

ven-appointed ministry should be concluded, the popish bishop of Quebec (though it is to be wished that that papal hierarchy were more centric than it is) might display the finger of St. Peter in the success of the undertaking, and enrol the saint in the consecrated rubric. The abolishing power of this good bishop of Quebec might have a still further desirable operation, if it be true as hath been suggested, that certain OPINIONS which the protestant clergy have received and probably paid for, have been highly instrumental to their vigorous prosecution of a claim, which, to make bold with the sublime oxymoron or hibernicism of the Independent Whig opinionists, hath blown up a storm, that the good people of this province like struggling waves are contending against. Virgil I remember, who was a grave man though a poet, hath delivered double dealers in the law to the same punishments beyond the grave, as awaits those, who have beaten their own parents, or hated their own brothers.

Hic quibus invidi fratres, dum vita manebat, Punitave parens. Et fraus innoxia clientii.

It is perfectly reconcilable that the Independent Whigs are de-emined to admit no female to participate in their mysteries. The garrulity or contrition of a Fulvia might rob them ALL of the golden harvest of their toil. You must remember that it was a lady of that name who betrayed the Roman conspirators to Cicero, and if I RECOGNIZE bright Pallasias gives us another similar instance of the peril of such a connexion. Were I ever to draw my gray-goose quill for the edification of my countrymen; I should take the liberty to ask this genuine son of Loyola whether he hath not heard, that if a protestant subject in France, either before the edict of Nantz was registered, or after it was revoked, had been caught projecting innovations, or conspiring against the civil or religious ordinances of the state, no plea of mental or corporal incapacity would have protected his fortunes from confiscation, and his person from the gallies, the gibbet, or the wheel? Would not the jesuits, these ministers of empoisonment and murder, have demanded him as a victim of their most luxurious vengeance? You cannot forget the words of de Thou relative to the infernal barbarity of the thrice holy fathers, upwards of two centuries ago, towards the devoted protestant Rochellers. Fidei sua data neminem obligari, rem piam et salutarem esse in impuros homines violentas manus injicere, christiano omnes adversus eam pellem armari debere. What think you of the decisions of the renowned casuist P. l'Amy and Caramovel dans la theologie fondamentale on the question that was mooted in their time, Whether a jesuit might not kill a jansenist wherever he found him? You have the books, and it is worth recurring to them. P. l'Amy, lib. 36. N. 118. Cara. p. 543. as it is more than probable, that when things are ripe, a thesis to the following effect will be propounded: "It is the bounden duty of a jesuit, a disciple of the holy order, or an Independent Whig, provided they hazard not their own invaluable persons, to destroy a protestant clergyman, or any member of a certain pestilent family, by means either secret or open. Pour dependre non seulement leur vie, mais aussi leur bien, ou celui de leur COMMUNAUTE." The signature of the Independent Whigs, so peculiarly happy, as it is adopted by men who are for maintaining a doctrine THE KING CAN DO NO WRONG, that goes to the very heart of liberty, induced me to take up a volume of the real Independent Whig, written by the celebrated Gordon. In which, among many other notable reflections, I find the following effusion of a thoroughly exasperated heart: "The popish nursery of drones, enthusiasts, impostors, particularly the jesuits, who are the blackest incendiaries and immoralists of all, ramble in clusters about all the corners of the earth on the fam' errand, and stick at no means, nor frauds, to chat men of common sense, charity, and humanity, to make way for popery, which is a complication of all the absurdities, rogueries, and errors, that ever appeared among men, or that the craft, folly, and malice of men is capable of." Vol. III. p. 51. The critical, historical, constitutional Independent Whig have, methinks, in one instance, exemplified, with vengeance, the solidity of the old maxim, Quem Juster vult perdere demittat prius. For let us assume, for argument sake, what is soundly pronounced by the Independent Whigs in their answer to the queries, namely: that the project of a bishop was a scheme of perdition, that was not only to ravish a man's shirt, breeches and tobacco box from him, but was to expose the naked dog to the thorns of a jail (though by the bye I conceive that a little clean straw even in a jail, would be rather comfortable than thorny, to a shivering shivering corpse). To the address upon this infernal novation a spirited answer was, by their own acknowledgment, returned. Which blatted it in its bud. Buon order to lick the hands of the supreme magistrate, the little God below, with more than canine baseness this spirited answer, forsooth, we are given to understand by the Independent Whigs, flowed entirely from his own manly unassisted judgment. An Romule Cres? Though common sense and common candour could teach us, that the influence of the pestilent minister, who is grown to

this enormous height of power, this præsumbrans fastigium, who together with his family is destined by the jesuit and his junto, to make a libation of his blood to his insulted country, would infallibly interfere and with effect too in a deliberation of so ponderous a nature. When a confederacy of men with weak heads and invenomed hearts, is cemented together by the sacred purposes of glutting the most hellish private malice, and establishing their own reputations and fortunes on the ruins of some illustrious character; it requires the pencil of a master to express the confidence of hope, that such a colluvies is capable of breeding. The following lines of Horace, when applied to each member of such a groupe, comes up precisely to the life.

Contaminato cum grege turpium Morbo virorum quidlibet impotens Sperare, fortunæque dulci Ebrius.

There is but one example in history, that occurs to me at present, of success crowning an attempt in any sort similar to this before us. De Wit, the learned, the eloquent, the favourer of his country, was tortured on the evidence of a BARBER, and expired on the rack repeating the justum & tenacem of Horace. His countrymen, when their frenzy had worked itself out, imprecated the vengeance of Heaven on their own heads, and the heads of the faction that had insulted them to the murder. Statues were erected to his honour at the publick expence, and his memory is embalmed to posterity.

I should be glad to be informed in your next, to what the quotation from Junius alludes, as I no where find hints dropt of any appeal to cold blood. The phantasma of the air-drawn dagger, I know, is very apt to hunt the imagination of the coward, and the catif, who hath within him some undivulged crime; but men even of known stout hearts and clear consciences should be cautious of wantoning upon subjects which may beget ugly suspicions to their prejudice. I am not led, you know, either by my profession or principles, to approve the duello; and it appears to me, that in some cases even discretion should restrain a man from this experiment. The character of a man of true spirit is of all things in nature the most delicate. It behoves him who aspires to it, to beware of giving the fair invitation of honour to some wretched whole breast, it is notorious to the world, hath never felt the generous glow of an open and manly resentment. Else not only the brave and wise, but even those who are informed by a spirit congenial to his own, will pierce into that secret recess, where the IMPOSTOR'S heart lies palpitating with the pangs of fear. Rashly to venture on this artifice is to be self-trepanned. But this Junius is a prodigious favourite. You told me, I think, that one of the Independent Whig opinionists, upon an occasion, offered to cite a case from him in opposition to Lord Mansfield. The fame of whom you related another story, which, with all my stock of faith, I cannot credit; to wit: that he, in the same place, the supreme court of justice, betrayed such gross ignorance of common English, as to be gravelled with the word malt-kiln; and pronounced it some Scotch law term introduced by Lord Mansfield. The temerity of the assertion, that the issuing of a proclamation brought King Charles to the block, is calculated with curious felicity, to excite a passion so far removed from the gravity of indignation, that transgresses even the extreme line of contempt. The recorded sense of the British legislature, the historian's, and the lawyer's page, uniformly instruct us, that this singular catastrophe closed the last scene of a life marked with a series of tyrannies, and that the disastrous influence of a popish queen, who was herself a machine in the hands of jesuits, fatally guided the oppressor to the commission of those enormities, which ingendered such unnatural convulsions, and deluged the realm with blood. His eldest son, afterwards Charles the second, fled before the face of his victorious enemies, and sheltering himself in the bosom of FRANCE, there imbibed those dominating ideas of kingly power, which directed him in action; and for which he would have died by the ax of the executioner, if the nation had not been sunk under a weariness of carnage.

The duke of York, crown'd James the 2d, laid, during his residence in France, the foundation of his expulsion from his throne. The jesuits had put the cup of popery to his lips, which he drank to the dregs. He became a furious bigot. A slave of superstition himself, he cared not long to disguise his resolution to enslave a free people, and rule them with a rod of iron. But their wounds made by the civil sword were now healed, they rose with accumulated vigour from their pause; and the royal jesuit was covered with the foulest disgrace that is recorded in the annals of mankind. The deformitas Galbæ exitus is unspeakably regre'd by a comparison. The ignominy of this tyrant inquisitor is forcibly touched in the Italian letter of lamentation sent by FATHER CON to the provincial at Rome. Una cosa non piu vista, ni udita, ni mentionata nell' historia, un re pacifico possessore del suo regno con una armata di trenta mila combattenti huomini, e qua ranta vascelli di guerra uscir del suo regno

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senza tirar un colpo di pistola. The Whigs tied the handkerchief round the temples of the PROTESTANT WILLIAM, and he well knew that, if he ever dared to flatter himself into the silly and destructive maxim, *the King can do no wrong*, the same fingers were ready to untie the knot. Hamden, the valiant patriotic Hamden, on the principle that *the King can do wrong*, fought the tyrant's life in the thickest of the battle. *Sed Diis aliter visum est. That the King can do wrong* is the voice of Locke, it is the voice of wisdom, and every WHIG will seal the truth of it with his blood. *That the King can do no wrong* is the voice of folly, it is the voice of a tory, a papist, and a time server.

MR. GREEN,

Please to insert the inclosed, which I hope will not disoblige the publick, and will much oblige your humble servant.

To the Reverend JONATHAN BOUCHER,

REVEREND SIR,

I WAS not a little pleased with your reply to Messrs. Chaic and Paca, published in the Maryland Gazette, No. 1430; though some things in it were exceptionable, as inaccuracies: viz. After you had repeatedly denied the charge of arrogating to yourself the office of a judge, in the part you had taken against them; and asserted your office to have been that of an accuser only, and as such having exhibited your charge at the tribunal of the impartial publick, as judges to pronounce on the same; and though you supported the principal points of charge with considerable shew of argument (some say of philosophy), you should have left to the reader's decision: but in your conclusion, notwithstanding your abjuration, we find you in the chair pronouncing, "upon the best evidence, the accused guilty of the charges." And, what in forensic dialect, may be styled a "bul," when judgment had solemnly passed against the culprits, you left them still upon trial; "acquit yourselves if you can." These things are not readily excused in men who would be ranked among the learned. However, I passed them by, and expected to see you censured by your brethren whose labouring cause you were attempting to prop. — But (would to God, darkness, eternal darkness had concealed it) the same Gazette, No. 1431, has disclosed your name, Sir, to the world, among others of the sacred character, annexed to a performance that is likely to do a little honour to the Christian name, and principles which you profess, as service to the church whose interest you affect to espouse; I mean the address of the established clergy to his Excellency the Governor of this province. An address which cannot fail to alarm, and deeply affect every generous mind, that wishes well to the freedom of mankind, and the peace of religious society in general.

The great object of the scheme, divulged in the address, glares in almost every sentence, viz. The emolument of a particular set of men, and those (generally not of the first character) at the expence of all, and utter destruction of a great body of his Majesty's faithful subjects of this colony. Other objects indeed are held out to the publick, as a disguise, though, to every person of common discernment, they must appear only as mediums to bring into event the darling object.

Every obstruction to this must bow, and tamely take on the burthen, or else be broken. DISSENTERS (esteemed a principal barrier) because they have religion, and firmness enough to assert and contend for the native unalienable rights of conscience, and will not believe a man who can profane the name of God in the sacred desk, &c. is qualified to take upon him the care of souls; must be doomed to everlasting exile from Maryland, loaded with all the terms of reproach and ignominy that malice, exercised by courtly priests, can invent! During vexatious sectaries, factious spiriteds, &c. This seems to favour of accusing the brethren, for it has no foundation but in the address. And if to be exiled from Maryland; by a parity of reason they may be shut out of every climate where priestly influence can rack them, and routed from the face of God's earth! This would make way for episcopals to enjoy an establishment agreeable to their conscience. Dissenters must suffer all this, not because their morals are more depraved than other mens, or because their principles are antichristian and dangerous to the souls of men: or because they are in an error in pointing out the way of righteousness to men, or in teaching them the way of salvation: but another reason, because their increase is so amazingly rapid (I believe that is to be attributed to the efficacy of the armour of God, unaided by the arm of flesh). But the execution of this truly Christian scheme is to subvert many interests, in particular the welfare of the clergy where it originated. And to accomplish all, nothing can be better thought of, "Than authorize episcopal vengeance to range unfettered over these once peaceful realms, which I pray Heaven to avert;" and I trust all the people will say amen.

That this is the true spirit of that address, I submit to the judgment of every candid reader.

Routed from my native apathy, into order, at the glare of this vengeful flame, you will excuse me, Sir, if I tell you, your address is in its whole from the adverse to the temper of the peaceful Jesus, whose law is love, and whose conduct is mercy.

Now, Sir, I must bid you adieu for ever, after observing, that I am far from claiming a sufficiency of skill to debate so deep in policy as civil and religious establishments, and I should not now, had not duty loudly called. I could heartily wish as a mercy to these infant colonies, and to the nation in general, that all the religious differences which have so long subsisted and rent the church of the peaceful redeemer, were ever banished from human society, and that all who name the name of Christ, would be content to serve him agreeable to their own consciences, and that it might be with one heart, and one mouth, and would cease to oppress and rent one another, after the example of the prince of darkness.

Wishing increase of piety and real religion in the church, and every Christian society,

I am, Sir,

Your humble servant,

PATUXENT.

To the Reverend Mr. JONATHAN BOUCHER.

REVEREND SIR,

ASK pardon for having passed over the paragraph you are pleased to remind me of; my silence was occasioned by an opinion of its insignificance; only your ideas of its consequence make it now any way important. In Mr. Chase's and my first letter, we told you, "in questions of law permit us to deny your abilities: your dependance must necessarily be placed upon others, and when you open upon a legal topic we can only consider you as a mere echo;" the event proved the truth of the prediction; your dependance has been necessarily placed on another and you have echoed upon us the attorney general's argument. But I afterwards in my Letter of the 23d February let you know, that I was told, "you had spoken of my opinion and the author in the most disrespectful terms; that you had furnished yourself with law books, and had some legal knowledge; that I meant to challenge you to a publick discussion of the question and give you an opportunity of exhibiting your talent." — I heard, Sir, all that I said I did; though I confess, I still entertained the same contempt for your pretensions to legal knowledge, that I did, when I joined in the first letter to you. I could easily foresee, that however eloquent and learned you were on my opinion at your vestry meetings, you must cut a ridiculous figure on it in the news-paper; and there is nothing more extraordinary in tempting you to write, by taking hold of the handle your vanity might afford me, than there would be in getting an ill bred woman, who was eternally inter-upping better hands, to exhibit in a horrid voice, or a gony man to bobble, who was rudely finding fault with those whose age, vigility, and gracefulness, justified their pretensions and rendered their dancing agreeable.

Wilfully to misunderstand and misrepresent an adversary, I confess are tricks in controversy, that have been practised time immemorial, even in the legal idea of the expressions; but equally gray-headed too is the trick in controversy for an adversary to complain of being wilfully misunderstood and misrepresented when caught in an absurdity or defeated in his argument. You are pleased to say, you have now where asserted that the assigned cause of my doubt was a groundless insinuation. Pray Sir what did I doubt? I be acknowledged. And why did I doubt? Because I did not recollect it. Have you not in express terms pronounced the assigned cause (my doubt) a groundless insinuation? Did you not echo back upon me the acknowledgement if ever made! preceded by the assertion that it was a groundless insinuation? But there is no necessity to go back to your first reply to prove your above allegation an unseemly deviation from the fact: your last paper is a glaring proof of it. "What must the world think when informed that you did certainly know my assertion of the fact (acknowledgment I presume) to be true even now that you again say it still wanted confirmation." If as you say, I certainly knew it, why then my assertion to be sure, that I did not recollect it, was a groundless insinuation. But Mr. Boucher, permit me to ask again, By what powers do you dive into my heart and falsify my assertions of what passes there? What a pitiful figure does a man make when hampered in folly's leading strings!

You exhibit, Sir, a striking portrait of a spiritual judge, when you ask with surprize "What would you think of a culprit who when arraigned should content himself with coming into court with a declaration that he had a paper in his pocket which would evince his innocence beyond a possibility of doubt?" My good Sir, I should think such a declaration a sufficient ground for his acquittal: for as much as it amounts to a plea of not guilty: for whatever notions a callous priest may entertain, humanity forbids a presumption of guilt from the naked act of arraignment. Upon the case stated what would be the verdict of a jury? Plain men, not hackneyed in spiritual cruelty and priestly administration of justice, would form mild and benevolent ideas of human nature: they would adopt the principle, which is founded upon the law of God and man; that every person is demed innocent, till the crime alleged is proved; when therefore a culprit is arraigned and plead not guilty, a jury would call upon his adversary to come forth and bring his proofs; if he absconds and no evidence is given, they would find without hesitation a verdict of not guilty. A general charge, Sir was made against me: I thought it sufficiently refuted by a general negation, without a discovery of my evidence; I referred to my paper, as a declaration to the publick, I was ready to meet my adversary, when he should have generosity enough to face me in open day — It is a stale stratagem among hypocphants when nothing else can protect particular measures from contempt, to vilify those in opposition and to charge them with dishonourable

motives. If you were not the inventor of the scandal, you have not been ashamed to insinuate your concurrence at least without adducing any proof or reason. But, Sir, as I do not wish even to lie under your suspicions, that my opposition to some late measures of government proceeded from a disappointment at court, I will publish the paper I referred to.

To WILLIAM PACA, Esq;

Governor Eden presents his compliments to Mr. Paca and pursuant to the request contained in his letter of the 23d instant is very willing to, and thus does, declare, that Mr. Paca never did solicit from him, personally or representatively, any office or place of profit for himself or any other person.

Annapolis, January 25, 1773.

My dear, dear Mr. Boucher what do you think of it? Is there any flaw in the declaration? Go and consult your books upon the propriety of a demurrer to it. But Mr. Boucher did you not know of the above paper and even the contents of it? Did you not know, that I obtained it from the Governor with liberty indeed to shew it to any man, but under an injunction not to print it? Why then call upon me, when you know I was bound in honour not to publish it in the Gazette? Were you in hopes to create suspicions and wound my character without a possibility of defence? And did you think that the Governor would have held me to my honour and left you at large to lavish your fire upon a man fettered and bound? Boucher! Boucher what art thou? Shame! — Shame! — But you wronged his Excellency when you flattered yourself with such a noble triumph over me: as soon as I was apprized of your attempt I waited upon him: without hesitation he released me from the injunction; for which, gratitude bids me publickly to thank him.

But you think it vastly unkind and ungenerous in me to leave my friend Mr. Chase under a strong and implied suspicion of being indefensible. You spoke the truth when you called him my friend: I consider him as such. Your pitiful sneers cannot shake my esteem for him. But is my friend indefensible? No, Mr. Boucher, he is not: I aver to the world, he is as free from the infamous imputation as I am: I know there was a paper prepared for him, as decisive as my own: I know too — but mum! As you possess an inquisitive spirit and care not, who you involve in our controversy, I pray enquire into this mysterious proceeding: if afterwards, you shall think yourself sufficiently authorized to strain your pipe upon this note, I pledge myself to the publick to vindicate my friend. Mr. Boucher, my good Sir, let us confine ourselves to our own affairs: let us not meddle with matters, that respect his Excellency. Why are you so wantonly inclined to bring him into the field of controversy? Does your intimacy with him justify such a freedom? Take my advice, Mr. Boucher, take it, though it comes from an adversary — it is folly in the extreme for you to verify by an imprudent conduct the old saying "Too much familiarity breeds contempt." I wish to be at peace with all mankind: it is no pleasure to me to live in animosity and variance: but I cannot — will not — calmly look on and let my friend fall by the hands of slander and injustice.

I did indeed charge you with the itch of scribbling: it is a charge too plain to require other proof than your late transactions: I need not travel to Virginia for evidence; your conduct in Maryland sufficiently evinces the truth of my assertion: but you reply upon me, I am equally afflicted with this scandalous propensity: no Mr. Boucher, you do me great injustice. I came into print impelled by a just and proper principle — to defend my character, check insolence and repel wanton attacks — Does this, my good Sir, betray an itch for scribbling? Pray what were the motives, that led you into print? Were they not to dazzle the world with your scribbling, and to riggle yourself into importance by traducing the characters of Messrs. Chase and Paca and attempting to render them unpopular? And what has been your success? your scribbling has recoiled with vengeance upon you. Have you made one honest man your friend or convert? Have you raised up one new enemy against your adversaries? On the contrary are not very many, who knew but little of the subject, fully informed, that you are in the wrong: and do not parson Boucher's best friends shake their heads at his imprudence and wish him well out of the scrape, which they acknowledge he ran himself into? Nay more, Are not the bells tolling adieu to the 40 per poll?

That Jimmy Twitcher should impute me I own surprizes me" well spoken by Captain Macbeth: yet I beg you would not include me as a member of the honourable society. I never deprived my neighbour of his property, nor betrayed the confidence of a friend, nor villainously impeached him, nor pilfered any man of his reputation or robbed him of his good name; frequent as your comparisons are of me to culprits, criminals, and rascals, you have proved nothing against me, but your own want of good manners, the poverty of your genius and the baseness of your mind; you may have conveyed a correct idea of your own virtues by personating Macbeth; you cer-

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tainly have a conscience and that may perhaps in-
form you of a striking likeness in yours and the
captain's principles; and yet you are a priest! A
minister of the gospel! called up by the spirit to teach
the christian religion!

" Oh! that religion's sacred name,
" Meant to inspire the purest flame,
" A prostitute should ever be
" To that arch fiend HYPOCRISY!

And is the character then of Captain Macbeath appli-
cable to a Maryland parson? The proverb almost im-
plies as much. " What proverb my good Sir?" Ma-
ryland parson, my dear Sir. I have often heard the
expressions made use of in this and a neighbouring
province as a proverbial description of a worthless
minister.

" A man may easily pardon the being forgotten by
one, who has the infirmity to forget himself." It
may indeed be an infirmity in me to forget myself, but
I am inclined to think it would add to your happi-
ness to forget yourself. What think you now, if old
Aesop was alive with his waters of Lethe? Would it
not be prudent in you to take a large draught? When
I reflect, Sir, upon the purity of the christian re-
ligion—the charity, peace and benevolence it
breaths; when I reflect upon the important charac-
ter of a minister of the gospel—his duty and sacred
function; and when I reflect upon your calumny
and defamation: your wanton attacks and impeach-
ment of your neighbours integrity; spreading discord
and wounding the peace of society; pardon me Sir,
if I speak too rashly, when I say, your actions dis-
grace your profession and dishonour the gown upon
your back.

But alas! My writing in vindication of myself
has exposed me to contempt. I will not Mr.
Boucher, copy your example and affect to exalt
my abilities by speaking disrespectfully of yours:
I am more ambitious to preserve the character
of an honest man, than to be admired as a penman: if
when attacked, I am able to state a plain defence to
the publick and rescue my reputation from calumny,
I ask for no other talent in writing: take you, Mr.
Boucher, the glory of a lettered genius: and yet if I
am fallen into contempt, I think we may shake hands
and sympathize with each other—Oh Philander!
Philander! Oh!—Oh Jonathan Boucher! Jonathan
Boucher! Oh!—My good Sir, what do you blush
at?—Oh the Doves! the pretty, pretty Doves! Oh!
—Oh Jonathan Boucher! Jonathan Boucher! Oh!
My dear Sir, what do you bounce at? Good luck!
Good luck! Mr. Boucher, never speak contemptuously
of the abilities of others: only chambermaids simmer
like surmety kettles,

" Whirr" Boucher, frisky in his lay
" Pipes softest musick" all the day.

I am, Sir,

Your humble servant,

WILLIAM PACA.

Annapolis, March 24, 1773.

Errata in Mess. Cbate and Paca's reply to the Rev. Mr.
Jonathan Boucher.

In the 16th line of the 3d column, instead of unne-
cessary read necessary.—In the 17th line of the 6th
column, instead of deference read diffidence.—In the 38th
line of the 7th column, instead of custom, law and com-
mon right, read common law and common right.—In the
78th line of the 9th column, instead of Blackstone read
Blackstone.—The motto to the reply should have been
marked as a quotation.

WILLIAMSBURG, March 11.

To his Excellency the Right Honourable JOHN Earl
of DUNMORE, his Majesty's Lieutenant and Gov-
ernor General of the Colony and Dominion of VIR-
GINIA, and Vice Admiral of the same:

The humble ADDRESS of the COUNCIL.

May it please your Excellency,
WE his Majesty's dutiful and loyal subjects, the
Council of Virginia, now met in General As-
sembly, offer our grateful thanks to your Lordship for
your Speech at the opening of this session.

The alarming and ruinous progress of forgery evi-
nces the necessity of convening us at this period. On
so important an occasion, as one wherein the credit
of the colony is so much concerned, we judge, with your
Lordship, that the voice of the people by their repre-
sentatives, and every branch of the legislature, can only
apply a cure to this political malady.

From the experience we had of your administration
at our last meeting, we found in you a ready disposi-
tion to concur in every measure, and assent to every
law, recommended to your consideration. In our re-
cess, we have seen your vigilance employed in the ex-
ecution of the laws, by pursuing every step for the de-
tection of the ingenious and therefore more dangerous
artifices of the forgers of our paper money. Your
Lordship's activity in this instance commands our warm-
est acknowledgments, as members of a community
whose fortunes, might have been deeply affected by the
circulation of a base medium, vile in its nature, as de-
structive in its consequences.

In the maintenance, protection, and advancement of
this colony, your Lordship may ever rely on our zealous
co-operation; and we beg leave to assure you,

when we consult its prosperity, we do not lose sight of
that of the mother country, esteeming, with your
Lordship, their interests to be inseparable.

To which his Excellency was pleased to return the fol-
lowing answer:

GENTLEMEN,

AFTER offering you my most sincere acknowledgment for
this fresh mark of your goodness, permit me to assure
you that nothing can give me greater pleasure than the
thoughts of having acted in such a manner as to merit your
approbation, which cannot fail of being extremely flattering
to me.

The ADDRESS of the HOUSE of BURGESSES to
the GOVERNOR.

MY LORD,

WE, his Majesty's most dutiful and loyal subjects,
the Burgesses of Virginia, now met in General
Assembly, beg leave to return your Excellency our
unfeigned thanks for your kind Speech at the opening
of this session.

It gives us much concern to find that our paper cur-
rency, which we hoped had been effectually guarded,
hath been forged in so ingenious and masterly a man-
ner as to render the counterfeit of it the most dan-
gerous and alarming. The debasing of our gold and
silver coin, also, we consider as the greatest addition to
our calamities; but it affords us much consolation to
be informed by your Excellency, that mischiefs of such
extensive and destructive influence have been so happily
and seasonably discovered, and that the authors of them
are likely to be brought to exemplary and condign pun-
ishment. We beseech your Excellency to accept our
grateful acknowledgments for giving us so early an op-
portunity of deliberating on a subject of such infinite
importance to the credit of this colony. We will take
the matter immediately under our most serious consid-
eration, and flatter ourselves that in the discussion of
this, and every other subject which may come before
us, we shall give your Excellency the most convincing
proofs of that coolness and candor which a proper re-
gard to our own honour will incline us to upon all oc-
casions.

Sensible as we are, my Lord, of the reciprocal ben-
efits which redound to our mother country and this col-
ony from their intimate connexion with each other, we
should be wanting to ourselves, and the duty we
owe to our constituents, did we not consider their in-
terest as inseparable. We cannot therefore but receive
great satisfaction and pleasure from your Lordship's as-
surances of your concurrence with us in enacting such
laws as may be thought advantageous and conducive
to the happiness of both countries.

To which his Excellency was pleased to return the fol-
lowing answer:

M. SPEAKER, and Gentlemen of the HOUSE of
BURGESSES,

I RETURN you my most hearty thanks for your very ob-
liging Address. It gives me much pleasure that you pro-
pose taking immediately under your most serious consideration
the subject for which you are now assembled, and I make no
doubt but your wisdom will suggest such a plan as will re-
lieve this country from the very unfortunate situation in
which you now find it.

On Monday last it was resolved in the Honourable
the House of Burgesses, that in order to relieve the
people from their present distress, occasioned by the
circulation of counterfeit paper money, the Treasurer
ought to be empowered to borrow specie to redeem the
emissions of 1769 and 1771; and, if he cannot effect
the same in a short time, that those notes now in cir-
culation ought to be called in, and exchanged for oth-
ers, to be issued, the most guarded that may be a-
gainst counterfeiters; to circulate until a proper paper
can be imported for a farther exchange of such as may
not then be otherwise redeemed.

The Honourable the House of Burgesses, upon the
memorial of Robert Bolling, Esq; of Buckingham,
have directed the Treasurer to pay to that gentleman
fifty pounds sterling yearly, for the term of five years,
in order to enable him to prosecute his scheme of cul-
tivating grapes, for the making of wine; which he is
convinced, from experiments, may be propagated in
the upper parts of the country, with singular advan-
tage: to those possessed of such mountainous lands as are
scarcely fit for any other purpose. He has engaged a
Foreigner, thoroughly acquainted with the business, in
all its branches, to instruct him therein; which we
heartily wish success to, as it appears to be an object
of the greatest probable utility to this colony.

THE new Ship *Baltimore*, Burthen Three Hun-
dred Hogheads, *Thomas Ireland*, Master,
now ready in *Leonard Creek*, takes Tobacco config-
ned to *West and Hobson*, at Seven Pounds per Ton.
Insurance is ordered as usual. Those who subscribe
for Capt. *Ireland*, are desired to have their Tobacco
ready without loss of Time, that the Ship may
be quickly dispatched.

STEPHEN WEST.

Upper-Marlborough, March 8, 1773.

FOR the Ease of the People in the different Parts
of *Prince George's County*. The Subscriber
will attend at the following Places; in order to re-
ceive the publick Part of the Lotteries, viz.

At *Nottingham*, the 31st *March* and 1st *April*,
At *Piscataway*, the 2d and 3d do.
At *Broad's Creek*, 5th do.
At *Bladensburg*, 6th and 7th do.
At *Queen-Anne*, 8th do.
And at *Upper-Marlborough*, 9th and 10th do.

RALPH BOSTER, Sheriff.
Constant Attendance will also be given at his
Office in *Marlborough* during *March Court* for the
same Purpose.

Anne Arundel, County, Maryland, Feb 24, 1773.
To be sold by the Subscriber on the Premises, on Monday
the 3th of April next, if fair, if not on the first fair
Day after.

UPWARDS of 350 Acres of Land, being Part
of that noted Tract of Land called *Yeates's Con-
trivance*, situate about 12 or 13 Miles from *Es-
k Ridge Landing*, about the same distance from *Balti-
more*, 1 from *Hood's Grist and Saw Mill*, and 3
Miles from the famous Mills of *Ellicott's*, where there
is an excellent Bridge over the *Main Falls*, and the
Baltimore Prices given for Wheat, and there is a
Store kept: The Land is good and great Part of it
lays sufficiently level for a Farm, with great plenty
of good Timber and other Wood, and a considera-
ble Quantity of good Meadow Land. The Im-
provements are an old Dwelling-House, a good
Negro Quarter, Corn-House, and several other
Out-Houses, beside a good Tobacco-House, Fifty-
Four Feet in length, double Ground tired and
covered with Shingles, an Apple Orchard of excel-
lent Fruit, which bears sufficiently to produce from
500 to 2000 Gallons of Cider per Year, besides a
great Variety of Fruit Trees too tedious to mention,
and there are now growing about 15 Bushels of
Winter Grain. The Plantation is in very good
Order for making a Crop of Corn with Land to
fallow for a fall Crop. The Title is indisputable,
and the Land free from any Incumbrance, and only
subject to a Quit-rent of Six Shillings Sterling per
Year, being contained within certain Bounds well
established. If it should not suit the Purchaser to
pay down the whole Purchase, Time will be given
for a considerable Part, by giving Bond on Interest
with Security if required: There is a Quantity of
Corn in the Loft which is intended to be kept for
the Purchaser of the Land, which he may have at a
reasonable Price.

AZEL WARFIELD.

Prince George's County, March 22, 1773.

To be sold on Thursday the Twentieth-Second Day of April
next, to the highest Bidder, for Sterling Money,

ABOUT Seven or Eight Hundred Acres of very
valuable and well timbered Land, including
my Dwelling Plantation, on which are very good
Buildings. There are Three Tenants on the Land,
who pay yearly Three Thousand Five Hundred
Pounds of Tobacco. The soil is well adapted for
Grain and Tobacco, and a considerable Quantity of
fine Meadow Ground, One Third of the Money to
be paid on the Day of Sale, One Third in Twelve
Months, and the other Third in Two Years, on
good Security with Interest. The Purchaser may
have the Use of the Buildings immediately, and the
Land, except what I shall make use of for the ensu-
ing Crop, and the Whole delivered up by the first
Day of December next. This Land lies about Two
or Three Miles from *Alexandria*.

JOHN ADDISON.

March 10, 1773.

To be sold to the highest Bidder, on Saturday the First
Day of May next, at the Dwelling-House of the Sub-
scriber, within Four Miles of the Patuxent Iron-
Works, and Nine Miles above *Bladensburg*, in
Prince-George's County,

PART of a Tract of Land called *Winterfell's
Range*, containing about 270 Acres, on which
is a new Brick Dwelling-House covered with Cypress
Shingles, 36 by 30 Feet, containing Four Rooms
on each Floor, Four of which are Fire Rooms; a
good Kitchen, a Weaving Shop, Pantry and Cellar
below the House; the Whole finished in a Workman
like Manner; Two Tobacco Houses, One of which
48 by 24 Feet, the other 40 by 24, both in good
Repair; a Meat-House, a Negro Quarter, a Stable,
and other Out-Houses, an Apple Orchard, contain-
ing about 200 bearing Trees, besides 2 Peach Or-
chards, and a good many Cherry Trees, about 25
Acres of the Land fit for Meadow Ground, Five
Acres of which now in Timothy, and 10 Acres
ditched and grubbed. The Land is very level and
fit for Tobacco, Corn or Wheat. The Purchaser
may have Possession the First of December next, and
liberty to put in a Crop of small Grain in the Fall.
The Terms of Sale will be made known on the Day
before the Land is put up, and an indisputable
Title will be made to the Purchaser, by

w4

JOSEPH JONES.

Nanjemy, March 3, 1773.

To be sold by Way of publick Sale on the 9th Day of
April next, on the Premises,

A PARCEL of Land, called *isidors-Res*, con-
taining upwards of 300 Acres, and lying in
Charles County, on or near the head of the Western
Branch of *Nanjemy Creek*; within Six or Seven
Miles of the Church, and Four of the Warehouse,
and about Four Miles from the famous and notable
Ship Harbour of *Nanjemy*; on this Land is a con-
siderable Quantity of cleared Ground, and more to
clear, with a good deal of Fencing and several
Houses, viz. a Dwelling-House, Kitchen, Quarter,
Tobacco-House, and Milk-House. A good Title
will be sold, and Time given for Part of the Pay-
ment, by

BURDITT HAMILTON.

N. B. I have yet some Lots at *Nanjemy* to be let
upon Lease.

Annapolis, March 25, 1773.
MR. L'ARGEAU
 BEGS Leave to inform the Publick, that he will open his Dancing-School on Friday next, being the 26th Instant, at the
ASSSEMBLY-ROOM.
 He takes this Opportunity of assuring his Friends and Patrons, that he will spare no Pains or Attention to render his School worthy of their Countenance and Approbation, which he does not wish to possess any longer than his Conduct shall merit.

K A N G E R,
 WILL cover at Schoofield this Season, for Two Pistoles a Mare, and Two Shillings and six-pence the Groom; the Money to be paid at covering. The Horse will be sent at the Desire of any Gentleman, &c. to his Plantation (if within Twenty Miles) to stand for a Week, who has Three or more Mares to be covered.

RANGER is high bred, and a Horse of Bone and Size, his Offsprings are promising.

N. B. Pasture and proper Care will be taken of the Mares

PEACOCK, the Property of Richard Sprigg, stands at West-River this Season, and covers Mares at Twenty-five Shillings each if not taken into Pasture, and if pastured Forty Shillings. Cash to be sent with the Mares or they will not be received, by

EPHRAIM DUVAL.

March 16, 1773.
 THE Subscriber gives this publick Notice to all his former good Customers, and to other Gentlemen, that he now lives in the House where Mr. William Hutchings lately dwelt, near the Head of the Dock, in the City of Annapolis, that he hath provided himself with every Necessary for the Reception of Gentlemen in the Tavern Way. Those Gentlemen who are pleased to favour him with their kind Custom may depend on the best Treatment, as it shall be my constant Endeavour to please. I should at all Times be glad to do any Kind of Business for my Customers, as they think proper to communicate to me, in the best Manner I can.

I am the Publick's most obliged humble Servant,
 2m HENRY GASSAWAY.

N. B. I have a very careful Overseer at my Farm, within a Mile of Town, that understands the Management of Horses, if Gentlemen choose to send their Horses to pasture they shall be taken Care of agreeable to their Orders; there is a fine large Pasture well fenced in, a good Stable, and other Conveniences, that Gentlemen may have them provided for in the best Manner; all Care shall be taken that they do not get away. If they should I will not see them forth coming.
 H. G.

PHILADELPHIA RACES.

On Tuesday the Eighteenth of May next, will be run for over the Center Course,

THE JOCKEY CLUB PURSE of One Hundred Pounds; free for any Horse, Mare, or Gelding, carrying Weight for Age, viz. Four Years old, 7 Stone 7 Pounds; Five Years old, 8 Stone 9 Pounds; Six Years old, 9 Stone 3 Pounds, aged, 9 Stone 10 Pounds. The best of Three Four Mile Heats. Fillies to be allowed 3 Pounds.

On Wednesday the Nineteenth, the **WHIM PLATE** of Fifty Pounds; free for any Horse, Mare, or Gelding, (the winning Horse on Tuesday excepted) carrying Weight for Age, Inches and Blood: Fourteen Hands high, aged, 8 Stone 7 Pounds, and higher and lower Weight in proportion. All Horses, &c. not more than Three-quarters Blood, to be allowed 5 Pounds, and not more than Seven-eighths 4 Pounds. The best of Three Three Mile Heats.

On Thursday the Twentieth, the **CITY PURSE** of Fifty Pounds; free for Four and Five Years old only; (the winning Horse on Tuesday excepted) Four Years old to carry 8 Stone, Five Years old, 9 Stone. The best of Three Two Mile Heats. Fillies to be allowed 3 Pounds.

All Horses, &c. that run for any of the above Purse, to be shewn and entered at Mr. Jacob Hiltzheimers, in Seventh-street, on Saturday the Fifteenth of May next; to pay Five Pounds entrance for the Jockey Club Purse, and Fifty Shillings for the Whim Plate and City Purse, or double at the Post. Proper Certificates of the Age, Blood, &c. to be produced at the Time of Entrance. Judges to be appointed, and all disputes Determined by the Jockey Club.
 2w

March 12, 1773.
 ALL Persons who have any Demands against the Estate of Samuel Burgess, late of Anne-Arundel County, deceased, are desired to bring their Accounts in legally proved, that they may be adjusted, and all those indebted to the said Estate, are desired to make immediate Payment, to
 w4 JANE BURGESS, Executrix.

NOTICE is hereby given, that a Petition will be preferred to the Assembly next Session, for the Removal of the Inspections at Chaptico and Pile's, to Barbar's Landing, on Wicomico, in case an Inspection Law should again take Place.
 2w

March 18, 1773.
 THE Creditors of Mr. Robert Horner, late of Charles, are desired to meet at the House of Mrs. Halkerton, in Port-Tobacco on Wednesday, in Charles County, August Court Week next, with their Claims against the said Horner, in order that a Distribution of the Money arising on the Sale of his Effects deced to us for their use may be made.

w6 RICHARD BROWN, } Trustees.
 THOMAS BOND, }

St. Mary's County, February 25, 1773.
 WHEREAS I the Subscriber did on the 6th Day of August, in the Year 1772, pass my Bond with a certain Archibald Campbell, unto one James Walker, of St. Mary's County, for the Sum of One Hundred and Fifty Pounds Sterling, payable the Sixth Day of February next ensuing the Date thereof, for and in consideration that he the said James Walker, should confer and make over unto me and my Heirs by proper Conveyances, affirm and assured Title, in Fee Simple, to Part of a Tract of Land, called Guilmoth-hills, in consequence of which Agreement the said Walker, did execute a Deed of Conveyance to me, bearing Date August 14, 1772, since which it appearing that the said Land is entailed, we have to prevent Disputes, entered under our Hands and Seals into covenant, by which I have bound myself to re-convey the Land back again to the said Walker, and he has on his Side acknowledged and agreed, that the Bond aforementioned from the Date of the said Covenant is void and of no effect. This is therefore to forewarn all Persons whatever, not to take any Assignment on said Bond, as I am determined not to pay it.
 PHILIP GREENWELL.

March 18, 1773.
T O B E S O L D,
F I F T E E N Hundred Bushels of CORN,
 by
 3w THOMAS & WILLIAM HALL.

Elk-Ridge, March 6, 1773.
 ALL Persons who have any just Demands against the Estate of Joshua Jones, late of Anne-Arundel County, deceased, are desired to send them properly attested, and those who are indebted to the said Estate, are desired to pay off their respective Balances without further Notice, to
 2w EDWARD GATHER, junr. Administrator.

By Virtue of a Deed of Trust from Captain William Richardson, for the Benefit of his Creditors, To be sold on Wednesday the 4th of August next, by publick Sale, at the House of Mrs. Chilton, in Baltimore-Town,

THAT valuable and well known Tract of Land called Colrain, said to contain near 800 Acres, though only patented for 602 Acres. There are about 100 Acres cleared, being the poorest Part of the Land, whereon is built, a framed Dwelling-House, 30 by 20 Feet, with Brick Chimnies, having Two Rooms below and Three above, a Kitchen, Meat-House, Milk-House on a Spring, Hen-House, Corn-House, Stables and Barn, and an exceeding good Apple Orchard, about 40 Acres of Meadow are cleared, and under middling Fence; Part whereof is embanked Marsh, the Rest white Oak Bottom, and upwards of 100 Acres more may be made. This Land abounds with Locust, Maple, Hickory, red and white Oak, and is conveniently situated in Baltimore County, upon Bush River, 4 Miles from Bush-Town and Joppa, and 22 from Baltimore-Town. There is a good Fishery, particularly of Herrings in the Season, and plenty of wild Fowl. It is supposed to contain plenty of Iron Ore, from the Appearances, is convenient to many Furnaces, and hath a good Landing. Twelve Months Credit will be given to the Purchaser, and if any inclinable to purchase privately, they may know the Terms, by applying to Mr. James Christie, Merchant, in Baltimore-Town; and Capt. William Richardson will attend on the Premises to show the Land.

December 16, 1772.
 THE Lower Ferry on Patapsco River, which I have had an Allowance from Anne-Arundel County this Twenty-five Years past for keeping the same, is now kept by James Kelfo; and as the Publick may think I have declined keeping Boats, I take this Method to inform them, that I still have Two good Boats going as usual, and hope that all my old Friends and Acquaintance in the Out Counties will favour me with their Custom.
 w3 FLORA DORSEY.

February 10, 1773.
 ALL Persons indebted to the Estate of Mr. William Willett, Pewterer, late of Prince-George's County, deceased, are desired to make immediate Payment; and all those who have any just Claims against the said Estate, are requested to bring them in legally proved that they may be settled and paid, by
 MARY WILLETT, Executrix.

N. B. The Pewterers Business is still carried on at the Subscriber's House in the same Manner, and at the same Rates as were in my deceased Husband's Life.
 w3 M. W.

CHARLES JACOB and ABRAHAM CLAUDE, WATCHMAKERS FROM LONDON, Have just opened a 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.

N. B. William Allen, a Clockmaker from Birmingham, has joined them, who makes and repairs all Sorts of musical, Chime, Town, and plain Clocks, after the best Manner. He also repairs Gentlemens Fire-arms and most Kinds of Metal and Hardware Work, at reasonable Rates. Any Person in the Country, having Clocks out of Order, shall on directing a Line, be waited on as soon as possible.

Baltimore, November 24, 1772.
T O B E S O L D,
 ABOUT Sixteen Hundred Acres of Land, in Five Tracts or Parcels, situated in Baltimore County, originally the Property of Mr. Edward Fell, some Years ago of Baltimore-Town, Merchant, deceased, and all patented to him. The respective Parcels are situated, named, and contain in Acres as follow, viz. Lancaster, laying on Britain's-Forst, near Mr. Thomas Cockey Deye's, containing 300 Acres; Fell's Swathmore, on the East Side of the little Falls of Gunpowder River, 275; Fell's Dale, near the Head of Patapsco Falls, 496; Darlington, on the North Side of Morgan's Run 134; and Fell's Retirement, on a Branch of Little Pipe Creek, 459. Also a Lot of Ground, containing about Half an Acre, on the East Side of Jones's Falls in Baltimore-Town, on which is a Brick House. Proposals for any of the above particularized Lands, or Part of the Tracts, will be received and answered, and a good or indisputable Title made to any Purchaser of them, by
 if HENRY THOMPSON.

Elk-Ridge, December 18, 1772.
 ANY Person that can come well recommended for his Care, Industry, Sobriety and Skill in the Tanning and Currying Business, will be put in Possession of a Tan-yard and Currying Shop, in a very good Neighbourhood for that Business, and where he may get a great Plenty of excellent Bark. The Yard will be let either with or without a young Negro Fellow, as an Assistant to the Master Workman; and as I intend erecting a Saw mill adjoining the said Yard early the ensuing Spring, the Tanner may have the Advantage of the Sawdust arising from some particular Sorts of Wood, which I am persuaded will be of great Efficacy in the Tanning Business. For Terms apply to
 7 H. RIDGELY.

Elk-Ridge, December 29, 1772.
 WHEREAS Mr. Caleb Dorsey, late of Anne-Arundel County, deceased, did by his last will and Testament, bearing Date the 14th Day of March last past, order and direct sundry Lands to be sold, viz. a Tract or Parcel of Land, called Caleb's Delight Enlarged; also a Tract, called Timber-Ridge, and Part of a Tract, called The Mill Frog, all adjoining and lying in Frederick County, near Simpson's Tavern, about Thirty Miles from Elk-Ridge Landing, and contains about Two Thousand Four Hundred Acres. The said Land is well adapted to farming, and will be sold on the 29th Day of June next, in small Parcels, or in any Manner that may best suit the Purchasers;—Also Two Thirds of about Seven Thousand Acres of Land, lying in Anne-Arundel County, on Curtis's-Creek, about Seven Miles from Baltimore Town, on which is a Furnace, a good Dwelling House, and sundry Out-Houses, with a good Grist-Mill, and Saw-Mill: The Land is well timbered and the Water navigable, within Fifty Yards of the Furnace Door, and will be exposed to sale on the 20th Day of July following. The Terms will be made known on the Days of Sale, by
 MICHAEL PUE, Executor,
 if MILCAH DORSEY, } Executrices.
 ELEANOR DORSEY }

N. B. All Persons having just Claims against the Estate, are desired to bring them in legally proved, and those who are indebted to the Estate, are desired to make immediate Payment to Two or more of the Executors only.

Alexandria, February 19, 1773.
B A Y B O L T O N,
 Imported last October, Six Years old this Spring, WILL stand at Footbold, my Plantation, about Three Miles from Alexandria, and cover this Season at One Guinea the Leap, and Five Shillings to the Groom, or Two Guineas the Season, and Ten Shillings to the Groom; and Pasturage Mares may have good Pasturage, but I will not be answerable in case of Loss, though the same Care shall be taken of them as my own.
 He was got by that beautiful Horse Sterling, out of a full blooded Hunter Mare; he is near Sixteen Hands, a dark bay, stout, and well formed.