

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

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

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

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

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

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

(B) 1 Blackstone's commentaries, 141.

(C) 2 Inst. 47.

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

(E) 2 Inst. 56.

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

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

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

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

We are Sir,

Your humble servants,

THOMAS JOHNSON, junr.
SAMUEL CHASE,
WILLIAM PACA.

Annapolis, Sept. 3,
1773.

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

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

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

Gentlemen of the livery,

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

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

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

ANNAPOLIS, SEPTEMBER 9.

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

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

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

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

To be sold, at publick vendue, at the coffee-house, on Friday the 24th instant,
SUNDRY SLAVES, the property of Edmund Brice, of London. Also a negro wench who has been used to household work, and is sold for no fault but being too fond of liquor.