

MARYLAND GAZETTE.

T H U R S D A Y, APRIL 8, 1773.

LOTTERY,
Dollars, for repairing the
way to The winding Ridge.
Dollars.

300	are	300
100	are	300
50	are	300
20	are	300
10	are	300
5	are	300
4	are	300
3	are	2550
are		4650
gain		1350

Dollars each amount to 6000

There are not Two Blanks
Prizes subject to no Deduc-
e many of them very valuable,
the Tickets will very soon be
y as a great Number of them

at Hagar's Town, on Tues-
day next if full, or sooner
Preference of Three Managers at
of the Adventurers as choose to

Messrs. Thomas Crisp, Michael
Jonathan Hagar, John Swans,
Caldwell, and Richard Yates.

will be published in the Maryland
be ready to be paid in One
drawing. Those not demanded
will be deemed as generously
ing the aforesaid Road.

ad of any of the Managers.

Baltimore, January 16, 1773.

ing any just Claim against the

Charles Ridgely, deceased, are

their Accounts properly proved,

debted to the said Estate, are

come and pay to prevent Expence

Trouble to

WILLIAM RIDGELY, } Executors.

WILLIAM CHAMBERLAIN, }

WILLIAM GOODWIN, }

FOR SALE,

and Lots in which I lately de-
the Court-House Circle in the

they are all well inclosed with

the Houses are mostly new and

they will be sold for a long Cre-

ne Terms may be known by ap-

REUBEN MERIWETHER.

se and Lots are so advantageously

all known, that I think a minute

is needless.

BE SOLD,

g. Houses and Lots belonging to

on Morton Jordan, Esq; deceased,

bank of Severn River in the City of

Person inclinable to purchase the

lots, may know the Terms by ap-

most obedient humble Servant,

REUBEN MERIWETHER, Admr.

the Plantation of Thomas Tenney,

g-Creek Church, a Stray bay Mare,

and a Half high, 3 Years old, has a

head, no perceivable Brand, nor

war may have her again on prov-

paying Charges.

BOLTON,

October, Six Years old this Spring,

at Fortbold, my Plantation, about

miles from Alexandria, and cover this

nine the Leap, and Five Shillings

Two Guineas the Season, and Ten

Groom; and Pasturage Mares may

grage, but I will not be answerable

though the same Care shall be taken

ny that beautiful Horse Sterling, out

Hunter Mare; he is near Sixteen

ay, about, and well formed

Blk-Ridge, December 18, 1772.

that can come well recom-
are, Industry, Sobriety and Skill in

and Currying-Business, will be put in

Tan-yard and Currying-Shop, in a

ighbourhood for that Business, and

et a great Plenty of excellent Bark-

let either with or without a young

as an Assistant to the Master Work-

intend erecting a Saw mill adjoining

ly the ensuing Spring, the Tanner

advantage of the Sawdust arising from

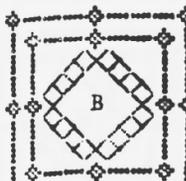
Sons of Wood, which I am per-

of great Efficacy in the Tanning Bu-

ness apply to H. RIDGELY,

N and SON.

Sub perEore toto
Invidia intumuit, stultum furor abripuitque.



BEFORE I bestow any animad-
version upon other imperti-
nences, I shall endeavour to
collect, and reduce to as much
method, as they will bear,
those parts of the Citizen's last
performance, which have any
apparent relation to the pro-
clamation, and if the intelli-
gent reader should be mis-
chievously inclined to entertain himself with my dis-
tractions, and for this purpose have recourse to my former
paper, and my adversary's answer to it, I shall readily
forgive him, if he smiles at the trouble I take to ar-
range desultory cavils, and extract out of the effusions
of ignorance, and malice objections for refutation.
It is a very unfair thing (as Swift observes) in any
writer to employ his ignorance, and malice together,
because it gives his answer double work. It is
like the kind of sophistry that the logicians call *two*
mediums, which are never allowed in the same
syllogism, a writer with a weak head, and a corrupt
heart is an overmatch for any single pen, like a nice-
ling jade, dull, and vicious, hardy able to stir, yet
offering at every turn to kick.

In my former letter I laid before the reader for his
examination, and compassion, the two transactions of
the ship-money tax, and the proclamation, and shew-
ed that the former imposed a direct tax on the people,
and enforced the payment of it by the rigorous means
of execution affecting the property, and personal lib-
erty of the subject, and that the latter contained the
sanction only of the Governor's threats of displeasure
to officers dependant, and removable without any
enforcement extended to the people beyond that,
which the ordinary courts might confer on the very
ground of its legality. I also proved that without some
settled rate, or standard no exaction of an officer could
be punishable as extortion, and that judges and others
not vested with a legislative authority, had settled, and
ascertained the fees of officers for the very purpose of
preventing the oppression of the subject, and conclud-
ed, the two transactions, were not only not equally
arbitrary infractions of the constitution, but were en-
tirely dissimilar. The Citizen professes his design to
consider my reasons in defence of the proclamation, and
after having granted that the assessment of ship-mo-
ney was a more open, and daring violation of the
constitution, still contends that the proclamation,
"though more disguised, is equally subversive in its
consequence of liberty." The reader will remember
that the Citizen to support the character he has attrib-
uted to the proclamation, must prove it to be an ar-
bitrary tax.

He allows that the tax of ship-money was an "open
and avowed attack on liberty" and seems to apply
to the proclamation the epithets, "modest, mild, and
"conciliating." He acknowledges that the methods
pursued in levying the ship-money were the "arbi-
trary seizure of property and deprivation of personal
liberty" and that there "is no attempt in the pro-
clamation to subject the people to any execution;"
but, notwithstanding his admission of so great difference,
he endeavours to maintain his position, that the pro-
clamation is as subversive, in its consequence, of liberty,
as the levy of ship-money was. "The most daring
attacks on liberty, he says, are not perhaps the most
"dangerous," because extreme violence excites
general indignation, and opposition; but the "mo-
dest, mild, conciliating manner, in which the latent
"designs of a crafty minister come sometimes recom-
"mended, ought to render them the more suspect-
"ed, and should always inspire caution, and dif-
"fidence," let the operation, and effect of the pro-
clamation determine its character; but, because the
manner is modest &c.—let not suspicion at once infer,
that the design of it is to violate the peoples rights;
for if one measure is to be opposed, because expressed
in an imperative stile, and attended with the most ri-
gorous enforcements, and another measure is also to be
opposed, because it is "modest, mild, &c." in the
manner, and unattended by any enforcement,
except what it derives from the law, it would be
difficult, indeed, for the best intentions to escape
censure. In speaking of the ship money exaction,
the Citizen admits my account of it to be, "in the
"main true," but intimates that "it is not impartial,"
"it is in the main true." In what was it then not im-
partial? The exility of the insinuation shall not protect
the principle of it, nor shall attempt to entirely ex-
tinguish indignation, as to hinder me from exposing
the seditious attempt. The appellation, "Tyrant"
has, I suspect, rubbed the fore. "The tax (says he)
"was very moderate little exceeding, £. 200,000 sterling
"—it was levied with justice and equity, &c." "mo-
"derate?" When the people were plundered of every
farthing of it? "levied with justice and equity;"
when extorted by the rigours of distress, and impris-
onment, in the most direct violation of every princi-
ple of liberty? The moderation, justice, and equity of

a robber, who should suffer the plundered passenger to
retain half a crown for his dinner, might be cele-
brated with equal grace and propriety. Again he
whines—"the boundaries between liberty, and pre-
rogative were far from being ascertained." What, had
not Mag. a *Contra* so often (at least thirty-two times)
confirmed; the statute (he has referred to on another
ocasio) *de tallagio non concedendo*, the petition
and act of rights (to mention no other) *most clearly*
established the principle, that "the people could not
"be taxed without their consent?" The boundary
could not have been more clearly marked out by the
utmost precaution of jealous prudence or more out-
rageously transgressed by the most determined, and
lawless tyranny, and yet the Citizen, the generous
friend of liberty, though he has adopted the pretences
of a *notorious apologist*, has advanced them *without*
any view to "excuse the assessment of ship-money, or
"excuse King Charles"—he means not to apolo-
gize, though he has adopted the very principles of
the tyrants apologist—again "James the 2d by en-
"deavouring to introduce arbitrary power, and sub-
"vert the ESTABLISHED church deserved to be deposed,
"and banished, and the revolution rather" says the
Citizen, "brought about, than followed King James's
"abdication of the crown."

Here reader, you have another proof of the staunch
whiggism of the champion, so properly celebrated by
our Independent Whigs. "The revolution rather
"brought about, than followed King James's ab-
"dication?"

Those great men, by whom the cause of national
liberty was supported, entertained very different ideas
from our Independent Whigs, and their champion. They
received their instructions in a very different school. The
common vote that, King James 2d "having endea-
"voured to subvert the constitution of the kingdom,
"by breaking the original contract between king,
"and people, and by the advice of jesuits, and other
"wicked persons, having violated the fundamental
"laws, and withdrawn himself out of the kingdom
"hath abdicated the government, and the throne is
"thereby become vacant, and that it hath been found
"by experience to be inconsistent with this protestant
"kingdom to be governed by a popish prince."

The abdication of James was, *the wrong done by*
him, "the government is under a trust, and acting a-
"gainst, is renouncing it; for how can a man in rea-
"son, or sense, express a greater renunciation of a
"trust, than by the constant declaration of his
"acts contrary to that trust."

"The revolution rather brought about than fol-
"lowed the abdication."

The principles of this champion for whiggism hav-
ing been developed, the Independents, perhaps, may
doubt the propriety of their political attachment, when
they consider the effect of the Citizen's suggestions is,
that the revolution was rather an act of violence, than
of justice, unless, indeed, the regard he has expressed
for the established church, so consistent with his religious
profession, should, happily, divert their attention: for
its regard, to be sure, is very commendable.

That the proclamation restrains the officers is cer-
tain, and, having this effect, if it has no other, it is be-
neficial—if it has moreover, the effect of binding the
people to pay, as well as the officer to receive according
to the adopted rates, this effect flows from its legality,
from the same principles, that the general protection,
and security of mens rights are derived.

The ship-money was levied upon the people, when
no part of it was due—the officer can receive nothing,
when nothing is due, and yet the Citizen alleges they
equally correspond with the idea of tax, and of an ar-
bitrary, tyrannical imposition—a tax cannot be laid
unless by the legislative authority; but fees, the Cit-
izen is constrained to admit, have been lawfully settled
by the lords alone, by the commons alone, by the upper
and lower houses separately, and by the courts of law,
and equity in England—that these fees have not been
settled by the legislative authority is therefore clear.
What is then the plain result? No tax can be imposed,
except by the legislature, but fees have been lawfully
settled in the manner premised by persons, not vested
with legislative authority, consequently the settlement of
fees is not a tax. On this head the Citizen remarks,
that the lords and commons derive "their right from
"long usage, and the law of parliament which is part
"of the law of the land"—be it so, but the law of
parliament, which is part of the law of the land, doth
not vest the lords, or the commons alone with author-
ity to tax. The amount then of the Citizens reason-
ing is, that the lords and commons separately settle fees,
because they are enabled so to do by the law of the land.
The judges have no share in the legislature; but their
settlement of fees is lawful too, whence is their author-
ity derived; but from the law of the land? "The
"chief danger of oppression (says Hawkins in his
"treatise of crown law) is from officers being left at li-
"berty to set their own rates, and make their own
"demands, therefore the law has authorized the judges
"to settle them" How are these settlements, and the ad-
mission of their legality to be reconciled with the po-
sition that fees, are taxes? "The proclamation, says

"the Citizen, is in its consequence, as subversive of li-
"berty, as the ship-money, if the judges should de-
"termine coists to be paid according to the rates, be-
"cause execution would necessarily follow a refusal to
"pay those rates."

This objection, if I am not mistaken, suggests an
additional argument to prove the settlement of fees to
be, not only, not an arbitrary tax, but a legal un-
avoidable act. When a suit is brought in a court of law,
or equity, or carried by appeal from an inferior to a
superior jurisdiction, and a final judgment, or decree
is given, in which coists are awarded, these coists are
necessarily ascertained, and the party against whom they
are awarded is compelled to pay them. It will, I pre-
sume, be admitted to be just, and reasonable, that the
person, obliged to apply to a court for justice, should
be repaid the lawful coists attending the prosecution of
his suit, and that a party, put to expence in defending
himself against an illegal claim, should also be repaid
by his adversary the equal coists attending his defence.

What then are these coists, which ought to be awarded,
and must necessarily be ascertained, by the judgment or
decree? the fees of the lawyer, and of the officers con-
stitute, sometimes, the whole, sometimes part of these
coists, and the fees are not only such, as have been
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by his adversary the equal coists attending his defence.

The offices, to which the proclamation relates, are
not within the designation, *new offices*, and therefore
so far the passage from ad inst. is irrelative. The
offices are old and constitutional such as do not depend
upon any will or discretion of the supreme magistrate,
whether they shall be continued, or cease; but must be
preserved as institutions, always exercisable, and neces-
sary to the execution of the laws. *New fees* are not to
be annexed to such offices according to Coke's opinion,
by which is plainly meant, that the old, or established
fees belonging to these offices cannot be lawfully aug-
mented, or altered without an act of parliament. That
in the old offices, fees may be settled for necessary ser-
vices, when there happens to be no prior provision, or
establishment, and that such settlement is lawful, and in
the case of coists, I have already considered, *indispensibly*
necessary, the instances enumerated above.

The judges determined that an under- Sheriff should
receive a fee of a person brought to the bar, and
acquitted of, a felony, "because it was assigned to the
"officer by the order and discretion of the court, and
"that it was with reason and good conscience this fee