

October 25, 1767.

[XXIII. YEAR.]

T H E

MARYLAND GAZETTE.

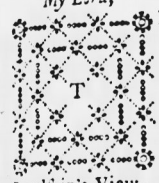
THURSDAY, APRIL 14, 1768.

B O S T O N .

The following is a Copy of a LETTER sent from the Honourable House of Representatives of this Province, to the Right Hon. the Earl of SHELBURNE, one of his Majesty's Principal Secretaries of State, viz.

Province of the Massachusetts-Bay, Jan. 15, 1763.

My Lord,



THE House of Representatives of this his Majesty's Province, having had Experience of your Lordship's generous Sentiments of his Majesty's most loyal, tho' remote Subjects of America, and of your noble Exertions in their Behalf in the late Time of their Distress, beg Leave to lay before your Lordship's View, the new Scenes of Difficulty, which are again opened upon us, and to implore your repeated Interposition.

Your Lordship is not insensible, that our Forefathers were in an unhappy Reign driven into this Wilderness by the Hand of Power; at their own Expence they crossed an Ocean of Three Thousand Miles; and purchased an Inheritance for themselves and their Posterity, with the View of propagating the Christian Religion, and enlarging the English Dominion in this distant Part of the Earth. Thro' the indulgent Smiles of Heaven upon them, tho' not without Hardship and Fatigue unexperienced, and perhaps hardly to be conceived by their Brethren and fellow Subjects in their native Land; and with the constant Peril of their Lives, from a numerous Race of Men, as barbarous and cruel, and yet as warlike as any People upon the Face of the Earth, they increased in their Numbers and enlarged their Settlement.—They obtained a Charter from King CHARLES the First, wherein his Majesty was pleased to recognize to them a Liberty to worship GOD according to the Dictates of their Conscience; a Blessing which in those unhappy Times was denied to them in their own Country: And the Rights, Liberties, Privileges and Immunities of his natural born Subjects within the Realm. This Charter they enjoyed, having punctually fulfilled the Conditions of it, 'til it was vacated, as we conceive, arbitrarily, in the Reign of King CHARLES the Second. After the Revolution, that grand Era of British Liberty, when King WILLIAM and Queen MARY of glorious and blessed Memory were established on the Throne, the Inhabitants of this Province obtained another Charter, in which the most essential Rights and Privileges contained in the former were restored to them. Thus blessed with the Liberties of Englishmen, they continued to increase and multiply, 'til as your Lordship knows, a dreary Wilderness is become a fruitful Field, and a grand Source of national Wealth and Glory.

By the Common Law, my Lord, as well as sundry Acts of Parliament from the Reign of EDWARD the Third, the Children of his Majesty's natural born Subjects, born, passing and repassing the Seas, are entitled to all the Rights and Privileges of his natural Subjects, born within the Realm. From hence the Conclusion appears to be indisputable, that the Descendants of his Majesty's Subjects in the Realm, who migrated with the Consent of the Nation, and purchased a Settlement with their own Treasure and Blood, without any Aid from the Nation; who early acknowledged their Allegiance to the Crown of England; and have always approved themselves faithful Subjects, and in many Instances given signal Proofs of their Loyalty to their King, and their firm Attachment and Affection to their Mother Country: The Conclusion is strong, that exclusive of any Consideration of their Charter, they are entitled to the Rights and Privileges of the British Constitution in common with their fellow Subjects in Britain. And it is very remarkably the Sense of the British Nation that they are so; as appears by an Act of Parliament made in the 13th of his late Majesty King GEORGE the Second. The Preamble of that Act plainly presupposes it; and the Purview of the same Act enables and directs the Superior Court of Judicature of this Province, a Court erected by the Authority of the General Court, to naturalize Foreigners under certain Conditions; which it is presumed the Wisdom of the Parliament would not have empowered any People to do, who were not themselves deemed natural born Subjects.

The Spirit of the Law of Nature and Nations supposes that all the free Subjects of any Kingdom, are entitled equally to the Rights of the Constitution; for it appears unnatural and unreasonable to affirm, that local, or any other Circumstances, can justly deprive any Part of the Subjects of the same Prince, of the full Enjoyment of the Rights of that Constitution, upon which the Government itself is formed, and by which Sovereignty and Allegiance are ascertained and limited. But your Lordship is so thoroughly acquainted with the Extent of the Rights of Men and of Subjects, as to render it altogether improper to take up any more of your Time on this Head.

There are, my Lord, fundamental Rules of the Constitution, which it is humbly presumed, neither the supreme Legislative, nor the supreme Executive, can alter. In all free States, the Constitution is fixed: It is from thence that the Legislative derives its Authority; therefore it cannot change the Constitution without destroying its own Foundation. If then the Constitution of Great-Britain is the common Right of all British Subjects, it is humbly referred to your Lordship's Judgment, whether the supreme Legislative of the Em-

pire may rightly leap the Bounds of it in the Exercise of Power over the Subjects in America, any more than over those in Britain.

When Mention is made of the Rights of American Subjects, and the Interest they have in the British Constitution, in common with all other British Subjects, your Lordship is too candid and just in your Sentiments to suppose, that the House have the most distant Thought of an Independency on Great-Britain.—They are not insensible of their Security and Happiness in Connexion with and Dependence on the Mother-State. These, my Lord, are the Sentiments of the House and of their Constituents; and they have Reason to believe they are the Sentiments of all the Colonies: Those who are industriously propagating in the Nation, a different Opinion of the Colonists, are not only doing the greatest Injustice to them, but an irreparable Injury to the Nation itself.

It is the Glory of the British Constitution that it has its Foundation in the Law of GOD and Nature: It is essentially a natural Right, that a Man shall quietly enjoy, and have the sole Disposal of his own Property: This Right is ingrafted into the British Constitution, and is familiar to the American Subjects: And your Lordship will judge, whether any Necessity can render it just and equitable in the Nature of Things, that the supreme Legislative of the Empire, should impose Duties, Subsidies, Tonnages and Taxes, internal or external, for the sole Purpose of raising a Revenue, upon Subjects that are not, and cannot, considering their local Circumstances, by any Possibility be equally represented, and consequently, whose Consent cannot be had in Parliament.

The Security of Right and Property is the great End of Government. Surely then such Measures as tend to render Right and Property precarious, tend to destroy both Property and Government, for these must stand or fall together.—Property is admitted to have an Existence in the savage State of Nature: And if it is necessary for the Support of savage Life, it by no Means becomes less so in civil Society. The House intreat your Lordship to consider, whether a Colonist can be conceived to have any Property which he may call his own, if it may be granted away by any other Body without his Consent: And they submit to your Lordship's Judgment, whether this was not actually done, when the Act for granting to his Majesty certain Duties on Paper, Glass, and other Articles, for the sole and express Purpose of raising a Revenue in America, was made. It is the Judgment of Lord COKE, that the Parliament of Great-Britain cannot tax Ireland, "quia Milites ad Parliamentum non mittant." And Sir WILLIAM JONES, an eminent Jurist, declared it as his Opinion, to King CHARLES the Second, that he could no more grant a Commission to levy Money on his Subjects in Jamaica, without their Consent by an Assembly, than they could discharge themselves from their Allegiance to the Crown.—Your Lordship will be pleased to consider that Ireland and Jamaica were both conquered; which cannot be said of any of the Colonies, Canada excepted; the Argument therefore is stronger in Favour of the Colonies.

Our Ancestors, when oppressed in the unfortunate Reign of JAMES the Second, found Relief by the Interposition of the Parliament: But it is the Misfortune of the Colonies at present, that by the Intervention of that Power, they are taxed; and they can appeal for Relief, from their final Decision, to no Power on Earth, for there is no Power on Earth above them.—Your Lordship will indulge the House in expressing a deep Concern upon this Occasion; for it is the Language of Reason, and it is the Opinion of the greatest Writers on the Law of Nature and Nations, that if the Parliament should make any considerable Change in the Constitution, and the Nation should be voluntarily silent upon it, this would be considered as an Approbation of the Act.

But the House beg Leave to represent to your Lordship, that altho' the Right of Parliament to impose Taxes on the Colonies, without a Representation there, were indisputable, we humbly conceive it may be made fully to appear to be unequal, that they should, at least at present. Your Lordship will be pleased to remember, that by Act of Parliament, the Colonists are prohibited from importing Commodities and Manufactures of the Growth of Europe, saving a few Articles, except from Great-Britain. This Prohibition, not only occasions a much greater Demand upon the Mother-Country for her Manufactures, but gives the Manufacturers there the Advantage of their own Price; and can it be questioned, my Lord, but the Colonists are obliged, by Means of this Policy, to purchase the British Manufactures at a much dearer Rate, than the like Manufactures would be purchased at, if they were allowed to go to foreign Markets? It is a Loss to the Colonists, and an equal Gain to Great-Britain. The same Reasoning holds good with respect to the many Articles of their Produce, which the Colonists are restrained by Act of Parliament from sending to foreign Ports.—This is, in Reality, a Tax, tho' an indirect one, on the Colonies; besides the Duties of Excise and Customs laid on the Manufactures in Great-Britain. A celebrated British Writer on Trade, computes the artificial Value arising from these Duties, to be not less than Fifty per Cent. Your Lordship will then form an Estimate of the Part that is paid by the Colonies upon the Importation into America, which is generally said to be at least the Value of Two Millions Sterling.

The House is not, at this Time, complaining of this Policy of the Mother-State; but beg your Lordship's impartial and candid Consideration, whether it is not grievous to the Colonies to be additionally taxed upon the Commodities of Great-Britain here—and to be solely charged with the defending and securing his Majesty's Colonies, after they have cheerfully borne their full Proportion of maintaining his Majesty's Rights in this Part of his Dominions, and reducing his Enemies to Terms of Peace.

Your Lordship will allow the House to express their Fears, that the Colonies have been misrepresented to his Majesty's Ministers and the Parliament, as having an undutiful Disposition towards his Majesty, and a Disaffection to the Mother-Kingdom. It has, 'til a few Years past, been the Usage for his Majesty's Requisitions to be laid before the Representatives of his People in America. And we may venture to appeal to your Lordship, that the People of this Province have been ready to afford their utmost Aid for his Majesty's Service. It would be grievous to his most faithful Subjects, to be called upon for Aid, in a Manner which implies a Mistrust of a free and cheerful Compliance; and the House intreat your Lordship's Consideration, whether our Enemies, at least, would not infer a Want of Duty and Loyalty in us, when the Parliament have judged it necessary to compel us by Laws for that Purpose; as by the late Acts for raising a Revenue in America, and the Act for preventing Mutiny and Desertion; in the latter of which the Governor and Council are directed to supply the King's Troops with enumerated Articles, and the People are required to pay the Expence. But, besides, your Lordship will judge whether the Execution of this Act can comport with the Existence of a free Legislative in America.

It is unnatural to expect, that the supreme Executive Power can long exist, if the supreme Legislative should be depressed and destroyed. In order therefore to support the supreme Executive of his Majesty at so great a Distance, in the Person of his Governor, Judges, and other executive Officers, it seems necessary that there should be a Legislative in America, as perfectly free as can consist with a Subordination to the supreme Legislative of the whole Empire. Such a Legislative is constituted by the Royal Charter of this Province: In this Charter, my Lord, the King, for himself, his Heirs and Successors, grants to the General Assembly, full Power and Authority to impose and levy proportionable and reasonable Assessments, Rates and Taxes upon the Estates and Persons of the Inhabitants, to be issued and disposed of, by Warrant under the Hand of the Governor, with the Advice and Consent of the Council, for the Service of his Majesty, in the necessary Defence and Support of his Government of the Province, and the Protection and Preservation of the Inhabitants, according to such Acts, as are, or shall be in Force in the Province. And the House are humbly of Opinion, that the legislative Powers in the several Colonies in America, were originally erected upon Conviction, that the Subjects there, could not be represented in the Supreme Legislative; and consequently, that there was a Necessity that such Powers should be erected.

It is by no Means, my Lord, a Disposition in the House, to dispute the just Authority of the supreme Legislative of the Nation, that induces them thus to address your Lordship; but a warm Sense of Loyalty to their Prince, and they humbly apprehend, a just Concern for their natural and constitutional Rights, They beg your Lordship would excuse their trespassing upon your Time and Attention to the great Affairs of the State: They apply to you, as a Friend to the Rights of Mankind, and of British Subjects. As Americans, they implore your Lordship's Patronage, and beseech you to represent their Grievances to the King, our Sovereign, and employ your happy Influence for their Relief.

Signed by the SPEAKER.

At an Adjournment of the Meeting of the Freeholders, and other Inhabitants of this Town, the following Letter was reported by the Committee appointed for that Purpose, viz.

To the ingenious AUTHOR of certain Patriotic Letters, subscribed, A FARMER.

MUCH RESPECTED SIR!

WHEN the Rights and Liberties of the numerous and loyal Inhabitants of this extensive Continent are in imminent Danger—when the inveterate Enemies of these Colonies are not more assiduous to forge Fetters for them, than diligent to delude the People, and zealous to persuade them to an indolent Acquiescence: At this alarming Period, when to reluct is deemed a Revolt, and to oppose such Measures as are injudicious and destructive, is construed as a formal Attempt to subvert Order and Government; when to reason is to rebel; and a ready Submission to the Rod of Power, is solicited by the Tenders of Place and Patronage, or urged by the Menace of Danger and Disgrace: 'Tis to YOU, worthy SIR! that AMERICA is obliged, for a most seasonable, sensible, loyal and vigorous Vindication of her invaded Rights and Liberties: 'Tis to YOU, the distinguished Honour is due; that when many of the Friends of Liberty were ready to see its utter Subversion; armed with Truth, supported by the immutable Laws of Nature, the common Inheritance of Man, and leaning on the Pillars of the British Constitution: You seasonably brought your Aid opposed impending Ruin, awakened the most indolent

LOTTERY of MARYLAND, hitherto, since, RESOLVED, to collect Twelve-Ported.

People to support the Lower House, attempted, and is

contend, That the Reward, as well attending the Exent, ought to be RESOLUTIONS, AMENDMENTS, RECEIVED by the of; and "That are to the Opinions are Consideration, Clerk of the Court-ed the Non-pay-ids of Ten Years: a Circulating Me- Public Creditors, e to an Appeal to ct Matter of Dis- any Public Money to settle Disputes, e Foundation for

RESOLVE of and Subscriptions or maintaining an on the Part of the s of their OTHER o of the Lower raising Money for a SCHEME of a ONE THOUSAND ED TO THE PUBLIC.

is £. 500
— 250
— 100
are 100
— 60
— 30
— 60
— 100
— 100
— 200
— 240
— 182: 10
— 4500
— 13: 15
— 13: 15
£. 6500

deducted from the Lottery. House at ANNA-agers, and as many d to attend. MURDOCK, Esq; AM PACA, JOHN B-River, THOMAS N, HENRY HALL, ON, JOHN HALL; or such of them as

to the Honourable for the faithful

affixed in the MA-Prizes paid as loca not demanded in deemed as gene-

in the MARY-ETTES, and L. than DEATH," of the Managers, Lower House of

a full Return of s could have been rs to lie on the still unfold; and too far advanced s, the MANA-the Drawing, cer- e Third Tuesday the Adventurers —It is hoped TS will be Sold, BLIC may rely then drawn. Opportunity to those Gentlemen, of TICKETS they may have un-Drawing.

PRINTING-ISEMENTS, Long Ones f BLANKS, per BONDS performed