

MARYLAND GAZETTE.

THURSDAY, DECEMBER 1, 1785.

To the PUBLIC.

TAKE it for granted, that a citizen of this state has an unquestionable right to animadvert upon the proceedings of its public bodies: no apology thereto is necessary, or can be required for the comments, I mean occasionally to make upon the conduct of either branch of the legislature, during their present session.

My first attention shall be directed to a late order by the senate commanding the agent to lay before them his official papers and transactions respecting his agency: I conceive this order and command to be highly indelicate and clearly unconstitutional and illegal.

The senate, at their last session, with a politeness and decency that should ever distinguish men placed in the exalted station they have the honour to sustain, directed one of their own members to request the agent to attend that honourable body, and give them official information: the request was readily and cheerfully complied with: the agent attended and gave a full and explicit detail of all his transactions.

But at this session it appears the senate have thought proper to adopt a very different mode of conduct: instead of requesting a communication of official papers they order it to be done: instead of directing one of their own members to call upon the agent they direct one of their officers to execute the order upon him by the delivery of a written copy of it.

Men in high stations have many opportunities of being very ill-natured in the exercise of their powers: it is true a public body having competent authority may say to an inferior WE ORDER AND COMMAND YOU: but a regard for the civilized habits and manner, and for the refined sentiments and improvements of the heart, which the arts and sciences have introduced upon the expulsion of rudeness and barbarism, should ever influence superiors to be as sparing as possible of the haughty magisterial stile; and to adopt in their intercourse with inferiors a language better accommodated to the feelings of honour, delicacy and humanity, and yet equally effectual. To the retractory and disolvent let the whip of authority be smacked as loud as you please: but to fellow-citizens ever ready respectfully to submit to the government and its laws, the voice of authority ought to be unassuming and conciliatory. History abounds in instances, where government has been maintained by civility and persuasion, when rods and tortures and every system of violence, and all the magazines of vengeance have been used in vain.

But this order and command of the senate is very indelicate in another point of view. It commands a right to communicate the instructions he gave his counsel before his departure from London. Now these very instructions were communicated to the senate and the house of delegates at their last session: and so was the whole correspondence between him and his counsellor, and a full detail of his agency down to that period. Why then was the order extended beyond that period and made to comprehend antecedent transactions already communicated and in possession of both houses?

Was it done with an intention to hold out the idea and to perpetuate it on the records of the senate, that the agent had not made the communications, which were necessary and therefore became chargeable with a justiciary and unpardonable neglect?

We cannot travel into the human heart: but too well we know that private resentments very often steal into public deliberations, mingle with our proceedings, and insensibly influence both the stile and subject of them. This order, it is plain, was unnecessarily made and as unnecessarily extended: and considering it in this light and its mandatory nature, I think it will be difficult to reconcile it to any just idea of delicacy or decency.

But I have said, it is also unconstitutional and illegal: unconstitutional, because not warranted by the constitution; and illegal, because not warranted by any law.

In tracing the powers and authorities of the branches of our legislature, there are no other sources to deduce them from, but our acts of assembly, the bill of rights, and the constitution and form of government. The common law has nothing to do with subjects of this kind: there is no statute or act of assembly respecting the present case; and the lex parliamentaria or the usage and practice of the parliament of Great-Britain cannot apply. This question then must be decided by the bill of rights and our constitution and form of government.

Extract of the agent's answer to the order of the senate. Annapolis, November 21, 1785.

Gentlemen, In Obedience to the ORDER of the senate, delivered me yesterday, I enclose a copy of my instructions to Messieurs Lyons, (my solicitors in chancery) of the 9th of August 1784. I transmitted to his excellency the governor in my letter of the 14th of that month, a copy of these instructions, and they were laid before the general assembly, last session, and I was examined by the senate, and pointed questions were put by an honourable member of that body, about the propriety of several of the instructions. I flatter myself, on enquiry, no neglect, inattention or even delay can be justly imputed to me in communicating these instructions, and every circumstance relative to my conduct, as agent, while in England.

I will now bring forward to public view this great charter of rights power and authority and it shall I, ask for itself.

SECT. 10. "That the house of delegates may originate all money bills, propose bills to the senate or receive those offered by that body, and assent, dissent or propose amendments; that they may enquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, and may commit any person for any crime to the public gaol, there to remain till he be discharged by due course of law; they may expect any member for a great misdemeanor, but not a second time for the same cause; they may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same; they may call for all public or official papers and records, and send for persons, whom they may judge necessary, in the course of their enquiries, concerning affairs relating to the public interest, and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty."

The constitution is decisive: there is no mistaking it. The founders of our government conceived it highly proper, that a power to call for official papers and records and to send for persons, that might be judged necessary, should exist somewhere and they lodged it with the house of delegates the immediate representatives of the people.

If the senate have a rightful authority to make such an order, they have a rightful authority to enforce obedience to it by imprisonment. And if they could make such an order commanding the official papers of the agent, they could make it upon any other public officer of the state.

Suppose then the senate should make an order commanding the treasurer to attend at the bar with all the official papers and books and records of his office?

Or, suppose they should make an order commanding the judges of the general court to give their attendance before them with all the records of the court?

And suppose these orders should not be complied with? What would the senate do with these offenders against their orders and presumed authority? Would they proceed to enforce obedience by attachment and imprisonment? I think not.

But it may be asked, might it not so happen, that the senate may want such information for the very purpose of exercising their rights of legislation? I admit it, but I contend they must apply for it to that body, with whom the constitution has lodged the power to demand and obtain it.

But should it ever so happen, that men in high offices should abuse the confidence of their country, and violate the constitution and laws, have not the senate, it may be asked, a power to lay them by the heels and to inflict an exemplary punishment? I answer no.

What! shall such great offenders escape with impunity? I answer God forbid.

What then is to be done? I will tell you.

If there should be such men, in such high offices, and so offending; and if gentlemen of the senate should seriously think, they ought to be brought to an exemplary punishment: if their conduct be influenced by no other view than a vindication of the government and its laws: if, while they feel the rigid obligations of public duty and public justice, they also feel and regard the rights of humanity: if acting upon sympathizing generous grounds they were more inclined to save than damn the characters and reputations of fellow-citizens—they would give these persons so charged and accused a fair impartial and constitutional trial: if they must fall they would let them fall in the open day: they would take them before the tribunal, which the laws of their country and the constitution have provided, where while public justice is executed, the rights of humanity may be preserved: they would take them before the GRAND INQUEST of the state: they would go down to the bar of the house of delegates and there exhibit their complaint and accusation.

But when I hear men loud in their complaints against public officers and yet not daring to bring them before a legal judicature: when I see such men with all the superciliousness of aristocratic pride despising the plebeian though constitutional tribunal of a house of delegates: when I see them mixing with their countrymen and using every art to raise prejudices and inflame the passions: when I see them busily employed in all the practices of misrepresenting and exaggerating: and when, abandoning with contempt those modes and forms of trial prescribed by the government and constitution, I see them labouring to establish an aristocratic authority in the state and to erect a tribunal of all others the most oppressive and the most abhorred: a tribunal calculated to give personal hatred and private animosities the widest range for vengeance: a tribunal which gives the accused no opportunity of defence nor power to call to his aid a single witness paper or record: a tribunal avowed to be erected on the principles of necessity to protect and defend PRIVILEGE—that glorious ground, on which many bad and wicked men have endeavoured to support many bad and wicked measures: a tribunal, whose decisions and judgments are passed and pronounced behind the backs of the accused, in their absence and without an hearing: a tribunal, where the accusers are themselves the witnesses and judges: when I see such men acting on such principles, I consider their professions of zeal for their country a

public mockery and insult. And it is my opinion and I shall freely declare it, that the man, who shall labour to break down these guards and barriers, which our constitution and government have provided against the encroachments of an arbitrary LORDLY power, and shall in their stead endeavour to introduce into this land of liberty a tribunal or judicature pregnant with all the mischief, wickedness and villainy of a star chamber court or popish inquisition—I say that man deserves the execrations of every

FREEMAN.

NEW-YORK, November 14.

THE last letters from Shelburne, in Nova Scotia, mention, that the ship Gibson had lately returned from a whaling enterprise, the first of any moment that had been hazarded to any very material distance; it proved to be successful, that, on a moderate computation, the net proceeds will amount to five thousand six hundred guineas. The owners consist chiefly of persons who left New York on the late change of government, and we are assured that the dividend of one gentleman concerned, under that description, will amount to five hundred guineas. This event has greatly cheered the spirits of the inhabitants of that island, and now much improving part of Nova Scotia.

Nov. 16. The following singular affair, which may be depended upon, was perpetrated last Wednesday night, at Princeton, New Jersey.—Mrs. M'Comb, wife of a gentleman of that place (now absent in Virginia) having exhibited an indisposition of mind previous to the shocking deed she committed, was found locked up in her chamber, and refused to open the door, which created a jealousy that she intended some injury to her person, and the door was accordingly forced open, when she exhibited a spectacle horrible to nature, having cut off both her ears, and scarified her throat, in attempting to cut that. The reason she assigned for committing this rash act, was, that an angel appeared to her, and threatened her with the horrors of perdition, unless she performed the aforesaid operation. She is now strictly watched, but the anguish of her body, and disturbed mind, threatens her dissolution.

Letters from France mention, that the marquis de la Fayette, may shortly be expected in this country.

Translation of the answer delivered by the marquis of Carmarthen to count Luff, in consequence of the communication made by the court of Berlin, respecting the German league.

"The king has received with pleasure the communication which count Luff has made, by order of his Prussian majesty, to lord Carmarthen, of the sentiments of his said majesty respecting the treaty signed at Berlin the 3d of July, in the concluding of which the king himself, in his electoral capacity, was pleased to con-

"The lively interest which his Prussian majesty never ceases to take for the maintenance of the Germanic constitution, and the preservation of the rights of every member of the empire, cannot but deserve the greatest praise from those powers who are true friends to the prosperity and well-being of that respectable confederation; and at the same time that the court of London is eager to render this justice to the patriotic views of his Prussian majesty, it flatters itself that the measures of precaution, which the three electoral courts have thought proper to take, may never become necessary, by any attack, either direct or indirect, upon the acknowledged rights of the Germanic body; but that for the future, the most solid harmony may be re-established, and the most sincere confidence for ever subsist, between the august chief, and the illustrious members of the empire."

PHILADELPHIA, November 19.

By the United States in Congress assembled, New-York, November 2, 1785.

On report of the board of treasury, to whom was referred a letter of the 24th October, from John Pierce, Esq; commissioner of army accounts.

Resolved, That all persons having claims for services performed in the military department, be directed to exhibit the same for liquidation to the commissioner of army accounts, on or before the first day of August ensuing the date hereof, and that all claims under the description above mentioned, which may be exhibited after that period shall for ever hereafter be precluded from adjustment or allowance, and that the commissioner of army accounts give public notice of this resolve in all the states, for the space of six months.

CHARLES THOMSON, Sec.

The printers of the several states are requested to insert the above in their papers.

Extract of a letter from a gentleman in London, to his correspondent in Virginia.

"I have conversed with Mr. Adams. He tells me he has full power for entering into a commercial treaty with this country.—The ministers receive the propositions coolly. Mr. Adams is of opinion, that nothing will so speedily bring about a treaty, as your generally adopting the measures of the Bostonians and Philadelphians.

The destruction occasioned by the late storm in many parts of Massachusetts, is greater than ever was known. On Portsmouth river only, it is said that twenty-five mills were carried away, the water rising 15 feet higher,