

MARYLAND GAZETTE.

THURSDAY, FEBRUARY 18, 1768.

ANNAPOLES, October 29, 1767. THE LOWER HOUSE OF ASSEMBLY OF MARYLAND...

A CONSTITUTIONAL Tax on the People to support an Agent of the Appointment of the Lower House... THE LOWER HOUSE OF ASSEMBLY contend, That the Clerk of the Council his reasonable Reward...

A SUBSCRIPTION therefore, by RESOLVE of the Lower House, has been open'd, and Subscriptions are taken in by every Member...

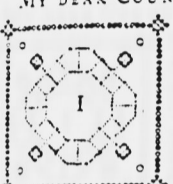
Table with 3 columns: Prize, Amount, and Total. Lists prizes from £500 down to £5 and their respective counts.

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 ANNAPOLES...

THE SCHEME to be made public in the MARYLAND AND VIRGINIA GAZETTES, and PENNSYLVANIA JOURNAL. LIFE, without LIBERTY, is worse than DEATH.

M. GREEN, at the PRINTING-Shop, 6 d. a Year; ADVERTISEMENTS, h Week's Continuance. Long Ones ready Printed, most kinds of BLANKS...

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



MY DEAR COUNTRYMEN, HAVE made some Observations on the Purposes for which Money is to be levied upon us by the late Act of Parliament...

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...

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, that such Constructions are wrong, and oppressive, carry very little Weight with them...

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; 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 independant 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 Provision" made for them, which is to continue during their complainant 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.

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 over-bearing unjust Judges upon them. The brave and wise Men, who accomplished the Revolution, thought the Independency 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 Maintenance 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 so 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 Dominions, &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.