

for the property, liberties, and privileges of his country.

The affair took up near two hours; the principal speakers were Governor Pownall, Mr. Burke, Mr. T. Townshend, Lord John and Lord James Cavendish, Mr. Dampier, Mr. Solicitor General, Capt. Phipps, and the Speaker.

Mr. Fletcher Norton protested before he put the question yesterday. On the corn and game bills, that he was in a hurry for throwing them both over the table; and when they were rejected, he was as good as his word, for he tossed them into the very middle of the house.

So strong a sense have the House of Commons of the intention, nay, the contempt shown to them, by the other House, in a number of particulars, that as the rejected bills lay yesterday on the floor, where the Speaker had thrown them, several of the members, on going out before the House broke up, kicked them about and tore them with their feet.

Yesterday Mr. Dampier moved for an enquiry into the motives for laying aside the prosecution of our discoveries towards the South Pole. The Speakers referred him to the Treasury Bench, but Lord North and his colleagues were as still as night, and there the affair dropped.

Extra of a Letter from Altona, dated May 24.

Letters from Copenhagen, dated the 19th of May, mention that all the state prisoners are released except the Counsellor of State Sruensee, and Falkenschild, who are to remain prisoners for life. Every thing concerning this revolution in the affair is now quite settled. It is said that Sir Murray Keith, the British Minister, has been affronted in a public company, in consequence of which a quarrel ensued between him and a Danish Earl, when both parties agreed to determine it by a duel, which ended in the death of the Danish Earl; but as the name of the Danish Nobleman is not mentioned in these advices, we do not give an implicit credit to this rumour.

Letters from Poland, by Monday's mail, lament the misfortune likely to be attendant on that country since the entry of the troops of Prussia and Austria. These (say these letters) together with the Russians already here, will soon put a stop to the acting of the confederates, but will, doubtless, afterwards, dismember that unhappy and exalted kingdom, by each party taking that which shall appear convenient to add to their respective dominions.

A great and aimable Lady in this kingdom is said to keep up a literary correspondence with a disgraced great Lady in the North.

It is said, that the Imperial, Russian, and Prussian Ministers at this Court have avowed to our Ministry the intentions of their respective Sovereigns towards Poland, in consequence of a triple alliance and engagement between those high powers; in which the partition of that distracted kingdom amongst them, by a division, is already determined, and reciprocally acceded to.

We are assured, that the Courts of Vienna, Peterburgh, and Berlin, have notified in form to the King of Poland, the engagements of those crowns with each other respecting that kingdom; and in case of his full submission thereto, have offered a guarantee to him of the quiet possession of his throne during life. His Polish Majesty is indulged to the first of August to give his ultimate answer to this important proposition.

OXFORD, May 30.

The Rev. Dr. Miles Cooper, President of the College of New York, in America, having some time ago applied to the Members of this university, and other learned bodies, for a benefaction of books for the use of the library just instituted in the aforesaid College; the University generously made a present of a copy of all the valuable and scarce works which have for several years past been printed at the Clarendon press. To this handsome benefaction, many Gentlemen have also added several useful books from their private collections.

PHILADELPHIA, August 3.

We have the pleasure to acquaint our readers, that the Proprietors of the China Manufactory in this city, have lately made experiments with some clay presented to them by a gentleman of Charlestown, South-Carolina, which produces China superior to any brought from the East-Indies, and will stand the heat beyond any kind of crucibles ever yet made.

ANNAPOLIS, August 13.

TO THE PRINTER. It is asserted, in a short piece in your last Gazette, that the Law in 1700, with regard to the Clergy, is repealed by a subsequent Act in 1704.

I beg you would, for the satisfaction of numbers not possessed with our Body of Laws insert that Law *in verbatim* in this place, and thereby afford them an opportunity of judging for themselves, whether it is so, or not.

Body of Laws, 1704, ch. 77.—An Act repealing all former Acts of Assembly heretofore made, saving what are hereby excepted.

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of her Majesty's Governor, Council, and Assembly of this Province, and the authority of the same, That all and every Act and Acts of Assembly of this Province, made or enacted at any time before the session of Assembly begun and held at the port of Annapolis, the twenty-sixth day of April 1704, except the Act intitled, *An Act for establishment of religious worship in this province, according to the Church of England, and for the Maintainance of Ministers*; and except the Act for keeping good rules and orders in the port of Annapolis, and which are not revived, saved, and enacted this present session of Assembly, be, and are hereby repealed and made void.

20 Saving always, to all and every person or persons, whatsoever was and is his and their rights and benefits, which he or they had by the former Acts of Assembly; any thing in this present Act contained to the contrary notwithstanding.

What laws doth the above Act repeal?—Why, it repeals all acts made at any time before the session of April 1704, except as there excepted; Doth it expressly repeal an Act in 1700?—No: Does it implicitly repeal it?—Not that I can find: The Act repeals all Laws, &c.—But the Act of 1700 was actually repealed, and ceased to be a law two years before the above Act was made, therefore, to take the repeal of it implied by that Law, would be an absurdity in terms: how consistent with reason would be the position, that two years after the repeal of a particular law, (that is in 1704) a necessity should arise for repealing it a second time;—To repeal a law that is no law!—No, the words of repeal used by that Act are too expressive of their meaning to prevent the sense of it—the intent was, to repeal all laws then in force; the law of 1700 was not in force, and therefore cannot be affected by it.

As to the quibble about the validity of the law of 1702, I am told, that it arises from an annotation, made by way of nota bene, by the editor of our Body of Laws, at the beginning of that act, which is in these words: "N. B. The decease of his Majesty King William (which happened on the 8th day of this present month) not being known in this province, is the reason that the enacting stile of this session runs in his Majesty's name"—from whence, it is said, the objectors to that act draw their conclusion, by which they would insinuate that act to be void, being made under the stile of a King, at that time actually dead—A specious argument! but how fallacious, let the following queries evince—How came the discovery of this flaw (if it is any) in the law of 1702, to lie dormant till near 70 years after it was made? Did not the act of 1704, made 2 years after, absolutely confirm it?—Was not the payment of 40 per poll enjoined by that law, recognized by an act in 1713, ch. 10, entitled "An Act empowering the Justices of the several County Courts within this Province, to regulate the bounds of the several parishes within their respective counties, when disputable; and for ascertaining the time and manner, when and how, the forty pounds of tobacco per poll shall become due and payable to the minister or incumbent of each parish"? as also by another in 1715, ch. 24? and in 1730, ch. 23?—Was not that act (I still mean that of 1702) the invariable law under which the Clergy claimed, held and received their allowance of 40 per poll ever since; until the year 1763?—Doth not the Law commonly called the Inspection Law, in 1763, expressly acknowledge that Law, by saying sect. 23.

"And be it further enacted, that during the continuance of this Act, the County Court shall levy on the taxable inhabitants of the respective parishes, or part of parishes, within their counties, no more than thirty pounds of tobacco per poll, instead of forty pounds of tobacco per poll by a former act directed."—And was there no retrospect, and acknowledgment of that law, by the Legislature, even in the very last session of Assembly in 1771? or else why this preamble, to one of the acts then enacted, ch. 31. "An additional supplementary Act to the Act entitled, An Act for the establishment of religious worship in this province, according to the Church of England, and for the maintainance of Ministers."

Surely, an act so often recognized by the three branches of the Legislature, enforced for such number of years, and withal never before objected to, I say, if such an act is liable to be canvassed at this time of day, there is an end of our so much boasted of liberty and property, how strongly forever secured to us by law, time or possession; nor should my astonishment suffer any increase, should the same persons, with the same skill, abilities and inclinations, with which they vainly assail an indefinite law, as to its duration, no ways since repealed, and sanctioned by a full adherence to its dictates for near 70 years, think themselves justifiable to elucidate to the good people of this province, the rectitude, equity and justice of a restitution of the 40 per poll, received by force or under colour of that Law, as well from all beneficed Clergymen now alive, as from the executors, administrators or representatives of those since deceased, as far back as the year 1702: there is as much justice in the one as there is in the other.

we should turn to this Law? And could he imagine we should be ignorant, that, although indeed, it does repeal most preceding laws of the province; yet is there a saving clause subjoined to it, by which the Law of 1700 must continue in full force?

"Saving always, (the words are) to all and every person or persons, whatsoever was and is his and their rights and benefits, which he or they had by the former acts of assembly; any thing in this present act, containing to the contrary notwithstanding."—Had the clergy, then, any RIGHTS AND BENEFITS secured to them by FORMER ACTS? Undoubtedly; by the Act of 1700. That Act, therefore, cannot be annulled. This, I think, must appear self-evident; even to the meanest reader. So that JACK FRANK'S reasoning is absolutely conclusive, and unanswerable. He wisely, and with much success, made use of that kind of argument; which I believe, logicians call *argumentum ad hominem*; and is allowed to be, of all others, most proper, on frequent occasions. Fools, in general, must be answered according to their folly.—Of this, HONEST JACK, thou wert well apprised; and for thy performance, and its execution, we deem thee worthy of honourable remembrance!

Since, then, it hath been shown, beyond the possibility of a reply, that if the Act of 1702 be not valid, the Act of 1700, which is not less favourable to the clergy, and more severe upon dissenters, must unavoidably remain in full force, the people, I trust, from henceforth, will pay a due regard to the former. That it is, to all intents and purposes, a law, we are told by some of the most respectable gentlemen in this province. Indeed, of its validity, few, I think, of the least discernment, can seriously doubt. And is it not obvious to every person, that if one express law, if the Law of 1701-2 be not obeyed; any other may as well not be obeyed; and so legal property may, in a short time, be at an end? Interest and duty; therefore, require us to reverence all the laws of the land wherein we live—justly deeming those rash men, who daily beat up alarms to disorder, enemies to their country, and to us. "FOR OF LAW, no less can be acknowledged, than that her seat is in the bosom of God; her voice the harmony of the world; that all things in heaven and earth do her homage; the very least, as feeling her care, and the greatest, as not exempt from her power; both angels, and men, and creatures, of what kind soever, though each, in different sort and manner, yet all, with one uniform consent, admiring her as the mother of their peace and joy."

TIM CATCH.

Elk-Ridge, August 9, 1772.

MR. PRINTER,

I TOOK the advice of the writer in your last paper, who signs himself Candor, and turned to the Act 1704, Chap. 77, which, according to the very best of my judgment, is diametrically opposite to what he asserts it to be; and the strongest confirmation of what is maintained by Jack Frank.—A neighbour of mine laughed at my simplicity, and wondered that I could not see that it was all a joke; for that Jack Frank and Candor were in fact both on the same side of the question, and in favour of the 40 per poll; and that Candor's only intention was, to put people upon reading and judging for themselves. It may be so: and, I believe, is, from consulting the matter over; but as I am a plain man, I don't like joking upon serious subjects, and with writers would not so misapply their wit, as to run a chance of setting folks, who like to hear the naked truth, and desire to obey the constitution, upon a wrong scent; it is as bad as lawyers flourish- ing away opinions under pretence of explaining the law, and quieting our consciences, who leave themselves, at the same time, openings to harangues, and shuffle away to-morrow, every thing they said to-day: I wish these gentlemen would be so kind as to come to the point, in plain English, else the people may begin to suspect, that they are only plotting to delude and inflame them for their own private ends. The whole Act of 1704 is short, you are therefore desired to oblige the publick with it, all; either in this or the next paper.

A PLANTER.

N. B. I have heard a good deal of talk about King William the Third; and that his death is to affect our present disputes; if it is so, I should be glad to have the matter clearly explained, that some body or other acquainted with these things might give his opinion to the publick upon the subject.

EXPOSITOR.

SPEAK WELL OF THE DEAD OR HOLD TRY PRICES.

Taken word for word from the Ghost's own mouth.

LIST! Desirous as I am of getting in peace after a life of travail and inquietude, I come from the regions of immaterial being, conjur'd up by the impatience of a charge, of which I shou'd have been impatient when cloth'd with all my corporeal passions. For, let me unfold it to the oh! mine accuser among the living! we spirits, after we have shuffled off our mortal coil, retain, for a season, a portion of our propensions to which we were most subject while playing our parts in life's brief scene. It is not, upon the sacred and sober word of a Ghost! (for here

TO THE PRINTER.

I suppose that CANDOR did not mean to impose on the publick; however unwilling he may be, to bring the charge against my friend JACK FRANK. In your paper of last week, he tells us, with an assumed consequence, not unlike the *stead* in the fable, that the argument for setting up the Act of 1700, upon the supposition of the nullity of the Act of 1701-2, "was hastily advanced, without deliberation or enquiry;" and then he refers us to the Law of 1704, Chap. 77.—Now did he really intend

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