

MARYLAND GAZETTE.

THURSDAY, JUNE 13, 1771.

To be SOLD at PUBLIC VENDUE... the Premises, on Saturday the 29th Day of June, for Bills of Exchange, or Sterling Cash,

A LOT, HOUSES, and PLANTATION joining thereunto, with Horses, Hogs, Cattle, &c. &c. There is a good Garden paved in, and a Yard towards the River, wherein is a good Dwelling-House, Kitchen, Stable, Milk-House, and Meat-House: The Situation is very pleasant on Patuxent River, and the Lot is contiguous to the Inspecting-House. The Conveniences of which, need not be enumerated. PHILEMON YOUNG. N. B. The above Land will be set up by the Act.

BROKE out of Anne-Arundel County Jail, the Six following Persons, viz.

Robert Taylor, by Trade a Joiner, about 25 Years of Age, 6 Feet high, is a well looking Fellow, and has short black Hair tied behind: Had on, an old brown Coat, green Jacket, and Ruffia Drab Breeches.

Thomas Plover and Samuel Berkley, who were both tried this present Provincial Court, the former for Burglary, the latter for Horse-stealing, and found Guilty. Plover is about 5 Feet 10 Inches high, has short black Hair, a little pitted with the Small-Pox, and is a very ill-looking Fellow: Had on, a dirty dyed Cotton Jacket, and his other Apparel very mean. Berkley is about 5 Feet 8 Inches high, fair Complexion, has a good Countenance, and wears his Hair, which is of a light brown: Had on, a brown Coat, with dirty Leather Breeches.

Nathaniel Read, a Felon left in my Custody by the Sheriff of Cecil County, about 20 Years of Age, 5 Feet 10 Inches high, tawny Complexion, and his Apparel excessive mean.

Peter McCarty, about the same Age and Height, has a Mark over his right Eye, and wears a Cap, is a well set Fellow: Had on, a black Cloth Coat and Breeches, and light coloured Waistcoat.

Timothy Carter, about 20 Years of Age, has a healthy Countenance, is a little pitted with the Small-Pox, wears short brown Hair: Had on, an old blue Coat and Leather Breeches.

Whoever secures the abovementioned Persons, and delivers them to the Subscriber, shall have Five Pounds each, for Taylor, Plover, and Berkley; Forty Shillings for Read, and Twenty Shillings each for the others.

JOHN CLAPHAM, Sheriff.

Baltimore, February 22, 1771.

On Saturday the 15th Day of June next, will be exposed to publick Sale, at the House of Mr. John Little, near the Market-Place, Baltimore-Town, at Ten o'Clock in the afternoon,

THE following Tracts and Parcels of Land, situate in Baltimore County, and from 6 to 15 Miles Distance from Baltimore-Town, on the great Roads to York and Frederick-Town, conveniently situated for Church, Meeting, Mill, and Market, and all good Lands fit for farming; such Tracts as have Tenants will be parcelled out, that the Tenants may have an Opportunity of purchasing. To be sold for Sterling Cash, Bills of Credit, at the then Current Exchange, or in good Bills payable in London.

- North-Carolina, containing and laid out for 945 Acres
Jones's Farm, adjacent thereto, 50
Carolina Felix, 646
Batchelors Choice, thereunto adjacent, 100
Drumard's Hall, 303 1/2
Part of Spicer's Inheritance, within One Mile of Baltimore-Town, having some Improvements thereon, 77
Stuartsylvania, on the River Patuxent, opposite to Fell's-Point, which is adjoining to Baltimore-Town, and contains 24
Point Lock-out, near to Stuartsylvania, and opposite to Fell's-Point, 12

The Lands were the Property of Mr. JAMES RICHARDS, and by him conveyed to me in Trust, for the Use of himself and Creditors. The Lands may be viewed, and the Title examined, on applying to (ts) DANIEL CHAMBERLAIN.

General Post-Office, New-York, Jan. 22, 1771.

HIS MAJESTY'S Post-Master General, having (for the better facilitating of Correspondence between Great-Britain and America) been pleased to add a Fifth Packet Boat to the Station between Falmouth and New-York: Notice is hereby given, that the Mail for the future will be closed at the Post-Office in New-York, at Twelve of the Clock at Night, on the First Tuesday in every Month, and dispatched by a Packet the next Day for Falmouth. By Command of the D. Post-Master General. (12m) ALEXANDER COLDEN, Secretary

E GREEN, at the PRINTING- at 12s. 6d. a Year, ADVERTISEMENTS, each Week's Continuance. Long Ones, ready Printed, most kinds of BLANKS, several Sorts, with their proper BONDS, Manner of PRINTING-WORK performed

Mr. SPEAKER, THE present Question is of the utmost Importance; for it is a Contest between the Commons and their Constituents, between the Privileges of the House, and the Law of the Land. Not that I would deny the Law of Parliament to be a Part of the Law of the Land. All I mean is, that when it happens to be in violation of the known and avowed Law of the Land, it is then null and void; because the Law, being founded on the immemorial Acquiescence of the People, or upon Acts of the Three Estates, has no Basis but the Vote of a single Branch of the Legislature. For this Reason it is that the Votes of the Commons were never yet compared to the King's Writs. No Court is bound to take Notice of them. On the contrary, the Judges are bound not to take Notice of them, but to act according to the known Law. I would not indeed say, that they are not to regard your Resolutions more than those of a Parcel of garden Peas: But I will say that nobody has Power to prohibit the Judges in Westminster-Hall, from doing their Duty, without the Consent of the People of England. The Reason is obvious. The People of England would no longer have any Inheritance in the common Law, if the Judges were to take Notice of the Votes of either House, and to regulate their Decisions accordingly. And why would this be the Case? Because the Votes would not always be uniform in either House; and because it appears from past Differences, that the Two Houses might differ in Matters of Importance; Circumstances, that would render it difficult for the Judges to determine which of the Two they ought to obey. And, if they obeyed both, they would be guilty of self-contradiction. Such is the reasoning of Lord Somers, and of all those patriotic Pens, who effected the Revolution. What is the Inference to be drawn from it? That Men, who act in a judicial Capacity, are bound to adhere to the Law of the Land, and to pay no Regard to the Votes of either House. Now does not every Magistrate act in a judicial Capacity? Is not every Justice of the Peace, every Alderman of London, and particularly the Lord Mayor, a Judge in certain Cases? Nothing is more indisputable. In every Commitment they are obliged to observe the Law of the Land. If they do not, they are liable to Prosecution, and the aggrieved Party will recover Damages for false Imprisonment. How is it then that you would, for the sake of supporting your Authority and assumed Privileges, expose Men not only to the Penalties of the Law, but to the Infamy of betraying their Trust, and of committing direct Perjury? The Magistrates of London are sworn to protect the Franchises of the City, and to abide by the Law. Will you obtrude your Votes upon them as Laws? Whenever you thus encroach upon the sole Right of all the Legislature, I hope they will have the Virtue to resist.

It is in vain you assert that they thus take upon them to judge of your Privileges. Suppose that, under the Name of Privilege, you would proceed to do Things inconsistent with the known Prerogatives of the Crown, with the known Privileges of the Lords, contrary to the Laws, or destructive to Liberties of the People, are not the Magistrates, is not every Briton bound to inform you, that you have no such Privileges? If, by asserting that you are the only Judges of your own Privileges, you would prevent the Magistrates and the People from opposing Innovations and Encroachments, you had better at once take to yourselves the whole Government without controul. Put the Case, that the King had taken the same violent step, when his Proclamation was set on foot. Is there a Man of Sense in England, who would not have been alarmed for his Liberty? Such a Stretch of the Prerogative would have at once reduced the People to Despair. Yet the King's Prerogative is as sacred as your Privilege: Nor can any good Reason be given why the one should not extend as far as the other. If you have a Right to punish for a Breach of Privilege, the King has the same Right to punish for a Breach of the Prerogative. Both have been tolerated by the People for the sake of publick Good; and both will receive a Check when they no longer answer that End. For what are Privilege and Prerogative? Discretionary Powers vested in the different Branches of the Legislature for the Service of the Community.

But as they are founded on no Law or positive Constitution, they will not be acknowledged, when they operate to their Disadvantage. Magna Charta declares against them all in express Terms, when it declares against all discretionary Powers, and establishes the Trial by Equals as the Basis of Liberty. And nothing but Necessity would have prevailed upon the People to have suffered any Court to deviate from this Plan.

Contempts in Court strike so directly at their very Existence, that for the sake of Self-preservation, every Court must be indulged with the Power of immediate and discretionary Punishment; though the Practice be contrary to the Letter and Spirit of our Law and Constitution. But it is not so with Contempts out of Court. There the Being of the Court, or the Administration of Justice, is not in Danger of being interrupted. There is full Time and Leisure for proceeding according to Law and the Constitution. None of our Courts therefore are justifiable for treating a Contempt out of Court in the same summary Manner in which they treat a Contempt in Court. Why should the House of Commons be exempted from the Observation of the same Rule? Will you pretend that, without the Power of indiscriminate Commitment, you will not be able to preserve your Privileges. How is it then that the Sovereign, who has no such Power, has not lost all his Prerogatives? The Reason is manifest. The Law will prevail over every Man, and every Body of Men, their just Rights and Privileges. Whence else is it, that all the Corporations in the Kingdom have not long ago been dissolved? They have no such Power; and yet they submit in all their ancient Vigour; because few Men will resist lawful Authority, and fewer still will be able to escape the Punishment due to their Folly, from the Laws.

You call yourselves the Grand Inquest of the Nation. Has any Inquest the Power of inflicting Punishment for any Contempt which may be shewn for it? They never punish, they only present; and the proper Court is finally to determine the Matter. Upon this Plan was the House of Commons originally formed. It was the Inquisitor of State, and the Courts of Law were the Judges of the Quality and Quantity of the Punishment. It was never suspected that the Legislative and judicial Authorities were not to be kept distinct. Whenever the Commons assumed this monstrous Power, there was an End of Liberty, and the Constitution. When the Rump Parliament exercised the very Authority, for which you now contend, it became the Tyrants of the Nation. It is ridiculous then in you to say, that he would be the Object of Laughter, who should pretend to insinuate that you are going to invade the Liberties of the Nation. You follow the Steps of that House of Commons that was guilty of this Enormity. Why should we entertain a better Opinion of human Nature at this Period, than in the Days of Charles? Is it less ambitious or less corrupt? I have heard some of you declare the Reverse. What is the Consequence? The People of England ought to be on their Guard, and to oppose the Evil in its first Stage.

Sir GEORGE SAVILLE'S SPEECH in defence of the LORD MAYOR, when WELLBORN ELLIS moved, that he should be adjudged guilty of a breach of Privilege.

Mr. SPEAKER, THE present Question is undoubtedly a Question of Law. You affirm that the Lord Mayor has committed a Breach of Privilege: He asserts that he has adhered to the Law of the Land. Your supposed Rights and the Charters of the City stand in Competition. The Question is, which of the Two ought to yield. The Lord Mayor apprehends, that your Privileges cannot supersede the Rights of any Individual, much less those of the whole Nation. He looks upon Magna Charta, and the Charters of the City, as superior in Authority to your Privileges; because the former are Acts of the whole People and of the Three Branches of the Legislature, and the latter have no other Basis but your Votes. Is it not evident from the Nature of the Dispute, and of the Defence, that the Question is deeply involved in Law? I can hardly imagine a Case that is more so, or that is of a more delicate Texture. On one Side stand the undoubted, the inalienable Rights of the People; on the other, stand the Privileges of their Representatives. Do you stand the Privileges of their Representatives, is not here to be imagined, that the utmost Deference is not here to be paid to your Constituents, and that you ought not to allow their Rights to be debared by Counsel at your Bar? If you have no Respect for your Constituents, Bar? If you have no Respect for your Constituents, and do not discover at least a little common Decency, and do not refuse them the Privilege of defending their Rights; a Privilege, which is granted to the meanest Culprit, to the most infamous Malefactor. Were the Lord Mayor alone concerned in this Affair; were not the City, and indeed the whole Nation, interested; I would not have been so surpris'd at your Precipitation and Temerity. Having seen your Behaviour to Mr. Wilkes, I can never think it strange to oppress an Individual.

But to decide upon the Rights of the English Nation, upon the Inheritance of the People, without hearing Counsel, is an Act of such Folly and Madnes, as would have astonish'd me in any other Men but those who took from their Constituents the Right of Election, and placed it in their own Hands. You pretend to be a Court of Judicature, did you ever hear of a Court of Judicature, except the Inquisition, that would not allow the Merits of the Cause to be tried before them by Counsel? Did you ever hear of a Court of Justice, that would not appoint Counsel for

the Defendant, if he wanted it; instead of denying him such a necessary Help? You say, indeed, that you are the sole Judges of your own Privileges, and that you cannot, without overturning this Maxim, appoint Counsel. But does Counsel in pleading for the Defendant judge of your Privileges? He does not more than what is done by every Man. He gives his private Opinion, and passes no final Sentence upon your Privileges. Can you mean any Thing more, by being the sole Judges of your own Privileges, than that no final Judgment concerning them can be given by any other Court? You certainly cannot expect that Men in general will not judge of the Expediency, or Inexpediency, of any particular Privilege. Can the Pleadings of Counsel be considered in any other Light? While I thus suppose your general Maxim to be just, while I allow that other Courts have no Right to determine your Privileges, do not misconceive me, as if I mean that your Privileges are no where controvertible. Far be such Blasphemy from my Mouth. On the contrary, I hold that not only your Privileges, but the Privileges and Prerogatives, and Acts, of every Man, and every Body of Men, are controvertible by the People of England. In the last Resort they are the Judges of every great national Point. They are the supreme Court, the Lords paramount, that must finally determine what is or is not conducive to the general Good. You will find, that notwithstanding the long Interval of Time, which has since elapsed, they have not yet forgot the Maxim of Ancestors recorded by Tacitus— de minoribus Rebus Principes consultant, de majoribus omnes. Whatever Difference they may pay to their Chiefs, they will themselves still judge of important Matters.

But why do I urge these Considerations? You have already predetermined the Affair. You have rejected the Motion for hearing Counsel, and put it out of your Power to conclude this Business even with the Appearance of Justice or Equity. Your whole Procedure mult to the most simple and untutored carry upon its Face the strongest Marks of arbitrary Violence. Every Man of Sense, that is concerned for the Majesty of the People, and even for the Honour of this House, must be shocked at it; for, let me tell you, your Honour is nothing, when you do not lean upon the People for Support. You become not only odious, but contemptible. Of this Truth I am fully convinced, that, in order to prevent your Disgrace I move for the previous Question; and if it is not carried I am resolv'd to retire from the Scene of Inquiry, and not to suffer my Eyes to be polluted with the Sight of such Infamy.

FLORENCE, Feb. 26. Letters from Venice assert, that Ali Bey has been killed by his Soldiers, and that Mecca and Gedda are returned under the Dominion of the Grand Signior; but this News seems to want Confirmation.

VIENNA, March 16. A Report prevails, that a Treaty of Alliance is on the Tapis between this Court and those of Petersburg and Berlin. We are assur'd that Prince Gallitzin, Minister of the Empress of Russia, hath demanded a Passage through Hungary for a considerable Body of Russian Troops.

We continue, with the greatest Activity, to make every necessary Disposition for an approaching War. LEGHORN, March 20. Ali Bey's fortunate Progress in the plundering of Syria and Palestine is confirm'd by the last Accounts received from Cairo. Besides Jerusalem and Joppa, the Towns of Hebron, Tiberias, Cefarea, Hippos and Capernaum, have surrendered to him and his Allies. About 12,000 of the Inhabitants of Mount Lebanon make Part of this united Army which is now before Damascus, and after taking that Place, is to attack Seyd, Tiipoli and Aleppo.

Other Letters say, that if Ali Bey succeeds in taking Damascus, he intends going with Part of his Army to Arabia to take Mecca and Medina, against which Places Hassan Bey is marching with a considerable Body of Men.

VENICE, March 23. We have the following Account from Aleppo: "Egypt seems to recover its ancient Lustre under the Government of Ali Bey, who is at present at Grand Cairo. His General, after taking Gaza, Nazareth, Jerusalem, and Jaffa, beat the Basha of Damascus's Army; after which, the Basha having received a Reinforcement commanded by the Tair Omer, Lord of St. John d'Acri, determin'd to risk another Battle, in which he was likewise defeated. When this sad News arriv'd at Constantinople, Eight Bassas received Orders to go immediately to the Promised Land, to prevent the Enemies farther Progress."

PARIS, March 25. It is said, that all the Princes of the Blood, except the Prince of Conde and the Count de la Marche, will be banish'd. It is also fear'd, that the Court of Aids will soon share the same Fate.

April 1. We hear from Cadiz, that the Spanish Gal- leon l'Oriflamme was call away the 27th of July last on the Coast of Chili. This Ship sail'd from Cadiz for Lima in February 1770, with a Cargo valued at 12 Million Livres. The Crew consisted of 300 Men, besides many Passengers. An epidemical Sickness having broke out among them during their Passage, diminished the Crew very much, so that there were scarce Hands enough to work the Ship. The 27th of July the Or-