

S U P P L E M E N T 187
T O T H E
MARYLAND GAZETTE.

ANNAPOLIS, MAY 19, 1768.

[N^o. 1184.]

adopted, without the whole System. "The Law of England, as Lord BACON observes, is as much mixed as the Language;" and I believe the English have as much a Right to adopt a particular Law into their Polity, as a particular Word into their Language, without being obliged to change their whole System, or whole Language. That the civil Law has been adopted, is well known, but are the English, therefore, to say to their King—"Vobis summum Imperium in omni nibus Dū dedere, nobis Obsequium Gloria relicta est." (Heaven has bestow'd upon you the Sovereign Rule in all Things, to us the Glory of Obedience is left) "Quod Principi placuit Legis habet Vigorem." (The Pleasure of the Prince, has the Force of Law) "Imperator solus et Conditor et Interpretes Legis existimatur." (The Emperor alone, is both the Maker and Interpreter of the Law.) The 12 Tables were collected from the Laws of Athens and Sparta; but whoever thought, that all the Laws of these Cities were therefore binding upon the Romans.

All testamentary Business is transacted here, in a Jurisdiction all together Lay, as it was in England (and still is in some Parts of that Kingdom) before Papal Usurpations had wrested it out of the Hands of the Laity, on this pious Reason "that Spiritual Men know best what is for the Profit of the dead Man's Soul, and have more Confidence to do Justice than the Laity." If the dead Man was intestate, tho' he left a Family, those Spiritual Worthies seized upon his Estate, on the Pretence of disposing of it for pious Uses. A Will need the personal Estate from the Ordinary's Clutches; but upon this Circumstance, a Pretence was set up for drawing before him the Probate of Wills. A Writing, without more, was not sufficient; but it was to be proved to be what it imported. Who was to judge of this Proof? In all Reason, the Ordinary, who had more Confidence to do Justice, than a Layman. To prevent subsequent Disputes, an Act was proper to be done by the Ordinary. He therefore granted Letters, which testified the Executor's Power, and the Executor was to be accountable for his Conduct, under the Ordinary's Commission.—But Prohibitions, the Jurisdiction of Equity, and the Statutes, particularly of Ed. I. Ed. III. Hen. VIII. Car. II. have reduced the Canon Law on this Head, to very little Consideration, even in England, and if our Act of 1715, by the Word *Laws*, cou'd with any Propriety, be understood to comprehend the Canons, the Saving and Provision, in the Act, wou'd reduce them to a mere Shadow. Here, I suppose, his Logic is again to come in Aid—"Causes Matrimonial, Incontinency, Tithes, &c." are to fall under the Cognizance of the *Commisary General*.—For since he has Jurisdiction in Testamentary Causes, and the Canon Law is to be his Rule "how glaring an Absurdity," that he should not have Cognizance of Incontinency, Tithes &c.

If this was not his Meaning; why was the Note? Why the Inference from his Citation, that the Judge and Lawyers ought to be well acquainted with the Civil and Ecclesiastical Laws, as well as the Common and Statute? Why the Phrase, Ecclesiastical Judge?

To shew the blind Rashness of this Man, and how little aware he was of the Consequences of his own Doctrine, I wou'd just observe, that the 127th Cause has relation to the various Subjects, cognizable in the spiritual Courts, and the *Commisary General* can have no Jurisdiction, except in Testamentary Causes, unless because he has Cognizance of one Matter, he necessarily must have Jurisdiction in every other. It is this he means, nothing he has advanced is more impertinent than this Canon, which is saying a great deal.

But how strange it is, that this Man should talk of Canons, and what they enjoin! By them, Pluralities are disallow'd, unless with Dispensation in Favour of Persons of sublime Abilities, of which, without Doubt, the Dispensation is a sufficient Proof. But where is this dispensing Power, under which the Parson shall receive the Benefit of a Tax laid upon the People, against the express Terms of the Act? Let it even be admitted, that, before our Act of Assembly for the Establishment of Religious Worship, &c. now in Force, the Canons had been adopted here, and Pluralities had been tenable, yet when the Act pass'd, with the Consent of the Crown, after having been framed in England, and sent hither; and thus the King and the People had concurred in a Law against Pluralities, except with the Consent and Agreement of the Vestries of adjacent Parishes, can any sober Person imagine the Act is now to be dispensed with? That a Tax imposed by the Act for one Purpose, can be directed to another? In what wou'd the Difference consist, between levying Money upon the People without their Consent, and applying Money, granted by them, against the Terms of their Grant?—The *Bystander* was before called upon to answer these Queries, but has thought proper to decline the Task. "Whenever he succeeds in it, I will venture to pronounce, that he will have the Merit of establishing the very Principle of the Stamp-Act itself."

By the Canon Law, as well as by the Common Law, "Milites Deo non implicatur secularibus Negotiis—Clerici non ponantur in secularia Officia."—One engag'd in the Service of God, may not be intangled in secular Affairs—Clerks ought not to be put into secular Offices—They ought to have nothing to do with temporal Employments, especially of the Law; "for it is absurd and opprobrious for them to be fill'd in Decisions of Law-Suits."—But, says Dr. Ayliffe, they sit in Ecclesiastical Courts, avoiding the Opprobrium, because they are not at all fill'd in the Law.

Blackstone observes, that the Clergy have peculiar Exemptions, and are also under peculiar Incapacities, in order that they may not be call'd from their Duty; and his Opinion is certainly just, "that they ought to have a competent and honourable Maintenance, being an Order of Men, separated from the rest of Mankind, and excluded from other lucrative Professions, for their Sake."—It is notorious, that our Clergy are much better provided for than the Parochial Clergy in any other Part of the British Dominions, in Consequence of an Act of our Provincial Legislature. Such of them, as conscientiously discharge their Duty deserve, and never

Blackstone here makes a direct Distinction between Exemption and Incapacity, but I presume he is misapprehending the Law.

fail of receiving the utmost Respect and Reverence from the People. The *Bystander's* Suggestions will hardly alarm the Clergy. They know, their Rights are secured by the most efficacious Sanctions, nor will they apprehend any Design of impeaching them, because an unworthy Brother has been disappointed of a Plurality, which he endeavoured to obtain, in Defiance of Law, and by the basest Devices. They will hardly wish to see the Principle of dispensing with an Act of Assembly established, and the Rights and Privileges of their Fellow-Subjects infringed, to gratify the Avarice of one of their Order, very much inferior to most of his Brethren in Knowledge and Learning, and to all in every other estimable Quality. I am not striking at the Rights either of the Patron, or the Clergy, but defending both against the Attacks of Ignorance and Presumption; for, on the Assumption of this Principle, that the Laws, Civil and Ecclesiastical, of England, are here in full Force, it wou'd be easy to demonstrate this Consequence, that we have not, and never had a single Benefice in Maryland, that we have neither Patron nor Incumbent.

I am, Yours, C. D.

POSTSCRIPT.

THE *Bystander* has had the Effrontery to assert, that the Public Voice allows him to have written "like a Scholar and a Gentleman." This extraordinary Intelligence cou'd hardly be calculated for the Information of his Readers here; but a Stranger might be led, by such Confidence, to suppose, that the Parson cou'd not have had such superlative Impudence, as to tell his Readers, they had applauded, what they had condemned—that they had admired his Knowledge, when they had express'd their Contempt of his Ignorance—had approved his Manners, when they detested his Frauds. But there is a certain Figure of Speech, explained by a *Menestible* in the English Language, of which he is much enamour'd—to such a Degree, that even his non mentiar (*I will not lie*) will procure no Credit to his Assertions.—Wherein has he display'd his Scholarship? He has attempted nothing of the Kind, unless in his *Dedication of Archibishopus*, in which his Ignorance has been sufficiently exposed. The most flattering Compliment that can be paid to C. D. by those who are of Opinion the *Bystander* has written like a Scholar and a Gentleman, is to be reckon'd a Dunc and a Blackguard Writer.—The Person he aims at, holds in the utmost Contempt his Hints of ugly Consequences. He will persist in acting upon his own Judgment, even if the Sacrifice, he insolently threatens, were Ten Times greater. He disdain to be directed by a corrupt Sycophant, who is intriguing solely for his own interest, under the flimsy Veil of promoting the Service of his Patron, when all his Measures tend to embroil the Affairs of his great Benefactor, and to render his Government universally odious to the People. A due Execution of the Laws, a Counsellor may firmly support, without "betraying the Trust, or covertly attacking those Rights he is sworn to defend," notwithstanding the base Suggestions of this restless Incendiary to the contrary.

JUST IMPORTED,
In the Fauquier, Capt. William Maynard, and to be SOLD, at a reasonable Credit, with good Security, if required,

A FINE assorted CARGO of EAST-INDIA and EUROPEAN GOODS, suitable for the Summer Season; amounting to upwards of £. 2000 first Cost. Any Person inclinable to purchase the same, may apply to

DAN^L. WOLSTENHOLME.

May 10, 1768.

In the ELISABETH,
Capt. CHRISTIE, from LONDON,
JOHN BOYD, DRUGGIST,
Has just Imported, and now sells, at his MEDICINAL STORE, in BALTIMORE,
A Neat and General ASSORTMENT of DRUGS and MEDICINES.

Among which are,
QUILLED Bark, fine India Rhubarb,
Camphire, Musk, English and Spanish Saffron,
True Oil of Cinnamon,
Antimony, Brimstone, and Saltpetre, by any Quantity, very cheap;
Painters Colours, and Dye Stuffs, of all Sorts;
Surgeons Instruments, and Shop Furniture;
Patent Medicines; Dr. Hill's Balsams and Tinctures;
Court Plaster; Perfumery, and every Kind of Spice, &c. &c.
Medicine Chests, with ample Directions, &c.

N. B. My Prices are the same with those of Philadelphia, if not lower.

(2^m)

WILLIAM KNAPP,
WATCH and CLOCK-MAKER,

IMPRESSED with a grateful Sense of the Favours I have received from the Gentlemen of this, and the neighbouring Provinces, takes this Method of returning his sincere Thanks for the Countenance and Encouragement he has hitherto been honoured with; and, as he is solicitous to merit a Continuance of their Approbation, he has lately procured, at a very considerable Expence, a complete Apparatus, for the more effectual Execution of the different Branches in his Business, without which it is impracticable to give that Satisfaction he is studious to render, and he is determined, by unremitting Assiduity, and the utmost Exertion of his Abilities, to justify and secure the Public Confidence.

It is with Concern he finds himself reduced to the disagreeable Necessity of cautioning the Public against the continued Betcheries practised by many Pretenders to the Business, whose Inabilities are too frequently experienced by the Employer, as heavy Charges inevitably follow, to rectify the Errors of those Tinkering Performers, and the Mechanism of the Piece is often destroyed, beyond the Power of Art to repair.

He has, of his own Make, GOLD, SILVER, and PINCHBECK WATCHES, of the best and newest Construction, finished in the genteelst Taste, some with Seconds in the Center, commonly called Stop-Watches, Eight-day and Alarm Clocks: The Qualities and Prices of all which are contrived to prevent Importation, as he flatters himself those Gentlemen, who have already dealt with him, can testify, and such as shall please to honour him with their Commands, will agreeably experience: The commendable Ardour which has been happily manifested for the Promotion of American Manufactures, induces him to hope for the Encouragement of all who are inclined to protect and countenance social Industry amongst us; and he doubts not but they will clearly perceive the Advantages of dealing with the Maker on the Spot, where they can previously examine what they purchase, and who will engage to keep his Work in Repair, at the trifling Charge of 3s. 6d. Annually (general Accidents excepted) He will receive and complete, with the greatest Expedition, Orders either for Watches or Clocks, made on any Principle, and agreeable to any Fashion, and will allow, in Exchange, the best Prices for old Watches and Clocks.

He will wait on any Gentleman in, or near this City, to repair their Clocks.

JUST IMPORTED,

In the POLLY, Capt. JOHN KILTY, and to be sold, Wholesale or Retail, on the most reasonable Terms, by the Subscriber, in Annapolis,

AN ASSORTMENT of EUROPEAN and EAST-INDIA GOODS: Amongst which are fine Hyson, Green, and Bohea TEAS. He has likewise a Quantity of Cotton and Thread Stockings, which he will sell at a low Advance, together, or in Parcels.

THOMAS HALL.

N. B. A considerable Difference will be made in the Prices of Goods to those who pay ready Cash.

To be SOLD, by virtue of Deeds in Trust, at the Town of Dumfries, in Prince-William County, Virginia, on Monday the Sixth Day of June next, to the highest Bidder, the following Tracts of Land,

ABOUT Four Hundred and Seventy ACRES, whereon Col. Henry Peyton now lives. This Tract lies in Prince-William County, within 18 Miles of Dumfries and Celchester, is level, the Soil good, well watered, joining upon Broad-Run, a considerable Distance; has a valuable Grist-Mill upon it, convenient Houses, and upwards of One Hundred Acres of cleared Land, in good Order for either Planting or Farming.

Two Hundred and Twelve ACRES, lying upon the same Run, about a Mile higher up; great Part of which, is valuable low Ground. There is also on this, a considerable Quantity of cleared Land, and several Houses.

One Hundred ACRES, lying upon the Branches of Lucky-Run, in the same County.

One Thousand Seven Hundred and Ten ACRES, lying upon Little-River, in the County of Fauquier, on which is a large Proportion of Meadow Land, and not above 45 Miles from Navigation.

Two Hundred and Fifty-four ACRES, in the said County of Fauquier, in which the said Peyton is Tenant by the Courtesy. And

Two Hundred and Ninety-three ACRES, in the County of Frederick.

Twelve Months Credit will be given, the Purchasers entering into Bond, with sufficient Security. Five per Cent. discounted for ready Money.

CUTH^L. BULLITT.

May 17, 1768.

RAN away from the Subscriber, in St. Mary's County, on the 2d of this Instant, an Indented Lad, named JAMES JOHNSTON, about 20 Years of Age, has been brought up as a Gentleman's Servant; he is about 5 Feet 5 Inches high, is very fond of Liquor. He carried with him a new Duroy Coat, and Shag lapell'd Jacket, and different Changes of Linen. He also carried with him a bay Horse, about 14 Hands high, with a bob Tail; paces, trots, gallops, and has a remarkable handsome Carriage, when in the Bridle.

Whoever secures said Fellow, so that I can get him again, shall have THREE POUNDS Reward, and the like for the Horse.

THOMAS KEY.

May 10, 1768.

To be SOLD, at the House of Arthur Charlton, in Frederick-Town, Frederick County, on Thursday the 23d of June,

ABOUT Seventeen Hundred Acres of very good LAND, in Frederick County, between Captain Evan Shelby's, and Mr. Isaac Baker's, and near Conococheague. There are several Settlements on the Land; Either of the above Persons will show the Land, and a Plan of it will be left with Mr. Bowler, at Frederick-Town. The Land will be sold in Parcels, as may suit the Purchasers, and Credit given for the Purchase-Money, on Security and Interest.—I have several other valuable Tracts of Land in Maryland, and some in Virginia, which I will sell, lease, or rent. For Particulars, apply to the Subscriber, at Upper-Mariborough.

ST^L. PHEN WEST.

May 9, 1768.

ON the 30th Instant, will be run for, at Rig-Point, a SUBSCRIPTION PURSE of TWENTY POUNDS Currency, free for any Horse, Mare, or Gelding, the best of Three Heats, Three Times round the Ground to each Heat; Four Years old, to carry Eight Stone; Five Years old, Nine Stone; Six Years old, and upwards, Ten Stone, Saddle and Bridle included; the Horse winning Two Heats, and having his Distance the Third, to be entitled to the Purse.

On the Day following, will be run for, over the same Course, the Entrance-Money of both Days, with what other Money may be made up; on the same Conditions as the first Day's Race; the winning Horse the first Day only excepted. Twenty Minutes will be allowed for Rubbing, between each Heat. The Horses to be entered the Saturday before the Race, with Mr. Richard Wells, and to pay Twenty Shillings for the First Day, and Fifteen Shillings for the Second Day, if a Subscriber, if a Non-Subscriber, to pay Thirty Shillings Entrance, for the First Day, and Twenty Shillings for the Second Day; or, if entered at the Pole, to pay double Entrance. All Disputes that may arise, to be determined by Judges appointed for that Purpose.—The Horses to start between the Hours of One and Two o'Clock.

* * * Three reputed Horses to start, or no Race.

TO BE SOLD, A HOUSE, OUT-HOUSES, and LOT, A near the Town-Gate, in this City. For Terms apply to WILLIAM CURRIE, Cabinet-Maker, and Stucco-Worker.

THIS is to give Notice to all Persons, that JOHN ROWR, of FREDERICK County, by Bond, agreed to convey unto GEORGE FRENCH, all the vacant Land that should be found upon a Warrant of Re-survey, on a Tract of Land, called NANCY'S CONTENTMENT, lying in said County, which Bond has since been assigned over to me the Subscriber: I therefore hereby forbid all Persons from purchasing the same.

JACOB FRENCH.

At SCHOOLFIELD, PRINCE-GEORGE'S County,

RANGERS

WILL COVER at FORTY SHILLINGS Currency, and Two and Six-Pence to the Keeper.

Any Person who will bring 100 Bushels of Oats, and Fifty of Bran, or even a lesser Quantity, to SELBY'S Landing, shall receive Two Shillings for the Oats, if good, and Eight-pence for the Bran, if not musty.

* * * If not brought soon, it may possibly not be wanted.

May 5, 1768.

THE Partnership of STEWART & RICHARDSON, being now expired, all Persons indebted to them, are desired to be as speedy as possible in discharging their Debts, and such who are indebted by open Account, and cannot conveniently discharge the same, are requested to settle by Bond or Note immediately; for which Purpose, due Attendance will be given, at their late Store, in Annapolis, by Anthony Stewart, with whom all Persons are desired to settle.

STEWART & RICHARDSON.