

# The MARYLAND GAZETTE.

[XXI<sup>st</sup> Year.]

THURSDAY, March 20, 1766.

[N<sup>o</sup>. 1071.]

Mr. GREEN,

March 19, 1766.

**A**S you were pleas'd to publish in your last GAZETTE, by the Order of some Gentlemen who had been Members of the Grand-Jury of this City, a Paper sign'd by COLIN CAMPBELL, Foreman, greatly reflecting on our Characters, we desire you will give the following Observations thereon a Place in your next Gazette.

WALTER DULANY, Mayor.  
 M. MACNEMARA, }  
 G. STEUART, } Aldermen.  
 JOHN BRICE, }  
 U. SCOTT, }

IT is a Fact too notorious to be denied, that the Paper entitled, *A Remonstrance, &c.* printed in the last Gazette, as the Act of the Grand-Jury of the City of ANNAPOLIS, was actually framed after the Court broke up, and consequently at a Time, when they had no Authority to act in that Capacity. By the Date indeed it appears to have been ready on the same Day of the Court's Adjournment; but as the Fact was incontrovertibly otherwise, the Back-Date they have given it, furnishes a full Proof of their own Consciousness, that they were doing what they had no Kind of Authority to do. If then the Fact be true, that this Remonstrance was finish'd and sign'd after the Adjournment of the Court, it can be consider'd only as the Act of private Men, usurping the Character and Authority of Grand-Jurors, and with what Decency or Propriety such a Body of Men at the very Instant that they were violating the Constitution by assuming unwarrantable Powers, could charge the Court with an *undue Exercise of Authority*, we submit to the Consideration of the Public.

Having premis'd thus much, we shall now descend to a particular Consideration of the several Matters of Complaint in the Remonstrance, as far as we are personally affected thereby, the first of which occurs in the \* Fifth Article, to which we answer.

ART. 5. Altho' the Gentlemen have mention'd Lotteries, there never was but *one Lottery*, subject to the Management and Direction of the Corporation, and that the Money raised thereby, for the Use of the City, should be applied accordingly, as an unquestionable, as that the Corporation have taken every Step, in their Power, to that End. A great Part of the Sum has been long ago applied to the Building of a Wharf at the Head of the Dock, and sundry Persons were some Years since appointed by the Corporation to appropriate the Remainder to the Purposes intended, who, we have Reason to believe, from the repeated Publication of an Advertisement in the Gazette, inviting Persons to contract for doing the Work, as well as from private Applications, exerted their best Endeavours to execute the Trust reposed in them; but it seems no Undertaker could be found. What more could they do? If however they have been defective in their Duty, they alone must be answerable for it. But it is further alledg'd by these Gentlemen, "That other considerable Sums have accrued by Fines and Forfeitures to the Use of the Corporation, the greatest Part of which Sums they have Reason to believe has been misapplied or sunk —" They would have done well in giving their Reasons for this Belief, and pointing out the particular Objects they had in View, that the Guilty might have met with their deserv'd Reproach, and the Innocent been screen'd from any Suspicions naturally arising from an Imputation so general and indiscriminating. As no Tenderness was due to the former, so the latter by all the Considerations, which shou'd influence the Hearts and Consciences of Men, ought not to have been included in a Charge of so atrocious a

Nature. Money, say they, belonging to the Public has been sunk — with a long Dash, to be supplied by the Reader's Imagination, who, if he has as little Charity in filling up the Chasm as the Author had in making it, will comprehend the Members of the Court, and perhaps of the whole Corporation in the infamous Charge of Pocketing the Public Money. By whom has the greatest Part of the Sums mention'd been misapplied, or into whose Pockets has it sunk? Let them speak out and support the Charge, or they will deserve the Contempt of every Man, who has the least Spark of Honour in his Breast, as calumniators and false Accusers.

ART. 6. That many Aldermen have neglected to give their Attendance, without sufficient and reasonable Excuses, is not true.

ART. 7. With Respect to Mr. Taster, the Court were govern'd by the Opinion of their late Recorder, who thought that no Step Mr. Taster had taken, amounted to a *legal* Resignation.

ART. 8. That Non-Attendance for a long Space of Time without Reason "is a Cause of Forfeiture" is a Matter of Opinion, which we shall not undertake to discuss.

ART. 9. We do not know that Mr. Maccubbin ever made the Declaration alledg'd in this Article, and have some Reason to think it a Mistake, as we are well inform'd, upon his being question'd on the Subject, that he could not recollect his ever having made any such Declaration.

ART. 10. When this Case happens or is likely to happen, it will be Time enough for the Complaint. At Present we see no Foundation for the Supposition, and consequently the Interence falls to the Ground.

ART. 11. The Court chose a Recorder on the very Day their former Recorder resign'd, and altho' he did not choose to qualify at that Time, for Reasons which they expected might in a little Time be remov'd, they do not think themselves culpable for not proceeding to another Choice.

ART. 12. In this Article it is boldly asserted "that by the Laws of this Corporation, the Mayor's Court is directed to meet the last Tuesdays in January, April, July, and October," whereas there is not the least Foundation for the Assertion, for no such Law exists in the Corporation. The Remonstrants therefore in this Part, utterly regardless of Truth, affirm a Fact totally false, to furnish some Colour for charging the Court with a Disregard of the Laws. With as little Truth is it alledg'd, "that private Business or some other Motives, has always hitherto prevented the Court from sitting more than once in the Year." Since it is notorious that they have continually sat upon the Days to which they have adjourn'd, and proceeded to such Business as they thought requisite.

We acknowledge we can see no Benefit, equal to the Inconvenience, which wou'd arise to the Community, from calling such a Number of People, as are necessary to proceed in a Course of Business, so frequently from their Occupations, on which many of them must depend for their daily Bread. — That the Court therefore have not made it a Practice to sit at Times, when no peculiar Circumstances have render'd it Necessary or Expedient, may more fairly be ascrib'd to their Tenderness for the Inhabitants, than to the selfish Considerations, suggested by the Remonstrance. — We cannot moreover see the Consistency of representing some of the Bye-Laws, "as a Restriction of the Liberty of the Subject, oppressive and unjust," and at the same Time complaining, that they have not been more vigorously executed by a frequent sitting of the Court, for under these very Laws, it is notorious, that more Persons have suffer'd, than under all the rest put together. It is further alledg'd "that some Offenders are brought immediately to Trial, while others are indulg'd what Time they are pleas'd to require." The Partiality, insinuated in this Charge, we aver to be totally void of Truth, and defy the whole World to produce a single Instance of it, which is all we can say, 'till something more weighty than the

bare Allegations of Men, who appear blindfoldly to have adopted whatever was dictated to them, and to have given the Sanction of their Names to many Falsehoods and Misrepresentations, may call upon us for a further Vindication of our Innocence.

ART. 13. This Article is obviated by our Answer to the Fifth.

ART. 15. This Charge is dictated by the same Spirit of Malevolence and Disregard of Truth, with many of the rest, already detected and expos'd. Whenever a Remonstrance has been presented to the Court by the Grand Jury, it has been their constant and invariable Practice (without a single Instance of Deviation, to the best of our Recollection) to convene the Corporation, and to lay it before them. How injurious then is the Imputation, "that the Remonstrances from former Grand-Jurors have been barely read and filed by the Clerk and no further Notice taken of them."

In Answer to the Complaint against the Court, for Adjourning, which is intimated in Mr. Colin Campbell's Letter to the Printer prefix'd to the Remonstrance, we must beg Leave to lay before the Reader, a Narrative of that Proceeding, that he may judge what Right these Gentlemen had, to charge us with offering them any *Affront or Indignity* by the Adjournment.

The Court met on the last Tuesday in January, and adjourn'd on Account of the Profecutor's Absence, to Wednesday the 19th of February following, when they met and proceeded to Business as usual. They continued sitting 'till Saturday Night, at which Time they propos'd to have broke up, but upon the Grand-Jury's Representation, that they had still more Business before them, and the Sheriff's craving a further Time to bring in a Delinquent, for whom he stood amerc'd, the Court adjourn'd to the 7th of March following, and inform'd the Grand-Jury, that they shou'd sit no longer than the Day, to which they adjourn'd.

On the 7th of March, the Court met according to Adjournment, and in the Morning desir'd the Grand-Jury to be expeditious in dispatching their Business, informing them at the same Time, of their Resolution to break up in the Afternoon. About 3 o'Clock, they brought down a Bill of Indictment and the Presentments they had then found. At this Time the Foreman was ask'd, Whether the Grand-Jury had any more Business before them, to which he answer'd, that they had Business enough to employ them Eight Days longer. They were then inform'd again of the Court's Resolution to break up in the Evening, and desired to dispatch all the Business they cou'd in the mean Time. About 4 o'Clock, a Messenger was sent up to the Grand-Jury, desiring that they wou'd bring down the Presentments they had found, and the Answer delivered to us was, that they wou'd be down in Half an Hour. After sitting an Hour longer, the Court sent their Clerk to them, repeating their Request, that they wou'd bring down the Presentments they had then prepar'd, and informing them that no Business lay before them, to which they answer'd, that they had not done nor did they know when they shou'd, whereupon the Court adjourn'd to the Court in Course.

Upon this State of the Case, † which to the best of our Remembrance is true in every Circumstance, we must now appeal to all Persons, acquainted with the Nature of these Affairs in this City, whether a competent Time was not allow'd to the Grand-Jury to accomplish the Purposes, for which they were call'd together. Has it been known, that a Grand-Jury in this Town ever sat longer? What Prospect of Advantage was there, equal to the Inconvenience of detaining a considerable Number of Men from their Callings, to justify us in continuing the Court any longer? If they had really found a great Number of Presentments,

† The Mayor, not having been present 'till the last Day of the Court, is concern'd only in the Facts alledg'd in the above Narrative, to have happen'd on that Day.

\* The several Articles of Charge in the Remonstrance are refer'd to Numerically, to prevent the Necessity of a particular Introduction to each Article.