

MARYLAND GAZETTE.

THURSDAY, MAY 25, 1769.

the last Vessels from Ea- very neat Assortment of Hunting Side-Saddles, blue Covers, trimmed with Gold Fringes, Ditto, Mens Hunting Saddles plain and trimmed, with Gold and Silver Lace, Bridles, Velvet Hunting Hunting Whips, with Stirrups, both plain and of the best Wax Flaming the lowest Terms, (for Store in Arch-Street, above Academy.

on the Business of Coach- as usual.

Feb. 27, 1769. SUBSCRIBER, or PART, in ANNAPOLIS, AND, lying in Dorchester County, containing the main Road that leads to, adjoining to a Tract of William Bayes, and about 1/2 mile. The Land is level, and fertile, with white and red soil.

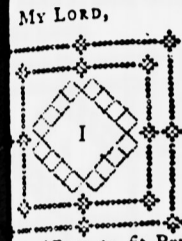
WILLIAM BROWN, SALE, by Mr. SAMUEL BAY, MARYLAND, TRACT OF LAND, lying in Baltimore County: of FIVE HUNDRED and lies within a few Miles BUSH, and GUNPOWDER, Baltimore-Town. The Land extremely fertile, and e- There are several Bot- able of valuable Meadows, water. There is about 250 Part of which has not Cultivation, and quite are not very considerable, them, at a small Expence, and serviceable. There is Parts, so well adapted for

Land, is indisputable; will be given to the Pur- on the Premises, on the Credit will be given for Six Any Person inclinable to Mr. JOHN PACA, of Balti- WILLIAM PACA, of the City mation they may want.

REWARD. Neal's Iron-Works, in about the 10th of October Negro Man Slave, named of the Hon. John Taylor, of Age, very black, well ches high, puts on a sower Thing amiss; he had on he went away, a blue Cotton Velvet Jacket, and Coats, besides Shoes and s: He is by Trade a Ship- Proficient in that Business, to build all Sorts of small went off, he was accom- Fellow, named SCIPIO, Million of Prince-William much the same Age and ouch Patowmack-River to- at, to the Maryland Shore, had have, from that Time ered. As Billie was some t from Carolina, (to which of a forged Pass, he had is more than probable that by some Ship-Builders to will endeavour to get on d for Charles-Town, or to here he expects to be free. said Negro, or Mulatto, n, to the Subscriber, or to er of Col. Taylor's Mine- ty, or will secure them, so shall receive, for each, a if taken Forty Miles from rd, if at a greater Distance advert. or from THOMAS LAWSON.

at the PRINTING- ADVERTISEMENTS, dance. Long Ones kinds of BLANKS, their proper BONDS WORK performed

BERNARD's Letter to the Earl of HILLSBOROUGH, dated Boston, November 14, 1768.



MY LORD, COME now to consider that Part of my Orders which relates to the Reforming the Bench of Justices: This is to be done by Two Ways. 1st, By adding new Justices to the present Bench, either by engaging Gentlemen who are already in the Commission to qualify themselves, or by granting new Commissions to fit Persons who will undertake to act. 2^d, By removing such Persons in the Commission, who are known to be infected with Principles of Disaffection to the constitutional Authority of Parliament. The first of these is practicable in both its Branches; the second is, at present, absolutely impracticable, and will remain so, while the Council make the humouring the people their chief Object.

In regard to the first, I have already made some Attempts to engage some Gentlemen now in the Commission to qualify themselves, and shall pursue it; and notwithstanding the Undertaking is very discouraging, I expect I shall have some Success. I have also made an Enquiry to appoint new Justices, who would engage to do so, by naming one very fit Person. It was received very coolly by the Council, and upon my asking the reason, I was told he was not popular; I replied, that if he had been, I should not have named him. As he is allowed to be in every other Respect a most unexceptionable Man, it passed unanimously; but it gave me to know what I must expect, if I proposed a Man who was not popular, against whom any Exception could be taken. But I shall try soon again.

As for removing Persons for their Opposition to the Authority of Parliament, by Means of a Council, the majority of which has (indirectly at least) avowed the same Principles, and now appears to act in Concert with that Party from whence the Opposition to Parliament originated, it would be an Attempt contrary to the Rules of Policy and Prudence. It would require to be done by a public Enquiry, which would receive all the Obstruction and Embarrassment which the Chicanery of Law could invent; and, if after all, full proof of Disaffection to the Authority of Parliament could be made, it would be declared not to be relevant to infer such a Censure. It would be therefore in vain to attempt to punish Disaffection to the Authority of Parliament, until the Criminality is better established than it is at present. To support this Conjecture in what Manner the Council would act in such a Proceeding, I need only refer your Lordship to their Conduct, and the Papers they have published within these Two Months last past.

And yet, my Lord, I would not insinuate that we have no fit Objects for such a Censure; the Sons of Liberty have not been without Magistrates. We have five Justices attending at Liberty-Tree; one to administer an Oath to the Stamp-Master, when he was obliged to swear he would not execute his Office; another to perform the Function of Toast-Master; a third, but lately, to consult about fortifying the Town; others to make up a Procession of 45 Carriages, and 92 Persons, on the 14th of August last. All these are included in Two Lists which your Lordship has sent me, and that of the 5 Selectmen who signed the Circular Letter for the Convention, of which all but the first are in the Commission, and that of the Eight Justices who signed the Refusal to billet the Soldiers. Now, if the Censure of these Proceedings should produce an Order to me to supersede the Commissions of these Gentlemen, it would be a Trial of the Power of the Governor: It seems at present that the Council would not enable me to execute such an Order.

It is a great Defect in this Government, that the King has no Power over the Commissions, which are granted in his Name, and under his Seal. He can by Order in Council disallow a Law which has passed by the Governor, Council, and House of Representatives; but yet he cannot supersede a Commission, which has been granted by the Governor and Council. And yet the Council of this Province is as much out of the Control of the King as the House of Representatives is. Wherefore it seems as reasonable that the King should be allowed to correct the Mistakes of the Governor and Council, as of the Governor, Council, and House. As it is, when the Governor has once set the King's Seal to a Commission, it is for ever out of the Hands of the Crown, and the Person who has obtained it, may thenceforth defy the King, oppose his Laws, and insult his Government, and be in no Danger of losing his Commission. It is true the Governor, with the Advice of Council, can supersede him; but, if he acts in a popular Cause, under which, Opposition to Government finds it easy to shelter itself, the Council, who are themselves the Creatures of the People, will never condescend to the Governor in censuring the Overdoings of Liberty. It may be said, that the Governor should take Care not to appoint any one whose Character is not well known. But the Governor does not personally know Half of those whom he appoints to Offices; it is therefore in his Power to guard against Imposition, by being ever so cautious. Besides, a Man's political Character often does not appear 'til he has got into an Office, and thereby held forth to the Public: Hence it is not unusual for a Person, who has distinguished him-

self in political Matters, to get himself recommended to the Governor, as a Man well disposed to Government; and, as soon as he has received his Commission, to declare for the Party of the Sons of Liberty. The Governor may resent the Imposition as he pleases; but can't undo what he has done. Thus the Commissions of the King, like his Cannon upon another Occasion, are turned against him.

It would serve to remedy this Abuse, and strengthen Government, if the King was enabled by Order, in his Privy-Council, to supersede Commissions granted in his Name, and under his Seal, when they shall appear to be granted to improper Persons, or made Use of for improper Purposes. This must be done by Act of Parliament; and I don't see the Impropriety of such an Act; it seems to me to be a proper Power to be vested in the Crown; especially at a Time when the Crown wants to be strengthened by all legal Means in this Country. And it seems that it would be better to be done by a general Act than a partial one; for such a Power may be wanted in the Royal Governments, notwithstanding the Controul the King has over the Councils. For it is very possible, considering the Spirit which now prevails, that even a Royal Council may support a Popular Magistrate against the Interest of the Crown. And, if the Colonies should prevail to have the Judges Commissions during good Behaviour, which some of them are now very earnest about, it might be proper that the King, in Council, should be empowered to judge and determine upon such Misbehaviour as would avoid the Commission.

But this will not be necessary, if the general Instructions of granting no Commissions, but during Pleasure, be continued and observed; nor will it be necessary that such an Act should be general: It is more wanted in this Government than in all the others together; and even here the Defect would be cured by a Royal Council.

I am, with great Respect, my Lord, your Lordship's most obedient, and most humble Servant, The Right Honourable FRA. BERNARD. The Earl of Hillsborough. January 27, 1769. A true Copy, GEO. WHITE, Clerk of the Papers to the House of Commons.

Copy of a Letter from Governor Bernard to the Earl of Hillsborough, dated Boston, November 30, 1768. My LORD,

I THINK it proper to inform your Lordship, that I communicated to the Council that Part of your Lordship's Letter No. 19, in which your Lordship signified His Majesty's gracious Reception of the Petition of the Council, which I transmitted in July last, and added, that the Petition, with my Reasoning in Support of it, would have full Consideration. Upon which Mr. Bowdoin, who has all along taken the Lead of the Council in their late extraordinary Proceedings, charged me with having misrepresented the Purpose of their Petition, by taking Advantage of an Expression of theirs, "drawing a Revenue from the Colonies;" and therefrom insinuating, that their Objection lay not so much against the raising Money, as the carrying it out of the Country, and not expending it here. And to justify this, he quoted a transitory Conversation he had with me on the Day of the public Commencement at the College in July last. I told him, that if the Conversation had made such an Impression upon him, it was a Pity he had not mentioned it before, whilst my Memory could interpose in my Behalf; That at this Distance of Time, Five-Months, I could not recollect every thing of the Conversation; for such I was assured this was from his Report of it. But I could be certain, whether I had or had not misrepresented their Petition, by inspecting my own Books. And before I looked at them, I could declare that I had not.

My Letter Books were at my Country House, where I generally write all my Letters. As soon as I got at them, I had the Letter in Question, No. 11, July 16, copied: As soon as I returned to Town, I read that Part of it, which related to this Business to Three or Four of the Council; and I let Two of them, and the Secretary, read the whole Letter; they were greatly surprized to find it so very clear of Mr. Bowdoin's Charge; at the next Council I produced the Letter, and read the whole Passage referred to; from whence it appeared, that in mentioning the Prayer of their Petition, I used their own Words, without adding a single Word of my own; and also that the Argument I used in Behalf of the Prayer, went against Taxation in general, more than the Disposal of the Money: This appeared satisfactory to the whole Council, except Mr. Bowdoin. But he still persisting in justifying himself, mentioned something more of the Conversation referred to, which explained the whole, and showed that what I said upon that Occasion, was entirely in-Joke. This was confirmed by a Counsellor, who recollected that on that Day, being a Day of Festivity, I did joke with some of them upon their Petition, to the same Purpose as Mr. Bowdoin quoted, and in Terms that one could not have imagined could have been taken seriously, and really were quite inoffensive to every one else.

This is a very trifling Matter to trouble your Lordship with; but it has already been the Subject of Debates in Council, and Libels in the News-Papers. It would have also produced a formal Remonstrance to your Lordship, which I am told was actually prepared by the Gentleman who made the Charge, if it had not been prevented by my making Communications, which, but for saving Trouble to your Lordship, I would not

have submitted to. But it will vent itself in another and more public Way; of which I shall be able to give your Lordship an Account in a few Days. Your Lordship may depend upon it, that my Informations have been, and shall be, dictated by the Spirit of Truth and Candour; but I cannot make Facts other than they are, nor can I excuse myself communicating such Observations and Reflections, as occur to me, and appear to be material to the Subject.

I am, with great Respect, my Lord, your Lordship's most obedient, and most humble Servant, The Right Honourable FRA. BERNARD. The Earl of Hillsborough. January 27, 1769. A true Copy, GEO. WHITE, Clerk of the Papers to the House of Commons.

Copy of a Letter from Governor Bernard, to the Earl of Hillsborough, dated Boston, December 5, 1768.

MY LORD, THE Council have been for a Week past, preparing Petitions to the Two Houses of Parliament against the American Acts of Revenue, that is, as I understand, against all the Acts imposing Port Duties. They signified their Intention to me, and desired, that I would either join with them, or authorize their sitting for that Purpose. I reminded them, that I had refused to be concerned in this Business in July last, and the Impropriety of this Measure was much stronger now than then. I added, that if they would be assisted by me, they would not pursue this Intention; which could do no Good, and might turn to Evil; that if the Parliament was disposed to indulge the Americans in another Repeal, there were Petitions enough before them to ground it upon; and their Petition at best would be but a Makeweight; on the other Hand, it might contain something that might give Offence, and add to the ill Humour, which, I feared, already prevailed against this Province. But all this, and more, had no Effect: The Movers of this Business called the Council together, separately from the Governor, in the Council Chamber, according to the new Method, for which they apologized in the Petition. After several Days Meeting, the Petition was settled and approved: Upon which there was a Dispute how it should be signed, whether by every one as private Persons, as in the Address to General Gage, or by the President, in the Name of the Body; in which latter Case they must be understood to act as the Legislative Council, there being no President of the Privy Council but the Governor. However, it was resolved it should be signed in the latter Way.

As soon as I learned it was finished, I sent for Mr. Danforth, the President, and desired to see it; he went and procured it for me. I found it was signed, "in the Name, and by the Order of a Majority of the Council, S. Danforth." Mr. Danforth said he was not present when this Manner of Signing was resolved upon; and when he set his Name to it, he did not see the Word "President" after his Name; this was a poor Excuse, but serves to shew, how little free Agency there is in a Business of this Kind. He also added, that if he could get the Council to meet again, he was in Hopes they would undo this Business; for several of them had signified their Disapprobation of it. But I had no such Expectations; for the Council is brought under such an Awe of their Constituents, by the frequent Removals of the Friends of Government, that there is very little Exercise for private Judgment in popular Questions.

If by the Majority of the Council, in whose Name the President is to sign, they mean a Majority of the whole Board, I cannot conceive that all the Persons who met at the several Meetings upon this Occasion put together, amount to the Number 12, which is the Majority of the Whole. But if they mean a Majority of those present when the Resolution was formed, it may fall very short of the Majority of the Body: Four Persons will make a Majority of a Quorum of the Council. In the present Case, I doubt whether the Number of those who really approved of this Measure was much more; for it seemed to be rather submitted to, than joined in. As for the Petition itself, it is very lengthy, being Six Folio Pages, but has nothing new in it, nothing, I believe, but what is to be found among the Writings of the House of Representatives. It differs from the Petition to the King in this; the latter carefully avoids all Claim of Right against the Parliament; this is not so clear of it; it has indeed no positive Assertions of Right, but several Intimations of it, too plain to be unnoticed. This Account is taken from only once reading it, and therefore may not be free from Mistakes, tho' I believe it is right as to the general Idea.

I am, with great Respect, my Lord, your Lordship's most obedient, and most humble Servant, The Right Honourable FRA. BERNARD. The Earl of Hillsborough.

P. S. Since I wrote the foregoing, I have got a List of the Gentlemen who passed upon the Petition; Mr. Danforth, Royal, Erving, Bowdoin, Hubbard, Tyler, Pitt, Dexter. Upon November the 30th they agreed upon the Petition to the Lords and Commons to be signed by Mr. Danforth as President. Of these Eight, I have been informed of Two who wanted to have it undone, and I can fix upon another, who, I dare say, acquiesced, rather than concurred. GEO. WHITE, January 27, 1769. A true Copy, Clerk of the Papers to the House of Commons.