

ment could be able to apply any adequate Remedy, without an entire Change in the present System of Politics.

ANNAPOLIS, MARCH 3, 1768.

VERSES TO C D, occasioned by Mr. Anderson's LETTER.

Mus non tangere claims,
But touch me, and no Minister to face.

TO THE PRINTERS.

By publishing in your Paper, the following Observations on a Piece signed A BYSTANDER, in your GAZETTE, N. 1163, you will oblige Yours, A PLAIN DEALER.

I SHOULD not have given myself the Trouble of animadverting upon the Bylander's Performances, had not the Neglect, with which it has been generally received, given Rise to the Question, often repeated, Why, if really his, has it not been expurgated?

of Incapacity are of equivalent Signification, in which however he has entirely failed. For, Incapacity and Exemption, or Disability and Privilege, consist in this, that a Person incapable, has not the Power of acting or proceeding; and, a Person exempted, is not compellable to act by the Power of others. If an Alien or Contemptible be on a Jury, the Verdict would be void, because such Persons have not the Power to act in that capacity.

I will now proceed to examine his Authorities upon the Case. To support his Position, he relies upon several Cases, the first of which is to shew that Incapacity is synonymous with Exemption, and is stated thus—"It was held, says he, in the great Cause between the City of London and the Dissenters, that Dissenters being incapacitated by the Act of Toleration, to take upon themselves Offices of Trust, without conforming, were exempt from the Fines for refusing to serve the Office of Sheriff of London."—Whereupon he observes—"Here an Incapacity works an Exemption."

But, whether the Exclusion of the Bishops, in Cases of Blood, is just, or otherwise, is not the Question; but, whether the Assertion of the Bylander, that Exemption and Incapacity are Terms of equivalent Signification, is countenanced by that Instance. By the Canon Law, the Bishops were disabled from condemning any one to Death, and they contended, that this Law, or its Principle, (being taught by CHRIST himself, in his Command to Peter—"Peter put up your

"Sword in the Sheath,") was obligatory upon them, and therefore withdrew from Trials of Life and Death. But, when afterwards they considered this Matter in a different Light, and others thought it expedient to hold them to their old Doctrine, the Bishops contended that their Withdrawing did not proceed from their Incapacity, but their Privilege or Exemption, and therefore it was in their Option either to claim or to waive.

But, had Incapacity and Exemption been the same Thing, it would have been inconsistent with the Wisdom of this reverend Body, to advance their Pretension on a Distinction between them, and their Opponents would have insisted upon their Incapacity, upon their own Admission of Exemption.—This Example, therefore, is very far indeed from affording any Colour to the Bylander's Reasoning.—I must, upon the Whole, submit to the Reader, whether the Bylander has not failed in every Effort to support his Point, and left it as void of Proof, as if he had never written one Syllable upon the Subject.

If Counsellors are incapable, because exempted, then all others, equally entitled to Exemption, are also incapable—Magistrates—Physicians—Lawyers—Members of the Lower House of Assembly, &c.—But the Exemption of Counsellors will hardly be claimed by them, or allowed by others, on the Principle that Peers are exempted in England, which would entitle them to Privileges, both unnecessary and inconvenient. The Dignity of a Counsellor, upon the Bylander's Argument of Parity, exempts him from Arrest, from wearing to his Answer in Chancery, entitles him to be tried by Counsellors only, in Cases of Life, to his Action of Scandalum Magnatum, &c. In a Word, tho' a Counsellor, according to the Bylander's Reasoning, would be deprived of sitting in Vestry, he would have ample Amends from the Accession of a Variety of Privileges.

But why need the Bylander be so anxious to have the Counsellor displaced, as a Vestryman, when his Ecclesiastical Law has pointed out an effectual Remedy against Oppression, by forbidding him to sit on the Appeal. In the Case he puts, the Bishop was not deprived of his inferior Jurisdiction, but the Appeal was not to be made to him. Now, I think, the most that can be inferred from this Case, upon the Principle of Parity, is, that the Counsellor shall not be stripped of his Vestry Power, but he shall not sit upon the Appeal; and thus I think all the dreadful Consequences, so much apprehended by this jealous Patriot, will be obviated.

"make it one great Branch of his Duty, to refrain, or 'jet aside an irregular Representation' as the Bylander asserts, but places this Power in the Refusal of the Vestry, of which he is only one—that it directs a Notice to be given to the Party, and a particular Mode of Proceeding, before he is ousted of his Seat in the Vestry, and a considerable Time to the Parishioners to supply the Vacancy.—that when an Oath is directed by an Act, it implies an Obligation to perform all the Duties thereby imposed on the Party taking the Oath—that the Terms of the Act are precise and plain, and could not be misunderstood by a Man of the Principle's Understanding—that therefore he was guilty of a direct Breach of his Duty, in endeavouring illegally to dispossess one Person of his Seat, and to supply it, by Surprize, with another.—In Confirmation of their Opinion, that the Principal had formed a premeditated Design of sacrificing his Duty to his Interest, they mention sundry Facts to the following Purpose.—That the Principal had a fond Desire of holding the two Parishes of St. James and St. Anne—that it was once his Opinion, he could not hold them, without the Consent of the Vestries of both.—That he applied first to the Vestry of St. James, and got something like a Consent from them.—That then he applied privately to the Members of the Vestry of St. Anne—and, among the rest, to a Counsellor, who happened to be one of them.—That the Counsellor frankly told him, that he thought his Pretensions illegal, the Law requiring that the Two Parishes should be adjacent, which he thought could not be, when there was a consecrated Parish between them.—That, finding, after some Conversations, no Change in the Counsellor's Opinion, and that he was inflexibly determined to be governed by his own sense of the Law, when he was acting upon Oath, the Principal grew angry, reviled him behind his Back, conceived that he was unfit to be of the Vestry, and formed a Scheme to turn him out.—That, never only to the Execution of his Plot, he wrote to a Gentleman, to be of the Vestry, and upon his Acquiescence, added—"you must engage to give me your Vote to hold the two Parishes, or you will not come in.—That the Gentleman would have created the Principal with proper Respect for the Indignity, had it not been for a particular Circumstance.—That he then applied to another Gentleman in the same Manner, who likewise rec'd his Proposition in the same Manner, and lastly, that he found a 3^d Person, who entered into all the proper preliminary Engagements.—These People further add—that, the 2^d being ripe for Execution, the Principal, upon a Sunday, stuck up an Advertisement, notifying to the Parishioners, that there was to be an Election of a Vestryman upon the Tuesday following.—That he also summoned a Vestry on the same latter Day, but gave no Notice to the Vestry.—That he urged his usual, accustomed, and usual standing House, who, upon a sign, was to come out (as soon as the Counsellor's seat in the Vestry was determined to be vacant) and supply his Place.—That the Vestry met.—That the Principal proposed the Business of the Day, which was the Election of a Vestryman in the Room of one who was to be weft by being a Counsellor.—That the Vestry were startled at the Novelty of the Objection, and desired that the Counsellor might be sent for, to which the Principal would not consent.—That the Vestry positively refused to enter upon a new Election, till the Counsellor (who was all this while engaged as a member of the Mayor's Court, upon the City Election) was sent for, and heard in Support of his Right.—That the Principal, thus disappointed, went off in a great Wrath, and his Friends, in Anxiety, followed after.—And, say they, thus ended this first Plot.—These Gentlemen go on and make Reflections upon the above Facts.—That Art in some Cases is an arant Fe.—That Honesty is the best Policy, and—That Craft seldom fails to out-wit itself, and meet in the End with its just Rewards, Hatred, Contempt and Disappointment.—

It indeed the above Facts are as true as they are confidently and generally asserted, I should give up the Principal's Confidence, and believe, with the rest of the World, that the Plea of Duty is a mere Pretence, that he endeavoured to accomplish his Purpose, by Means unjustifiable, that his Words and Actions have not been "displayed in worse Colours" than they deserve, and that if he has met with any particular Marks of Odium here, it was not owing to his being a Stranger, but to quite a different Principle.

When Contempt is deserved, it ought, for the Interest of real Merit and Virtue, to be expressed without Reserve, without Distinction of Persons; but I should, indeed be sorry, that any Stranger, merely because a Stranger, should be treated in so unworthy a Manner, as to have "his every Word and Action displayed in the worst Colours"—Having, however, observed the excessive Disingenuity of the Bylander, in other Matters, I should suspect his Veracity in the present Instance, even if I did not know the Fact he alleges to be absolutely false.—I sincerely wish, and make not the least Doubt, but that the Character of Hospitality and civil Regard to Strangers, by which we have been hitherto distinguished, will be ever preserved; and that we shall always cherish a peculiar Respect, for every conscientious Minister, labouring in the great Work of the Gospel, from the Example of whose Life and Conversation, and the Piety of whose Precepts, so many and such invaluable Benefits flow to the Community.

In our last GAZETTE, in the Papers first struck off, the following Errors, in the Piece, sign'd C. D. escap'd the Press.—Page 2, Col. 3, Line 26, for that, r. thus.—Same Col. 5th Line from the Bottom, for Tuesdays, r. Trespassers.—Page 3, Col. 1, Line 95, for stopping, r. stopping.—Col. 2, Line 5, for ad Inferiorem, r. ad Superiorem.

March 2, 1768. JUST IMPORTED, in the LORD CAMDEN, Captain JOHN JOHNSTON, and to be sold by the Subscriber, at his Store, in Church-Street, ANNAPOLIS.

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