

MARYLAND GAZETTE.

THURSDAY, SEPTEMBER 7, 1769.

July 24, 1769.
 Night, from the Patuxent Iron-works, two following Convict Servants, LL, an Englishman, about Thirty, of Age, dark Complexion, and black Hair; he is about Five Feet high; Had on, when he went on, a Coat, Crocus Trowsers, old Cotton and old Shoes.
 2^d, about Twenty-five Years of Age, or Ten Inches high, of a very dark Complexion, and black Hair; he is cloth'd in the same Manner as the first; and takes up the said Servants, shall them, if taken Twenty Miles or more, Fifty Shillings for each (including the Expence of their Passage) and if taken Fifty Miles or more, one Hundred Shillings for each (including the Expence of their Passage) paid by the Purchaser.

AND, lying in Frederick County, Maryland, and Large Tangawagon Creeks, 100 Acres, called CALEDONIA, adjoining, called HAWKINS, containing about 450 Acres, the Land as level as common, in many places, is well watered, and has Springs on it.—The Purchaser is to give 3 or 4 Years Credit, on paying the Purchase-Money down, and giving the Remainder. For further Particulars, apply to Mr. Charles Beatty, in Frederick County.

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 the Subscriber, living in Annapolis, and being a Merchant, named JOHN Trade, a Clock and Watch-maker, of the City of London, about 40 Years of Age, of a dark Complexion, with the Small-Pox, and has had on, and took with him, a Coat, cut short, Check Shirt, Castor Hat, and Country Shoes; secures the said Servants, if the Purchaser, shall have Five reasonable Charges, paid by the Purchaser.

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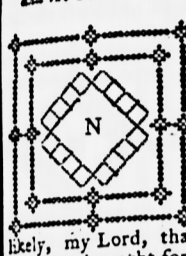
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LETTER from the Council of the Province of MASSACHUSETTS-BAY, in Vindication of themselves and the Province, continued from our last.



OW my Lord, is it any Way uncharitable to suppose the Governor postponed the Enquiry with the said Justices, in order that there might be no Contradiction between the Depositions that might have been thus jointly taken, and such as he had enclosed to your Lordship? Was it not more likely, my Lord, that a true State of the Facts might have been brought forth by such a joint Enquiry, than by a separate one? On the one Hand, it might be said, the Justices without the Governor would be most inquisitive after Facts and Circumstances that would place the Delinquents in the most favourable Light; and on the other Hand, that the Governor might run into the contrary Extreme, which would place them in the worst Light; and if this should be thought probable on both Hands, from both of them conjunctly, the exact State of Facts might have been expected. It is therefore greatly to be regretted, and argues a Disposition and Design in the Governor to represent Things in the worst Light, that he postponed, and never after resumed the Enquiry; and the Representations, contained in authenticated Copies of his Six Letters transmitted to us, are a Demonstration of such a Disposition, and of a Disposition, under Pretence of magnifying the King's Power, to make his own arbitrary and uncontrollable.

In the Governor's Letter of the 12th of November, he reports to your Lordship how he proceeded in admonishing the Justices; and expresses his Displeasure, that the Council would not act with him in this Business; nor advise to any Method of enforcing the Order contained in your Lordship's Letter; and that he could make nothing of them but passive Associates. The Council my Lord, apprehended it highly proper, that before the Justices were censured, they should be informed of the Charges against them, and heard in their Defence. And because the Council desired to be excused acting in this Business before such Information and Hearing, they are thus most grossly abused and misrepresented by the Governor. He insinuates that the Council impeached the Truth and Justice of your Lordship's Letter, "both of which, he says, he observed to them were founded on notorious Fact." This Charge they deny. They might doubt, and had great Reason to doubt the Facts on which your Lordship's Letter was founded, and which were represented by the Governor, without impeaching your Lordship's Truth or Justice.

In the Course of the Two last Conferences with the Council, "he had an Opportunity, he says, to observe upon and lament the Servility, in Regard to the People, with which the Business of Council was now done in Comparison with what used to be."

Whatever Character former Councils may have been of, the present Council humbly trust my Lord, that such an unworthy one as this, does not belong to them; but if it should, they will not add to the Indignity of it by any Act of Servility to his Excellency.—The Governor would prove the Servility of the Council by saying, "that one Gentleman said, he did not enter the Council-Chamber with that free Mind he used to have; but as he liked to be concerned in public Business, he must be content to hold his Place upon such Terms as he could." A Gentleman of the Council has divers Times said that he did not enter the Council-Chamber with the same Pleasure he used to, and the Reason he assigned was the angry Disputes which had subsisted for some Time between the Governor and the Council; he has likewise said he liked to be concerned in public Business, but he absolutely denies his saying, and there's no one of the Council remembers he ever said, that he must be content to hold his Place upon such Terms as he could, or any Thing tending to convey such an Idea. This is the only Matter upon which the Governor builds the infamous Character he has given of the Council to your Lordship. These Anecdotes, which the Governor calls trifling, are really so in themselves, and not only trifling, but (as he represents them) untrue, and discover great Malignity towards the Council, not only as a Body, but as Individuals. Tho' the Anecdotes are trifling in themselves, they are not so with Regard to the Purpose he intended they should answer; for if the Council be such servile Wretches as he has represented them to your Lordship—if they would be content to hold their Places upon such Terms as he can, it is high Time my Lord, they should be removed: And if a Seat at the Council Board, under the present Form of Government, can be held by no other Tenure, it is become quite necessary (as the Governor observes) "that the King should have the Council-Chamber in his own Hands."

The Governor's next Letter to your Lordship is dated November 14, in which he considers that Part of his Orders which relates to the reforming the Bench of Justices; in which Letter, as in all the rest, he is very liberal in his Abuses of the Council—they make, he says, the humoursing of the People their chief Object—the Majority of the Council has avowed (indirectly at least) the same Principles, and now appear to act in Concert with that Party from whence the Opposition

to Parliament originated.—"They are the Creatures of the People, and will never join with the Governor in censuring the Overflowings of Liberty," &c. But we shall pass them as undeserving further Notice.

There are several other Things in this Letter, worthy of Remark, which we beg Leave here to mention.

"It is a great Defect, he says, in this Government, that the King has no Power over the Commissions, which are granted in his Name and under his Seal."

But if this be a Defect, there's a similar Defect in the Government of England, with Regard to similar Commissions. But your Lordship is sensible, this is so far from being a Defect with Respect to some Commissions, particularly those of the Judges in England, that the King having no Power over them, is esteemed the strongest Security to the Liberties and Property of the Subject. The Removal of the pretended Defect here, would put all the Judges, Justices and other Civil Officers under the Power of a Governor, whose Power already, if a good Governor, is apprehended to be sufficiently extensive; and if an arbitrary and oppressive one, much too extensive.

The Governor next attempts to prove that there is such a Defect in this Government; but his Argument is cloudy and wholly inconclusive. He observes in it, "the Council of this Province is as much out of the Controll of the King, as the House of Representatives is." But this is a very great Mistake, as his Majesty's Governor has a Negative annually upon the Choice of every Member of the Council, and has none at all upon the Representatives. It is also a Mistake in him to say, that when the Governor has once set the King's Seal to a Commission, it is forever 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; for as the Governor himself adds, the Governor with the Advice of the Council can supersede him. But "if he acts in a popular Cause, the Council, who are themselves the Creatures of the People, will never join with the Governor in censuring the Overflowings of Liberty." The Council my Lord, are no more the Creatures of the People than of the Governor, as his Approbation of the Election is necessary to their Existence; and they are much more likely to be under the Influence of a Governor than of the People; and therefore much more likely to join with him in censuring the Overflowings of Liberty, than the contrary. But my Lord, at the worst, supposing such a Magistrate should escape Censure thro' the Fault of the Council, would it not be better that an Instance of that Sort should now and then happen, than that a Governor, a Thousand Leagues distant from the Throne, should be entrusted with a Power so exorbitant and uncontrollable, as Governor Bernard is endeavouring to acquire, but which we humbly hope our gracious Sovereign will never entrust either with him or any of his Successors.

This exorbitant Power Mr. Bernard is for extending to all the Governors in his Majesty's Colonies, and proposes, or rather dictates, that it should be done by a general Act of Parliament, vesting such a Power in the Crown. But "it will not be necessary, he says, that such an Act should be general. It is more wanted in this Government than in all the other together; and even here the Defect will be cured by a Royal Council." This is the least, my Lord, that will content him. But we humbly trust in his Majesty's Goodness that the Charter of the Province, with the Rights and Privileges granted by it to this People, will be continued to them, notwithstanding the Machinations of Governor Bernard, and all other Enemies of the Constitution.

The Governor's Letters of the 30th of November being wholly relative to the Conversation between the Governor and Mr. Bowdoin on the Prayer of the Council's Petition to his Majesty, Mr. Bowdoin will have the Honour of writing to your Lordship on that Subject.

The Governor's Letter of the 5th of December, relative to the Council's Petitions to the Two Houses of Parliament, is principally designed to frustrate them; to give your Lordship a wrong Idea of many of the Circumstances attending the agreeing on them; and to let you know that the Council is brought under such Awe of their Constituents, by the frequent Removal of the Friends of Government, as that there is very little Exercise for private Judgment in popular Questions.—We thought 'til the Receipt of this Letter of his, that the whole of our Conduct in this Matter at least, was in no Instance excepted to by him; but we have found ourselves mistaken. There is nothing in this Letter very material, and therefore without taking further Notice of it, we beg Leave to give your Lordship some Account of the Origination of those Petitions: Your Lordship will therefore please to be informed, that at the last Sitting of the General Court, the Council thought it necessary to petition his Majesty and both Houses of Parliament, on the Subject of the Acts of Parliament for raising a Revenue from the Colonies, and divers Times considered it. As it was apprehended the Session would be a long one, on Account of the Settlement of the Valuation of Estates through the Province, the Council did not appoint a Committee to prepare the Petitions, before the Governor communicated, on the 14th of June, the latter Part of your Lordship's Letter signifying his Majesty's Pleasure, relative to the Dissolution of the General Court. The

Committee reported the Draught of the Petition to the King on the 29th, when it seems the Governor had determined to prorogue the Court.

The Petition had been read, and was under Consideration, when the Message to the Governor from the House, in Answer to the Requisition for rescinding certain Resolves, interrupted the Proceeding in it: But after receiving the said Message, the Governor would not suffer it to be resumed though earnestly requested, and without any Necessity, immediately prorogued the Court which prevented the Council petitioning in their Legislative Capacity; in which Capacity the Governor could not dispute the Council's Right to petition independent of him. They thought it very unkind and very unjust, that he would not suffer them to compleat their Petitions, which might have been done the next Day; and they cannot account for that very hasty and abrupt Prorogation, but by supposing it proceeded from a Intention to prevent or frustrate the said Petition, and to stop a Remonstrance to his Majesty against him, which was then debating in the House of Representatives. With regard to the said Petitions immediately after the Prorogation it was moved in Council to proceed upon them; but the Governor interposed and insisted that the Council had no Right to do it without him. A Committee, after much Altercation, was finally, with his Consent, appointed to prepare a Petition to the King and the King only, the Governor insisting that the Committee should not be authorized to prepare Petitions to the Lords and Commons; which shewed his Intention to prevent the Petitions to the Two Houses of Parliament; and in Regard to the Petition to his Majesty, it has been apprehended, he designed to frustrate that.

This last mentioned Petition at the Council's Desire, was by the Governor, in whom they then thought they could place some Confidence, transmitted to your Lordship, with their humble Request that your Lordship would lay it before his Majesty. In the Prayer of it, a Word is used which the Governor is apprehended to have laid hold on to draw a Sense very different from what he knew the Council intended; and that accordingly in writing to your Lordship he introduced the Prayer of it in such a Manner, as to make it seem that the Council intended to petition against the Revenue-Money being drawn or sent from America, rather than for the Repeal of the Revenue-Acts. But however this may be, (about which we are not yet satisfied, notwithstanding the Governor is pleased to say we are) it occasioned our Petitions to the Two Houses of Parliament, in which, that we might not be misapprehended from any Reasonings of the Governor on the Prayer of our Petition to his Majesty, we have prayed for the Repeal of those Acts in the most explicit Manner.

With Regard to the Council's Petition transmitted to your Lordship by the Governor, we take this Occasion to thank your Lordship for laying it before his Majesty.

And now, my Lord, having given your Lordship a general Account of the Council's Proceedings in which they have acted (in a Manner his Majesty expects they should act) agreeable to their Oaths and Consciences, and with an unremitting Regard to his Service, Honour and Government, they humbly beg Leave to express their deep Sorrow and Distress on Account of his Majesty's Displeasure, which the Town and Province at present experience.

The Dissolution of the General Court.—The Ships of War stationed here—Troops in Possession of the Town.—The Precautions taken to prevent any Intelligence coming hither of the embarking of the Troops from Halifax, and the Circumstances attending their landing here, as if in an Enemy's Country—all indicate the Frowns and Displeasure of his Majesty.

We do not yet certainly know all the Means by which this has happened; nor do we yet certainly know all our Accusers. But we apprehend the Representations and Memorials, that have been made by Governor Bernard, the Commissioners of the Customs, and some other Persons, concerning the Disorders and riotous Proceedings, which happened in the Town of Boston, in March and June 1768, have brought upon them that Misfortune. What happened in March was of no Consideration, and it must indicate a great Degree of Malevolence to represent it to the Disadvantage of the Town.

What happened on the 10th of June, tho' highly unwarrantable and unjustifiable, was attended with Circumstances, that make it probable a Riot was planned, and hoped for, by some of those Persons, who most exclaimed against it, and have made it the Subject of those Memorials and Representations: But for a fuller Detail of those Disorders, and the apprehended Occasion of them, we beg Leave to refer your Lordship to the Proceedings of the Council on the 19th of July last, and to their Address to General Gage of the 27th of October, both which have been communicated to your Lordship by the Governor, and which we humbly hope, notwithstanding they were accompanied with his Animadversion have induced his Majesty to look upon the Town of Boston, in a more favourable Light than the Authors of the aforesaid Memorials and Representations are desirous he should.

Upon the whole, my Lord, we are constrained to say, that Governor Bernard's great Aim (as evidently appears by his Letters) is the Destruction of our Constitution, derived to us by Charter, and as Englishmen; and that in his Letters to your Lordship, he

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