MARYLANDGAZETTE.

T H U R S D A Y, FEBRUARY 18, 1768.

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

LETTER

MY DEAR COUNTRYMEN,

[XXIII YEAR.]

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 Confiderations fome further Reflections on that Subject; and, unless I am greatly if these Purposes are

accomplished, according to the exprest Intention of the Aft, they will be found effectually to SUPERSEDE that Authority in our respective Assemblies, which is moit essential to Liberty. The Question is not whether some Branches shall be lopt off---The Ax is laid to the Root of the Tree; and the whole Body must infallibly perifh, if we remain idle Spectators of the

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 uncontrouled in its Career, till the governed, transported into Rage, seeks Redress in the midst of

The elegant and ingenious Mr. Hume, speaking of the Anglo-Norman Government, fays, "Princes and Ministers were too ignorant to be themselves sen-" fible of the Advantages attending an equitable Ad-" ministration; and there was no established Coun-"cil, 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 Minifers 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 numberless Occasions, reaped the Benefit of this Authority lodged in their Assemblies.

the stages in teetr Apermones. It has been for a long Time, and now is, a conflant 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 uni-"verfally, rejected by the Legislatures of the Colo-

They perfectly know how much their Grievances would be regarded, if they had no other Method of would be regarded, if they had no eiber Method of engaging Attention, than by complaining. Those who rule, are extremely apt to think well of the Confiructions 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 nion of Persons, who gratify their own Inclinations in making these Constructions. They CANNOT understand the Reasoning that opposes their Power and Defires: But let it be made their Interest to understand fach Reasoning---and a wenderful 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 Affemblies, or any Legislatures, can provide for, are:
First—The Defence of the Society: Secondly—The Administration of Justice: And, Thirdly-The Sup-

port of Civil Government. Nothing can properly regulate the Expence of making Provision for these Occasions, but the Necesfaire of the Society; its Abilities; the Conveniency of the Modes of levying Money among them; the Manzer in which the Laws have been executed; and the Cendual of the Officers of Government; all aubich 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

The Writs for fearching Houses, in England, are to be granted under the Seal of the Court of Exchequer, according to the Statute—and that Seal is kept · SHAKESPEARE by the Chancellor of the Exchequer.

If Money may be raifed upon us, by others, with-If Money may be raifed upon us, by others, without our Confent, 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 cur Defence, may be employed to cur 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 Fast. Defence. With what Face can we dispute the Fact, after having granted, that those who apply the Money, had a Right to long it? For surely, it is much easier for their Wisdom to understand how to affly it in the best Manner, than how to levy it in the best Manner. Besides, the Right of levying is of infinite-ly 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

tion 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

Authority, have affigned to the Crown the Applica-

But in these Colonies, how fruitless has been every Attempt to have the Judges appointed during good Behaviour: Yet, whoever considers the Matter, will foon perceive, that fach 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 Defigns of the Crown; but bere, 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 Devil Life and Death are to be spoken by Judges totally dependant on that Crown and Kingdom—fent over, perhaps, from thence—filled with British Prejudice and backed by a standing Army, supported out of our own Pockets, to "affert and maintain" our "own Dependance 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 Jesseys, 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 independant of the People? Before such Judges, the supple Wretches, who chearfully join in avowing Sentiments inconfiftent with Freedom, will always meet with Smiles; while the honest, and brave Men, who distain to facrifice 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 Confiderations 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 Coloinies or Plantations in America, to fearch for, or
feize 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 reslect, that the Judges of these Courts are to be, during Pleasure—that they are to have "adequate Provision" made for them, which is to continue during their complaifant Behaviour—that they may be Strangers to these Colonies—what an Engine of Oppression may this Authority be in such

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 Asserts 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 fuch 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 Perfon injured may bring his Action against the Offender, and have it tried by INDEPENDANT JUDGES, who are " no Parties in committing the Injuny. Here he must have it tried before DEPEN-DANT JUDGES, being the Men who GRANTED THE

To fay 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 Sherists, in almost every Colony on this Continent, are totally dependant on the Crown; and packing of Juries has been frequently practifed even in the Capital of the British Empire. Even if Juries are well inclined, we have too many Instances of the Instuence 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 Re-fource of the opprest People, is ready to afford Relief. Redress of Grievances must precede Grants of Money. But what Regard can are 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, be-

fore they are put in Execution.

The second Confideration 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 Controverfy. 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 fuch 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 Circumftances necessarily requires us, in some Cases, to REJECT the Determination of both. In many Instances they have also extended even Acts of Parliament, passed fince we had a distinct Legislature, which is greatly adding to our Confusion. The Practice of our Courts is no less ancertain than the Law. Some of the English Rules are adopted, others rejected. Two Things therefore feem 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 Public 2. lation 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 Redrefs, 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 fo gross, as to admit of no Justification, it may be faid, 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 fure of the People, there will be some Check upon their Conduct. Few Men will confent to draw on themselves the Hatred and Contempt of those among whom they live, for the empty Honour of being Judges. It is the fordid 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 fufficient. Every Man of the least Understanding must know, that the Power may be exercised in a Manner so disagreeable and harraffing to the People, that it is ab-folutely requifite, 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 fays) certain Persons "OF THEIR DUTY."

What shall we now think, when, upon looking in-to the late Act, we find the Assemblies of these Provinces thereby stript of their Authority on these several Heads? The declared Intention of that Act is, "That a Revenue should be raised in his Majesty's Dominions 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, preteding, and jecuring the faid

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 Annapolits, in the Presence of the Managers, and as many of the Adventurers as shall be pleased to attend.

The Managers are, William Murdock, Eq. Messieurs Thomas Spriog, William Paca, Joen Wernis, Thomas Gassaway, South-River, Thomas Ringgold, B. T. B. Worthington, Henry Hall, John Hammond, Thomas Johnson, John Hall, of Aniapelis, and Samuel Chase, or such of them as shall chuse to act.

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

A List of the PRIZES to be published in the MA-RYLAND GAZETTE, and the Prizes paid is soon as the Drawing is finished; and those not demanded in Six Months after the Drawing, to be deemed as generously given to the above Use.

The SCHEME to be made public in the MANI-LAND and VIRGINIA AZETTES, and PENNSYLVANIA JOURNAL. " LIFE, without LIBERTY, is worfe than DEATH," TICKETS may be had of any of the Managen, and of most of the Members of the Lower House of

Shillings each, £.7500 amount to - 1000 £.6500

Two and an Half per Cent to be deducted from the

the future Ease and Good of the Province.

A SUBSCRIFTION 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 orners. Grievances; and, by RESOLVE also of the Lower House, as an additional Means of raising Money for the same Purposes, the following SCHEME of a LOTTERY, by which to raise ONE THOUSAND POUNDS Common Money, is submitted to the Public.

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2500 Prizes. 2500 Blanks.

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TICKETS may be had of any of the Managen, and of most of the Members of the Lower House of Assembly.

There not having been such a sull Return of the SALE of TICKETS as could have been wished; rather too many TICKETS to lie on the Risk of the SALE ME, being fill unfold; and as the Winter Season will be too far advanced after the November County Courts, the MAMAGERS have resolved to begin the Drawing, catainly, on the Thursday after the Tried Tuesday in May next, when many of the Adventures may attend with Convenience. It is hoped by that Time all the TICKETS will be Sold, but if they should not, the PUBLIC may rely on the LOTTERY's being then drawn. The MANAGERS take this Opportunity to return their hearty Thanks so those Gentleman, who have affished in the SALE of TICKETS and beg they will return any they may have us fold; at least a Week before, the Drawing.

M GREEN, at the PRINTING. 25. 6 d. a Year, ADVERTISEMENTS, h Week's Continuance. Long Ones ady Printed, most kinds of BLANKS, al Sorts, with their proper Bonn er of Printing-Work performed