

MARYLAND GAZETTE.

THURSDAY, JANUARY 14, 1768.

S C H E M E OF THE MARYLAND LIBERTY LOTTERY.

THE Lower House of Assembly of MARYLAND, have constantly, and ineffectually, hitherto, since Seventeen Hundred and Thirty-nine, RESOLVED, That his Lordship hath no Right to collect a Duty of Pence per Hoghead on Tobacco exported.

A CONSTITUTIONAL Tax on the People to support an Agent of the Appointment of the Lower House has been greatly desired, frequently attempted, and is often refused by the Upper House.

The Lower House of Assembly contend, That the Clerk of the Council his reasonable Reward, as well as every other Expence necessarily attending the Execution of the Powers of Government, ought to be defrayed out of the FINES, FORFEITURES, AMENDMENTS, and OTHER MONIES, received by the Government for the Support thereof; and, "That Sentiment being directly opposite to the Opinion of the Upper House had, on mature Consideration, formed upon the Subject of the Clerk of the Council's Claim," principally occasioned the Non-payment of the Public Debt for upwards of Ten Years.

The Distress of Trade for Want of a Circulating Medium, and the extreme Necessity of Public Credit, compelled the Lower House to agree to an Appeal to his Majesty in Council, on the Subject Matter of Disference, without the Allotment of any Public Money for that Purpose, as the only Means to settle Disputes, restore Public Credit, and lay a sure Foundation for the future Ease and Good of the Province.

A SUBSCRIPTION therefore, by RESOLVE of the Lower House, has been open'd, and Subscriptions are taken in by every Member, for maintaining an Agent, and supporting the Appeal on the Part of the People, as well as obtaining Redress of their Grievances; and, by RESOLVE also of the Lower House, as an additional Means of raising Money for the same Purpose, the following SCHEME of a LOTTERY, by which to raise ONE THOUSAND POUNDS Common Money, is submitted to the PUBLIC.

Table with 3 columns: PRIZE, of, and is. Lists prize amounts from £.500 down to £.10, and corresponding quantities.

Two and an Half per Cent to be deducted from the Prizes, to defray the Expences of the Lottery.

The Drawing to be in the Court-House at ANNAPOLIS, in the Presence of the Managers, and as many of the Adventurers as shall be pleased to attend.

The Managers are, WILLIAM MURDOCK, Esq; Messieurs THOMAS SPRIGG, WILLIAM PACA, JOHN WEEMS, THOMAS GASSAWAY, South-River, THOMAS RINGGOLD, B. T. B. WORTHINGTON, HENRY HALL, JOHN HAMMOND, THOMAS JOHNSON, JOHN HALL; of Annapolis, and SAMUEL CHASE, or such of them as shall chuse to act.

The said Managers to give Bond to the Honourable SPEAKER, and be upon Oath for the faithful Discharge of their Trust.

A LIST of the PRIZES to be published in the MARYLAND GAZETTE, and the Prizes paid as soon as the Drawing is finished; and those not demanded in Six Months after the Drawing, to be deemed as generally given to the above Use.

The SCHEME to be made public in the MARYLAND and VIRGINIA GAZETTES, and PENNSYLVANIA JOURNAL.

"LIFE, without LIBERTY, is worse than DEATH," TICKETS may be had of any of the Managers, and of most of the Members of the Lower House of Assembly.

AM GREEN, at the PRINTING-12s. 6 d. a Year; ADVERTISEMENTS, each Week's Continuance. Long Ones ready Printed, most kinds of BLANKS, several Sorts, with their proper BONDS, manner of PRINTING-WORK performed.

LETTERS from a FARMER in PENNSYLVANIA, to the Inhabitants of the British Colonies.

LEN Objection, I hear, has been made against what I offered in my Second Letter, which I would willingly clear up before I proceed. "There is," say these Objectors, "a material Difference between the Stamp-Act, and the late Act for laying a Duty on Paper, &c. that justifies the Conduct of those who opposed the former, and yet are willing to submit to the latter. The Duties imposed by the Stamp-Act were internal Taxes; but the present are external, and therefore the Parliament may have a Right to impose them."

To this I answer, with a total Denial of the Power of Parliament to lay upon these Colonies any "Tax whatsoever."

This Point, being so important to this, and to succeeding Generations, I wish to be clearly understood, To the Word "Tax," I annex that Meaning which the Constitution and History of England require to be annexed to it; that is—that it is an Imposition on the Subject for the sole Purpose of levying Money.

In the early Ages of our Monarchy, certain Services were rendered to the Crown for the general good. These were personal: But in process of Time, such Institutions being found inconvenient; Gifts and Grants of their own Property were made by the People, under the several Names of Aids, Tallages, Tasks, Taxes, and Subsidies. These were made, as may be collected even from the Names, for public Service, upon "Need and Necessity." All these Sums were levied upon the People by Virtue of their voluntary Gift. Their Design was to support the National Honour and Interest. Some of those Grants comprehended Duties arising from Trade; being Impositions on Merchandizes. These Lord Chief Justice Coke classes under "Subsidies," and "Parliamentary Aids." They are also called "Customs." But whatever the Name was, they were always considered as Gifts of the People to the Crown, to be employed for Public Uses.

Commerce was at a low Ebb, and surprizing Instances might be produced how little it was attended

* It is very worthy of Remark, how watchful our wise Ancestors were, lest their Services should be increased, beyond what the Law allowed. No Man was bound to go out of the Realm to serve the King. Therefore, even in the conquering Reign of Henry V. when the martial Spirit of the Nation was highly inflamed by the heroic Courage of their Prince, and by his great Success, they still carefully guarded against the Establishment of illegal Services. "When this Point (says Lord Chief Justice Coke) concerning Maintenance of Wars out of England, came in Question, the COMMONS did make their continual Claim of their ancient Freedom and Birth-right, as in the 1st of Henry V. and in the 7th of Henry V. &c. the COMMONS made a PROTEST that they were not bound to the Maintinances of War in Scotland, Ireland, Calice, France, Normandy, or other foreign Parts, and caused their PROTESTS to be entered into the Parliament Rolls, where they yet remain; which in Effect agreeth with that, which, upon like Occasion, was made in this Parliament of 25th Edward I." 2d Inst. P. 523.

† 4th Inst. 28. † Reges Anglie, nihil tale, nisi convocatis primis ordinibus, et assente Populo suscipiunt. Phil. Comines.

These Gifts entirely depending on the Pleasure of the Donors, were proportioned to the Abilities of the several Ranks of People who gave, and were regulated by their Opinion of the public Necessities. Thus Edward I. had, in his 11th Year a Thirtieth from the Laity, a Twentieth from the Clergy; in his 22d Year, a Tenth from the Laity, a Sixth from London, and other corporate Towns. Half of their Benefices from the Clergy; in his 23d Year, an Eleventh from the Barons and others, a Tenth from the Clergy, a Seventh from the Burgeses, &c. Hume's History of England.

The same Difference in the Grants of the several Ranks is observable in other Reigns. In the famous Statute de Tallagio non concedendo, the King enumerates the several Classes, without whose Consent, he and his Heirs never should set or levy any Tax—"Nullum Tallagium, vel Auxilium, per nos, vel Heredes nostros in Regno nostro ponatur seu levetur, sine Voluntate et Assensu Archiepiscoporum, Comitum, Baronum, Militum, Burgensium, et aliorum liberorum Com. de Regno nostro." 34th Edward I.

Lord Chief Justice Coke, in his Comment on these Words, says—"For the quieting of the Common, and for a perpetual and constant Law, for ever after, both in this, and OTHER LIKE CASES, this Act was made." "These Words are plain, WITHOUT ANY SCRUPLE, absolute, WITHOUT ANY SAVING." 2d Coke's Inst. P. 532, 533. Little did the venerable Judge imagine, that, "OTHER LIKE CASES" would happen, in which the Spirit of this Law would be despised by Englishmen, the Posterity of those who made it.

to for a Succession of Ages. The Terms that have been mentioned, and among the rest, that of "Tax," had obtained a National Parliamentary Meaning; drawn from the Principles of the Constitution, long before any Englishman thought of Regulations of Trade by the Imposition of Duties.

Whenever we speak of "Taxes" among Englishmen, let us therefore speak of them with Reference to the Intentions with which, and the Principles on which they have been established. This will give Certainty to our Expression, and Safety to our Conduct: But if, when we have in View, the Liberty of these Colonies, and the Influence of Taxes laid without our Consent, we proceed in any other Course, we pursue a "Juno indeed, but shall only catch a Cloud."

In the National Parliamentary Sense, insisted on, the Word "Tax" † was certainly understood by the Congress at New-York, whose Resolves may be said to form the American "Bill of Rights."

The Third, Fourth, Fifth, and Sixth Resolves are thus express:

III. "That it is inseparably essential to the Freedom of a People, and the undoubted Right of Englishmen, that NO TAX be imposed on them, but with their own Consent, given personally, or by their Representatives."

IV. "That the People of the Colonies are not, and, from their local Circumstances, cannot be represented in the House of Commons, in Great-Britain."

V. "That the only Representatives of the People of the Colonies, are the Persons chosen therein by themselves: and that NO TAXES ever have been, or can be constitutionally imposed on them, but by their respective Legislatures."

VI. "That all Supplies to the Crown, being free Gifts of the People, it is unreasonable and inconsistent with the Principles and Spirit of the British Constitution, for the People of Great-Britain to grant to his Majesty, the Property of the Colonies."

Here is no Distinction made between internal and external Taxes. It is evident from the short Reasoning thrown into these Resolves, that every Imposition "to grant to his Majesty the Property of the Colonies," was thought a Tax; and that every such Imposition, if laid any other Way, but "with their Consent given personally, or by their Representatives," was not only "unreasonable and inconsistent with the Principles and Spirit of the British Constitution," but destructive "to the Freedom of a People."

This Language is clear and important. A "TAX," means an Imposition to raise Money. Such Persons therefore, as speak of internal and external "Taxes," I pray may pardon me, if I object to that Expression, as applied to the Privileges and Interests of these Colonies. There may be internal and external IMPOSITIONS, founded on different Principles, and having different Tendencies; every "Tax" being an Imposition, though every Imposition is not a "Tax." But all Taxes are founded on the same Principle; and have the same Tendency.

External Impositions, for the Regulation of our Trade, do not "grant to his Majesty the Property of the Colonies." They only prevent the Colonies acquiring Property, in Things not necessary, in a Manner judged to be injurious to the Welfare of the whole Empire. But the last Statute respecting us, "grants to his Majesty the Property of the Colonies," by laying Duties on the Manufactures of Great-Britain, which they must take, and which she settled on them, on Purpose that they should take.

What † Tax can be more internal than this? Here

* The Goddess of Empires, in the Heathen Mythology, according to an ancient Fable, Ixion pursues her, but she escaped in a Cloud.

† In this Sense Montesquieu uses the Word "Tax," in his 13th Book of Spirit of Laws.

‡ It seems to be evident, that Mr. Pitt, in his Defence of America, during the Debate concerning the Repeal of the Stamp-Act, by "internal Taxes" meant any Duties "for the Purpose of raising a Revenue;" and, by "external Taxes," meant "Duties imposed for the Regulation of Trade." His Expressions are these—"If the Gentleman does not understand the Difference between internal and external Taxes, I cannot help it; but there is a plain Distinction between Taxes levied for the Purposes of RAISING a REVENUE, and Duties imposed FOR THE REGULATION OF TRADE, for the Accommodation of the Subject; although in the Consequences, some Revenue might incidentally arise from the latter."

Those Words were, in Mr. Pitt's Reply to Mr. Grenville, who said he could not understand the Difference between external and internal Taxes. But Mr. Pitt in his first Speech has made no such Distinction; and his Meaning, when he mentions the Distinction appears to be—that, by "external Taxes" he intended Impositions for the Purpose of regulating the

is Money drawn without their Consent from a Society, who have constantly enjoyed a constitutional Mode of raising all Money among themselves. The Payment of this Tax they have no possible Method of avoiding; as they cannot do without the Commodities on which it is laid, and they cannot manufacture these Commodities themselves. Besides, if this unhappy Country should be so lucky, as to elude this Act by getting Parchment enough in the Place of Paper, or by reviving the ancient Method of writing on Wax and Bark, and by inventing something to serve instead of Glass, her Ingenuity would stand her in little Stead; for then the Parliament would have nothing to do, but to prohibit such Manufactures, or to lay a Tax on Hats and Woollen Cloaths, which they have already prohibited the Colonies from supplying each other with; or on Instruments and Tools of Steel and Iron, which they have prohibited the Provincials from manufacturing at all. And then what little Gold and Silver they have, must be torn from their Hands, or they will not be able in a short Time to get an Ax † for cutting their Firewood, nor a Plough for raising their Food. In what Respect therefore, I beg Leave to ask, is the late Act preferable to the Stamp-Act, or more consistent with the Liberties of the Colonies? For my own Part, "I regard them both with equal Apprehension; and think they ought to be in the same Manner opposed."

"Habemus quidem Senatus Consultum,—tanquam Gladiam in Vagina repositum."

"We have a Statute laid up for future Use, like a Sword in the Scabbard."

A FARMER.

Intercourse of the Colonies with others; and, by "internal Taxes," he intended Impositions for the Purpose of taking Money from them.

In every other Part of his Speeches on that Occasion, his Words confirm this Constitution of his Expressions. The following Extracts will shew how positive and general were his Assertions of our Right.

"It is my Opinion, that this Kingdom has NO RIGHT to lay a TAX upon the Colonies."—"The Americans are the SONS, not the BASTARDS of England. TAXATION is NO PART of the governing or legislative Power."—"The Taxes are a voluntary Gift and Grant of the Commons ALONE. IN LEGISLATION, the THREE Estates of the Realm are ALIKE concerned, but the Concurrence of the PEERS and the CROWN to a TAX, is only necessary to clothe with the FORM of a Law, the GIFT and GRANT is of the COMMONS ALONE."—"The Distinction between LEGISLATION and TAXATION is essentially necessary to Liberty."—"The COMMONS of America, represented in their several Assemblies, have ever been in Possession of the Exercise of this, their constitutional Right, of GIVING and GRANTING their OWN MONEY. They would have been SLAVES if they had not enjoyed it."—"The Idea of a virtual Representation of America in this House, is the most contemptible Idea that ever entered into the Head of Man—It does not deserve a serious Refutation."

He afterwards shews the Unreasonableness of Great-Britain taxing America, thus—"When I had the Honour of serving his Majesty, I availed myself of the Means of Information, which I derived from my Office; I SPEAK THEREFORE FROM KNOWLEDGE. My Materials were good. I was at Points to collect, to digest, to consider them, and I will be bold to affirm, that the Profit to Great-Britain, from the Trade of the Colonies, through all its Branches, is TWO MILLIONS A YEAR. This is the Fund that carried you triumphantly through the last War. The Estates that were rated at Two Thousand Pounds a Year, Threecore Years ago, are at Three Thousand Pounds at present. Those Estates sold then from Fifteen to Eighteen Years Purchase; the same may now be sold for Thirty. YOU OWE THIS TO AMERICA. THIS IS THE PRICE THAT AMERICA PAYS YOU FOR HER PROTECTION."—"I dare not say how much higher these Profits may be augmented."—"Upon the Whole, I will beg Leave to tell the House what is really my Opinion. It is, that the Stamp-Act be repealed absolutely, totally, and immediately. That the Reason for the Repeal be assigned, because it was founded on an ERRONEOUS PRINCIPLE."

* And that Pig and Bar Iron made in his Majesty's Colonies in America, may be FURTHER MANUFACTURED IN THIS KINGDOM, be it further then enacted, by the Authority aforesaid, that from and after the Twenty-fourth Day of June, 1750, no Mill, or other Engine, for sitting or rolling of Iron, or any Plating Forge to work with a Till Hammer, or any Furnace for making Steel, shall be erected, or, after such Erection, continued IN ANY OF HIS MAJESTY'S COLONIES IN AMERICA. 23 Geo. II. ch. 29. §. 9.

† Tho' these Particulars are mentioned as being absolutely necessary, yet perhaps they are not more so, than Glass in our severe Winters, to keep out the Cold from our Houses; or, than Paper, without which such inexplicable Confusions must ensue.