

ANNAPOLIS, October 29, 1768.
H E M E
OF THE
LIBERTY LOTTERY
of Assembly of MARYLAND
and ineffectually, hitherto, and
and Thirty-nine, RESOLVED,
with no Right to collect Two
in Tobacco exported.
AL Tax on the People to support
pointment of the Lower House,
ed, frequently attempted, and a
Upper House.

THURSDAY, FEBRUARY 18, 1768.

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

MY DEAR COUNTRYMEN,
I HAVE made some Observations
on the Purposes for which Money
is to be levied upon us by the
late Act of Parliament. I shall
now offer to your Considerations
some further Reflections on that
Subject; and, unless I am greatly
mistaken, if these Purposes are
accomplished, according to the
express Intention of the Act,
they will be found effectually to
SUPERSEDE that Authority in
our respective Assemblies, which
is so essential to Liberty. The
Question is not whether some
Branches shall be lost off--The
Ax is laid to the Root of the
Tree; and the whole Body must
inevitably perish, if we remain
idle Spectators of the Work.

No free People ever existed, or
ever can exist, without keeping,
to use a common, but strong
Expression, "the Purse Strings"
in their own Hands. Where this
is the Case, they have a
constitutional Check upon the
Administration, which may
thereby be brought into order
without Violence; but, where
such a Power is not lodged in
the People, Oppression proceeds
uncontrolled in its Career,
till the governed, transported
into Rage, seeks Redress in
the midst of Blood and Confusion.

The elegant and ingenious Mr. Hume, speaking of the Anglo-Norman Government, says, "Princes and Ministers were too ignorant to be themselves sensible of the Advantages attending an equitable Administration; and there was no established Council, or Assembly, which could protect the People; and, by withdrawing Supplies, regularly and peaceably admonish the King of his Duty, and ensure the Execution of the Laws."

Thus, this great Man, whose political Reflections are so much admired, makes this Power one of the Foundations of Liberty.

The English History abounds with Instances, proving that this is the proper and successful Way to obtain Redress of Grievances. How often have Kings and Ministers endeavoured to throw off this legal Curb upon them, by attempting to raise Money by a Variety of Inventions under Pretence of Law, without having Recourse to Parliament? And how often have they been brought to Reason, and peaceably obliged to do Justice, by the Exertion of this constitutional Authority of the People, vested in their Representatives?

The Inhabitants of these Colonies have, on numerous Occasions, reaped the Benefit of this Authority lodged in their Assemblies.

It has been for a long Time, and now is, a constant Instruction to all Governors, to obtain a permanent Support, for the Offices of Government. But, as the Author of the Administration of the Colonies says, "this Order of the Crown is generally, if not universally, rejected by the Legislatures of the Colonies."

They perfectly know how much their Grievances would be regarded, if they had no other Method of engaging Attention, than by complaining. Those who rule, are extremely apt to think well of the Constructions made by themselves, in Support of their own Power. These are frequently erroneous and pernicious to those they govern--Dry Remonstrances, to shew, that such Constructions are wrong, and oppressive, carry very little Weight with them, in the Opinion of Persons, who gratify their own Inclinations in making these Constructions. They CANNOT understand the Reasoning that opposes their Power and Desires: But let it be made their Interest to understand such Reasoning--and a wonderful Light is instantly thrown on the Matter; and then rejected Remonstrances become as clear as "Proofs of Holy Writ."

The Three most important Articles, that our Assemblies, or any Legislatures, can provide for, are: First--The Defence of the Society: Secondly--The Administration of Justice: And, Thirdly--The Support of Civil Government.

Nothing can properly regulate the Expence of making Provision for these Occasions, but the Necessities of the Society; its Abilities; the Convenience of the Modes of levying Money among them; and the Manner in which the Laws have been executed; and the Conduct of the Officers of Government; all which are Circumstances that cannot possibly be properly known, but by the Society itself; or, if they should be known, will not, probably, be properly considered, but by that Society.

If Money may be raised upon us, by others, without our Consent, for our "Defence", those who are the Judges in levying it, must also be the Judges in applying it. Of Consequence, the Money said to be taken from us, for our Defence, may be employed to our Injury. We may be chained in by a Line of Fortifications; obliged to pay for building and maintaining them; and be told, that they are for our Defence. With what Face can we dispute the Fact, after having granted, that those who apply the Money, had a Right to levy it? For surely, it is much easier for their Wisdom to understand how to apply it in the best Manner, than how to levy it in the best Manner. Besides, the Right of levying is of infinitely more Consequence than that of applying. The People of England, that would burst out into Fury, if the Crown should attempt to levy Money, by its own Authority, have assigned to the Crown the Application of Money.

As to "the Administration of Justice"--the Judges ought, in a well regulated State, to be equally independent of the legislative Powers. Thus, in England, Judges hold their Commissions from the Crown, "during good Behaviour;" and have Salaries, suitable to their Dignity, settled on them, by Parliament. The Purity of the Courts of Law, since this Establishment, is a Proof of the Wisdom with which it was made.

But in these Colonies, how fruitless has been every Attempt to have the Judges appointed during good Behaviour: Yet, whoever considers the Matter, will soon perceive, that such Commissions are, beyond all Comparison, more necessary in these Colonies, than they are in England.

The chief Danger to the Subject there, arose from the arbitrary Designs of the Crown; but here, the Time may come, when we may have to contend with the Designs of the Crown, and of a mighty Kingdom. What then will be our Chance, when the Laws of Life and Death are to be spoken by Judges totally dependant on that Crown and Kingdom--sent over, perhaps, from thence--filled with British Prejudice--and backed by a standing Army, supported out of our own Pockets, to "assert and maintain" our "own Dependence and Obedience?"

But, supposing, that through the extreme Lenity that will prevail in the Government through all future Ages, these Colonies never will behold any Thing like the Campaign of Chief Justice Jefferys, yet what innumerable Acts of Injustice may be committed, and how fatally may the Principles of Liberty be sapped, by a Succession of Judges, utterly independent of the People? Before such Judges, the supple Wretches, who cheerfully join in avowing Sentiments inconsistent with Freedom, will always meet with Smiles; while the honest, and brave Men, who disdain to sacrifice their native Land to their own Advantage, but, on every Occasion, boldly vindicate her Cause, will constantly be regarded with Frowns.

There are Two other Considerations relating to this Head, that deserve the most serious Attention.

By the late Act, the Officers of the Customs are "impowered to enter into any House, Warehouse, Shop, Cellar, or other Place in the British Colonies or Plantations in America, to search for, or seize prohibited or unaccustomed Goods," &c. on Writs granted by the inferior or supreme Court of Justice having Jurisdiction within such Colony or Plantation respectively."

If we only reflect, that the Judges of these Courts are to be, during Pleasure--that they are to have "adequate Provisions" made for them, which is to continue during their complaisant Behaviour--that they may be Strangers to these Colonies--what an Engine of Oppression may this Authority be in such Hands?

I am well aware that Writs of this kind may be granted at home, under the Seal of the Court of Exchequer: But I know also, that the greatest Assertors of the Rights of Englishmen have always strenuously contended, that such a Power was dangerous to Freedom, and expressly contrary to the Common Law, which ever regarded a Man's House as his Castle, or a Place of perfect Security.

If such a Power is in the least Degree dangerous there, it must be utterly destructive to Liberty here. For the People there have Two Securities against the undue Exercise of this Power by the Crown, which are wanting with us, if the late Act takes place. In the first Place, if any Injustice is done there, the Person injured may bring his Action against the Offender, and have it tried by INDEPENDANT JUDGES, who are NO PARTIES IN COMMITTING THE IN-

JURY. Here he must have it tried before DEPENDANT JUDGES, being the Men who GRANTED THE WRIT.

To say that the Cause is to be tried by a Jury, can never reconcile Men, who have any Idea of Freedom, to such a Power. For, we know, that Sheriffs, in almost every Colony on this Continent, are totally dependant on the Crown; and packing of Juries has been frequently practised even in the Capital of the British Empire. Even if Juries are well inclined, we have too many Instances of the Influence of overbearing unjust Judges upon them. The brave and wise Men, who accomplished the Revolution, thought the Independancy of Judges essential to Freedom.

The other Security which the People have at home, but which we shall want here, is this: If this Power is abused there, the Parliament, the grand Resource of the oppressed People, is ready to afford Relief. Redress of Grievances must precede Grants of Money. But what Regard can we expect to have paid to our Assemblies, when they will not hold even the puny Privilege of French Parliaments--that of registering the Edicts that take away our Money, before they are put in Execution.

The second Consideration above hinted at, is this: There is a Confusion in our Laws, that is quite unknown in Great-Britain. As this cannot be described in a more clear or exact Manner, than has been done by the ingenious Author of the History of New-York, I beg Leave to use his Words: "The State of our Laws opens a Door to much Controversy. The Uncertainty, with respect to them, renders PROPERTY PRECARIOUS, and GREATLY EXPOSES US TO THE ARBITRARY DECISION OF UNJUST JUDGES. The Common Law of England is generally received, together with such Statutes as were enacted before we had a Legislature of our own; but our Courts EXERCISE A SOVEREIGN AUTHORITY, in determining what Parts of the Common and Statute Law ought to be extended; for it must be admitted, that the Difference of Circumstances necessarily requires us, in some Cases, to REJECT the Determination of both. In many Instances they have also extended even Acts of Parliament, passed since we had a distinct Legislature, which is greatly adding to our Confusion. The Practice of our Courts is no less uncertain than the Law. Some of the English Rules are adopted, others rejected. Two Things therefore seem to be ABSOLUTELY NECESSARY for the PUBLIC SECURITY. First, the passing an Act for settling the Extent of the English Laws. Secondly, That the Courts ordain a general Set of Rules for the Regulation of the Practice."

How easy it will be, under this "State of our Laws," for an artful Judge to act in the most arbitrary Manner, and yet cover his Conduct under specious Pretences; and how difficult it will be for the injured People to obtain Redress, may be readily perceived. We may take a Voyage of Three Thousand Miles to complain; and, after the Trouble and Hazard we have undergone, we may be told, that the Collection of the Revenue, and Maintainance of the Prerogative, must not be discouraged.--And, if the Misbehaviour is so gross, as to admit of no Justification, it may be said, that it was an Error in Judgment only, arising from the Confusion of our Laws, and the Zeal of the King's Servants to do their Duty.

If the Commissions of Judges are during the Pleasure of the Crown, yet, if their Salaries are during the Pleasure of the People, there will be some Check upon their Conduct. Few Men will consent to draw on themselves the Hatred and Contempt of those among whom they live, for the empty Honour of being Judges. It is the sordid Love of Gain that tempts Men to turn their Backs on Virtue, and pay their Homage where they ought not.

As to the Third Particular, the "Support of Civil Government," few Words will be sufficient. Every Man of the least Understanding must know, that the executive Power may be exercised in a Manner to disagreeable and harrassing to the People, that it is absolutely requisite, they should be enabled by the gentlest Method which human Policy has yet been ingenious enough to invent, that is, by the shutting their Hands, to "ADMONISH" (as Mr. Hume says) certain Persons "OF THEIR DUTY."

What shall we now think, when, upon looking into the late Act, we find the Assemblies of these Provinces thereby stripped of their Authority on these several Heads? The declared Intention of that Act is, "That a Revenue should be raised in his Majesty's Dominion in America, for making a more certain and adequate Provision for defraying the Charge of the Administration of Justice, and the Support of Civil Government, in such Provinces where it shall be found necessary; and towards further defraying the Expences of defending, protecting, and securing the said Dominion, &c."

* The Writs for searching Houses, in England, are to be granted under the Seal of the Court of Exchequer, according to the Statute--and that Seal is kept by the Chancellor of the Exchequer. 4 Inst.

Cent to be deducted from the
Expences of the Lottery.
in the Court-House at ANNA-
polis, of the Managers, and as many
shall be pleased to attend.
WILLIAM MURDOCK, Esq;
RIGG, WILLIAM PACA, JOHN
SAWAY, Sculb-River, THOMAS
WORTHINGTON, HENRY HALL,
THOMAS JOHNSON, JOHN HALL,
JEL CHASE, or such of them as
to give Bond to the Honourable
upon Oath for the faithful
Execution of the same.
To be published in the MARY-
LAND GAZETTE, and the Prizes paid as soon
as they shall be demanded in
Drawing, to be deemed as general
Use.
made public in the MARY-
LAND GAZETTE, and
JOURNAL.
TY, is worse than DEATH,
had of any of the Managers,
Members of the Lower House of
been such a full Return of
TICKETS as could have been
many TICKETS to lie on the
TABLE, being still unsold; and
Person will be too far advanced
County Courts, the MANA-
ged to begin the Drawing, cer-
tainly after the Third Tuesday
in many of the Adventurers
Convenience.--It is hoped
the TICKETS will be sold,
not, that the PUBLIC may rely
RY'S being then drawn.
S take this Opportunity to
Thanks to those Gentlemen,
the SALE of TICKETS
return any they may have
k before the Drawing.

at the PRINTING-
ADVERTISEMENTS,
nuance. Long Ones
kinds of BLANKS,
their proper BONDS,
G-WORK performed

SHAKESPEARE.