

will say, perhaps, that although you deserted the Fortune of your liege Lord, you have adhered firmly to the Principles which drove his Fate from the Throne;—that with-out-openly supporting the Petition, you have done essential Service to the Cause, and consoled yourself for the Loss of a favourite Family, by reviving and establishing the Maxims of their Government. This is the Way, in which a Scotchman's Understanding corrects the Error of his Heart.—My Lord, I acknowledge the Truth of the Defence, and can trace it through all your Conduct. I see through your whole Life, one uniform Plan to enlarge the Power of the Crown, at the Expence of the Liberty of the Subject. To this Object, your Thoughts, Words, and Actions have been constantly directed. In Contempt or Ignorance of the Common Law of England, you have made it your Study to introduce into the Court, where you profess Maxims of Jurisprudence unknown to Englishmen. The Roman Code, the Law of Nations, and the Opinion of foreign Civilians, are your perpetual Theme;—but who ever Heard you mention Magna Charta, or the Bill of Rights, with Approbation or Respect? By such treacherous Arts the noble Simplicity and free Spirit of our Saxon Laws were first corrupted. The Norman Conquest was not complete, until Norman Lawyers had introduced their Laws, and reduced Slavery to a System.—This One leading Principle directs your Interpretation of the Laws, and accounts for your Treatment of Juries. It is not in-political Questions only (for these the Courtier might be forgiven) but let the Cause be what it may, your Understanding is equally on the Rack, either to contract the Power of the Jury, or to mislead their Judgment. For the Truth of this Assertion, I appeal to the Doctrine you delivered in Lord Grosvenor's Cause. An Action for criminal Conversation being brought by a Peer against a Prince of the Blood, you were daring enough to tell the Jury that, in fixing the Damages, they were to pay no Regard to the Quality or Fortune of the Parties;—that it was a Trial between A. and B. that they were to consider the Offence in a moral Light only, and give no greater Damages to a Peer of the Realm than to the meanest Mechanic. I shall not Attempt to refute a Doctrine, which, if it was meant for Law, carries Falshood and Absurdity upon the Face of it; but, if it was meant for a Declaration of your political Creed, is clear and consistent. Under an arbitrary Government, all Ranks and Distinctions are confounded. The Honour of a Nobleman is no more considered than the Reputation of a Peasant, for, with different Liveries, they are equally Slaves.

Even in Matters of Private Property, we see the same Bias and Inclination to depart from the Decisions of your Predecessors, which you certainly ought to receive as Evidence of the Common Law. Instead of those certain, positive Rules, by which the Judgment of a Court of Law should invariably be determined, you have fondly introduced your own unsettled Notions of Equity and substantial Justice. Decisions given upon such Principles do not alarm the Public so much as they ought, because the Consequence and Tendency of each particular Instance is not observed or regarded. In the mean Time the Practice gains Ground; the Court of King's Bench becomes a Court of Equity, and the Judge, instead of consulting strictly the Law of the Land, refers only to the Wisdom of the Court, and to the Purity of his own Conscience. The Name of Mr. Justice Yates will naturally revive in your Mind some of those Emotions of Fear and Detestation, with which you always beheld him. That great Lawyer, that honest Man, saw your whole Conduct in the Light that I do. After Years of ineffectual Resistance to the pernicious Principles introduced by your Lordship, and uniformly supported by your humble Friends upon the Bench, he determined to quit a Court whose Proceedings and Decisions he could neither assent to with Honour, nor oppose with Success.

The Injustice done to an Individual is sometimes of Service to the Public. Facts are apt to alarm us more than the most dangerous Principles. The Sufferings and Firmness of a Printer have roused the Public Attention. You knew and felt that your Conduct would not bear a Parliamentary Inquiry, and you hoped to escape it by the meanest, the basest Sacrifice of Dignity and Consistency, that ever was made by a great Magistrate. Where was your Firmness, where was that vindictive Spirit, of which we have seen so many Examples, when a Man, so inconsiderable as Bingley, could force you to confess, in the Face of this Country, that, for Two Years together, you had illegally deprived an English Subject of his Liberty, and that he had triumphed over you at last? Yet I own, my Lord, that your's is not an uncommon Character. Women, and Men like Women, are timid, vindictive, and irresolute. Their Passions counteract each other, and make the same Creature at one Moment hateful, at another contemptible, I fancy, my Lord, some Time will elapse before you venture to commit another Englishman for refusing to answer Interrogatories.

The Doctrines you have constantly delivered in Cases of a Libel, is another powerful Evidence, of a settled Plan to contract the legal Power of Juries, and to draw Questions, inseparable from Fact, within the Arbitrium of the Court. Here, my Lord, you have Fortune of your Side. When you invade the Province of the Jury, in Matter of Libel, you, in Effect, attack the Liberty of the Press, and, with a single Stroke, wound Two of your greatest Enemies at once.—In some Instances you have succeeded, because Jurymen are too often ignorant of their own Rights, and too apt to be awed by the Authority of a Chief Justice. In other criminal Prosecutions, the Malice of the Design is confessedly as much the Subject of Consideration to a Jury as the Certainty of the Fact. If a different Doctrine prevails in the Case of Libels, why should it not extend to all criminal Cases?—Why not to Capital Offences? I see no Reason (and I dare say you will agree with me that there is no good One) why the Life of the Subject should be better protected against

you, than his Liberty or Property. Why should you enjoy the full Power of Pillory, Fine, and Imprisonment, and not be indulged with Hanging or Transportation? With your Lordship's fertile Genius, and merciful Disposition, I can conceive such an Exercise of the Power you have, as could hardly be aggravated by that which you have not.

But, my Lord, since you have laboured (and not unsuccessfully) to destroy the Substance of the Trial, Why should you suffer the Form of the Verdict to remain? Why force Twelve honest Men, in palpable Violation of their Oaths, to pronounce their Fellow Subject a guilty Man, when, almost at the same Moment, you forbid their inquiring into the only Circumstance, which in the Eye of Law and Reason constitutes Guilt—the Malignity or Innocence of his Intentions?—But I understand your Lordship.—If you could succeed in making the Trial by Jury useless and ridiculous, you might then with greater Safety introduce a Bill into Parliament for enlarging the Jurisdiction of the Court, and extending your favourite Trial by Interrogatories to every Question, in which the Life or Liberty of an Englishman is concerned.

Your Charge to the Jury, in the Prosecution against Almon and Woodfall, contradicts the highest legal Authorities, as well as the plainest Dictates of Reason. In Miller's Cause, and still more expressly in that of Baldwin, you have proceeded a Step farther, and grossly contradicted yourself.—You may know perhaps, though I do not mean to insult you by an Appeal to your Experience, that the Language of Truth is uniform and consistent. To depart from it safely requires Memory and Discretion. In the Two last Trials your Charge to the Jury began, as usual, with assuring them that they had nothing to do with the Law,—that they were to find the bare Fact, and not concern themselves about the legal Inferences drawn from it, or the Degree of the Defendant's Guilt.—Thus far you were consistent with your former Practice.—But how will you account for the Conclusion? You told the Jury that, "if after all, they would take upon themselves to determine the Law, they might do it, but they must be very sure that they determined according to Law, for it touched their Consciences, and they acted at their Peril." If I understand your first Proposition, you meant to affirm, that the Jury were not competent Judges of the Law in the criminal Case of a Libel;—that it did not fall within their Jurisdiction; and that, with respect to them, the Malice or Innocence of the Defendant's Intentions would be a Question *coram non judice*.—But the second Proposition clears away your own Difficulties, and restores the Jury to all their judicial Capacities. You make the Competence of the Court to depend upon the Legality of the Decision. In the first Instance you delay the Power absolutely. In the Second, you admit the Power, provided it be legally exercised.—Now my Lord, without pretending to reconcile the Distinctions of Westminster-Hall with the simple Information of common Sense, or the Integrity of fair Argument, I shall be understood by your Lordship, when I assert that, if a Jury, or any other Court of Judicature (for Jurors are Judges) have no Right to entertain a Cause, or Question of Law, it signifies Nothing whether their Decision be or be not according to Law. Their Decision is in itself a mere Nullity;—the Parties are not bound to submit to it; and, if the Jury run any Risk of Punishment, it is not for pronouncing a corrupt or illegal Verdict, but for the Illegality of meddling with a Point, on which they have no legal Authority to decide.

I cannot quit this Subject without reminding your Lordship of the Name of Mr. Benson. Without offering any legal Objection, you ordered a Special Jurymen to be set aside in a Cause, where the King was Prosecutor. The Novelty of the Fact required Explanation. Will you condescend to tell the World by what Law or Custom you were authorized to make a peremptory Challenge of a Jurymen? The Parties indeed have this Power, and perhaps your Lordship, having accustomed yourself to unite the Characters of Judge and Party, may claim it in virtue of the new Capacity you have assumed, and Profit by your own Wrong. The Time, within which you might have been punished for this daring Attempt to pack a Jury, is, I fear, elapsed; but no Length of Time shall erase the Record of it.

The Mischiefs you have done this Country are not confined to your Interpretation of the Laws, you are a Minister, my Lord, and, as such, have long been consulted. Let us candidly examine what Use you have made of your Ministerial Influence. I will not descend to little Matters, but come at once to those important Points, on which your Resolution was waited for, on which the Expectation of your Opinion kept a great Part of the Nation in Suspence.—A constitutional Question arises upon a Declaration of the Law of Parliament, by which the Freedom of Election, and the Birthright of the Subject were supposed to have been invaded.—The King's Servants are accused of violating the Constitution.—The Nation is in a Ferment.—The ablest Men of all Parties engage in the Question, and exert their utmost Abilities in the Discussion of it.—What Part has the honest Lord M.—acted? As an eminent Judge of the Law, his Opinion would have been respected.—As a Peer, he had a Right to demand an Audience of his Sovereign, and inform him that his Ministers were pursuing unconstitutional Measures.—Upon other Occasions, my Lord, you have no Difficulty in finding your Way into the Closet. The pretended Neutrality of belonging to no Party will not save your Reputation. In Questions merely political, an honest Man may stand neuter. But, the Laws and Constitution are the general Property of the Subject;—not to defend is to relinquish;—and who is there so senseless as to renounce his Share in a common Benefit, unless he hopes to profit by a new Division of the Spoil. As a Lord of Parliament you were repeatedly called upon to condemn or defend the new Law declared by the House of Commons. You affected to have Scruples, and every Expedient was at-

tempted to remove them.—The Question was proposed and urged to you in a Thousand different Shapes.—Your Prudence still supplied you with Evasion.—Your Resolution was invincible. For my own Part, I am not anxious to penetrate this solemn Secret.—I am not to whose Wisdom it is intrusted, nor how soon you carry it with you to your Grave. You have betrayed your Opinion by the very Care you have taken to conceal it. It is not from Lord M.—that we expect any Reserve in declaring his real Sentiments in favour of Government, or in Opposition to the People;—nor is it difficult to account for the Motions of a timid, dishonest Heart, which neither has Virtue enough to acknowledge Truth, nor Courage to contradict it.—Yet you continue to support an Administration which you know is universally odious, and which, on some Occasions, you yourself speak of with Contempt. You would fain be thought to take no Share in Government, while, in reality, you are the Main Spring of the Machine.—Here too we trace the little, prudential Policy of a Scotchman. Instead of affecting the open, generous Part which becomes your Rank and Station, you meanly skulk into the Closet, and give your Sovereign such Advice, as you have not Spirit to avow or defend. You secretly engross the Power, while you decline the Title of Minister; and though you dare not be Chancellor, you know how to secure the Emoluments of the Office.—Are the Steals to be forever in Commission, that you may enjoy Five Thousand Pounds a Year? I beg Pardon; my Lord, your Fears have interposed at last, and forced you to resign.—The Oidium of continuing Speaker of the House of Lords, upon such Terms, was too formidable to be resisted. What a Multitude of bad Passions are forced to submit to a constitutional Infirmary! But, though you have relinquished the Salary, you still assume the Rights of a Minister.—Your Conduct, it seems, may be defended in Parliament.—For what other Purpose is your wretched Friend, that miserable Serjeant, posted to the House of Commons? Is it in the Abilities of Mr. Leigh to defend the great Lord M.—? Or is he only the Punch of the Puppet-Show, to speak as he is prompted by the CHIEF JUGGLER behind the Curtain?

In Public Affairs, my Lord, Cunning, let it be ever so well wrought, will not conduct a Man honourably through Life. Like bad Money, it may be Current for a Time, but it will soon be cried down. It cannot consist with a liberal Spirit, though it be sometimes united with extraordinary Qualifications. When I acknowledge your Abilities, you may believe I am sincere. I feel for human Nature when I see a Man, so gifted as you are, descend to such vile Practices.—Yet do not suffer your Vanity to console you soon. Behold me, my good Lord, you are not admired in the same Degree, in which you are detested. It is only the Partiality of your Friends that balances the Defects of your Heart with the Superiority of your Understanding. No learned Man, even among your own Tribe, thinks you qualified to preside in a Court of Common Law. Yet it is confessed that, under *Jusitium*, you might have made an incomparable *Praetor*—It is remarkable enough, but I hope not ominous, that the Laws you understand best, and the Judges you affect to admire most, flourished in the Decline of a great Empire, and are supposed to have contributed to its Fall. Here, my Lord, it may be proper for us to part together. It is not for my own Sake that I wish you to consider the Delicacy of your Situation. Beware how you indulge first Emotions of your Resentment. This Paper is delivered to the World, and cannot be recalled. The Persecution of an innocent Printer cannot alter Facts, nor refute Arguments.—Do not furnish me with farther Materials against yourself.—An honest Man, like the true Religion, appeals to the Understanding, or modestly confides in the internal Evidence of his Conscience. The Impostor, employ Force instead of Argument, imposes Silence where he cannot convince, and propagates his Character by the Sword.

ANNAPOLIS, FEBRUARY 7.
Since our last we are informed that Messrs. Thomas Ringgold, Robert Buchanan, Stephen Berdly, and Richard Grebam, are returned Delegates to serve in the next General Assembly, for Kent County.

* * * This Gazette ends the Year with all good old Customers, and to which Time all our Accounts will be charged; but therefore shall take it particularly kind in all those who will make Payment, that we may be thereby enabled to carry on, with Credit, so extensive a Business.

TO THE PRINTER.
Be pleased to insert the following QUERIES in your next Paper.
Yrs. A. B.
WHAT Motives could have occasioned the Prorogation of the Assembly to the first of October next?
If done with a View to extort a Petition from the People for an earlier Call of the Assembly, Q. Whether such a Petition would not imply an unreasonable Fondness in the People for an Inspection Law, or a groundless Fear of a Power in the Officers to oppress the People on Account of Fees?
If a Petition would justify such an Inference, Q. Whether the Officers would not probably avail themselves of it, to secure an Establishment of their Fees, contrary to the Sentiments of the late Lower House, which seem to be approved in the new Choice of the old Members at the late Election?
Q. Should not the Merchants and Planters, generally form a private Inspection, by Agreement, as nearly similar as may be to the late Law, upon the Plan already adopted in several Parts of the Province?

General Post-Office, New-York, Jan. 1771.
THIS MAJESTY'S Post-Master General (for the better facilitating of Commerce between Great-Britain and America) been a Fifth Packet Boat to the Station between New-York and New-York: Notice is hereby given that the Mail for the future will be closed at New-York, at Twelve of the Clock, on the First Tuesday in every Month, and a Packet the next Day for London, By Command of the D. Post-Master General.
(12) ALEXANDER COLDEN,

THE Constables of the several Hundreds of Annapolis County, are desired to attend Court the Second Wednesday next, viz. the 27th, and November.
Signed per Order,
JOHN BRICE

Be sold by the Subscriber, on Saturday next, at the Coffee-House in Annapolis, at the Clock in the Afternoon, for Cash,
TWO LIKES
NEGRO WOMEN
CHARLES W.

JUST PUBLISH
to be sold at the PRINTING-OFFICE of ASSEMBLY.

TO BE SOLD
A Shoemaker, who is a very good workman, and his Wife, a skilful Seamstress, have about Two Years to serve. Enquire at the Office.
(3w)

THE Copartnership of James Cbristie, John Boyd of Joppa, Baltimore County, is dissolved, and the First Party is Subscriber and his Agents being fully empowered to settle and finish the Business of the said Partnership. It is requested of those who have any Claims against it, to bring them in, that they may be paid, and those who are indebted to the Partnership are desired speedily to pay their respective Balances, or at least to give Security, if desired, for them, either to the Office at Joppa, or at Baltimore-Town, to the Office of JAMES CHRISTIE.
(w6)

NOTICE is hereby given, that the undersigned has empowered Mr. Joseph Horwood, just all Claims, either by Bond, Note, or Account, for or against her deceased Husband, which Purpose Attendance will be given at the Office, every Friday from the Date hereof, until the whole are settled.—Such Persons as are requested to make immediate Payment of those who have Claims, to bring them in, as soon as possible, to the Office.
MARY DORSEY, Adm^r.
CALEB DORSEY, Esq.

Do hereby declare unto all People that should trust my Wife FANE, that I will not pay any of her Debts which she contracts, this 6th Day of February, 1771.
SAMUEL

ANNAPOLIS, FEBRUARY 7.
RAN away last Night from the Office of Convict-Servant Lad, named JOHN, about 19 Years of Age, a Tailor by Trade, in the West of England, but may easily be known, and a Sailor, having, as I am informed, forged Discharge from a Captain of a Ship, about 5 Feet 4 Inches high, his Hair short straight brown Hair, with Feature of the Villain. Had on, a short red Pea-Jacket, Breecies, Yarn Stockings, good Shoes and Buckles.
Whoever takes up said Servant, and brings him to his Master may have him again, Four Dollars if taken in this County, Three Pounds, and if out of County, Five Pounds, and reasonable Charges.
(w2) ROBERT

Baltimore County, near Northampton-Woods, 31, 1771.
RAN from his Bail, a thick well featured SAMUEL AMBLER, about 20 Years of Age, lightish Hair, tied behind, swarthy Complexion; Had on, a dark brown Coat, Buttons, but perhaps may change his Dress, is a Shoemaker by Trade, and is hurt in his Hip, which makes him walk much upon his Crutches.
Whoever secures the said Man, shall have him again; shall have, if taken in this County, Three Pounds, and if out of County, Five Pounds, and all reasonable Charges.
(w2) RICHARD

THERE is at the Plantation of Mr. Living in Prince-George's County a Stray, a chestnut Mare, about 12 or 14 Years old, branded on the near Side with an O, paces, trots, and gallops like a Hackney, and is very perry and paying Charges.
The Owner may have her again, for the same Price she was sold for, and paying Charges.