

Province, in the Reigns of William the Deaf, King William the was dissolved: A fresh Writ of a new Assembly was called: The Governor, by Virtue of the which continues all Commissions did not prevent a Dissolution: And any such Idea of the Statute afterwards, in the Fourth Year of an Act for the continuing of George of the Death or Demise of her or Successors, &c. Had the State extensive Influence in Maryland does it operate differently in different that the Assembly of this Province upon the Death of King William, Summons, by which it was held, abated; I now lay down the Potential Principle, that a Parliament convened without the King's Writ of their assent that, by the undoubted Province when in the Hands of could be enacted without the Councillably called together and assent of Summons: I do not expect to this Assent of the Law: But the Potulatum in the Case, that after William, no fresh Writ of Summons Authority, then, and upon what and, was the Assembly convened, contested Law of 1701-2?

of the late Charles Lord Baltimore, General Assembly was apprized of the held and Laws enacted: By the the Assembly was held to be dissolved: Writ of Summons issued: When the was afterwards convened, a Law was to confirm and make valid the laws been made in the preceding Session Demise of the said Charles Lord Baltimore. What can be a clearer Proof, dissolved upon a Demise, and after a fresh Writ of Summons, is illegal, cannot enact, or establish Laws? Law, that the Parliament cannot without the King's Writ of Summons the two Capital Cases of the Revision Parliaments: The former Summons of the Keepers of the Liberties of in the Name of the Prince of Orange was placed upon his Head, met the Lords and Commons thus as were enacted: King William too, met the Lords and Commons thus laws were also enacted: Both Parliaments to establish the several Commissions, and to cure the Defect of the Writ of Summons. If these Cases, against me, I shall only reply in an eminent Sage of the Law upon this Case: founded upon the Necessity of perfects all Law.

ed, that the Act of 1701-2, though been listed up and animated by successively. I should be glad to know of Assembly have worked this Mis- Act of 1701-2 first obtain the bind- of its Validity? From the Act of the Act of 1713? Or from the Act of the Act of 1733? Or from the Act of the Act of 1771? Which of these Acts the obligatory Virtue? That successive presumed an Existence of the Act of admit: That the above several Laws in Act in Force, by Reference, Recital Provisions, I also admit: But that an, upon any legal Principle of Con- to a Confirmation, I must take the safely assert, that the Act of 1701-2 enabled: But the Advocates for this has been confirmed: The Position, t the Act of 1701-2, though void ab confirmed by succeeding Laws. I find no ft be express or implied: I can find no which expressly confirms the Act: And nitio, confirmed implicitly by an After- judgment, a petted Novelty in the own I never met with such an Affir- my Ignorance of any Statute existing tion. I have met, indeed, with a Leges priores abrogant: Subsequent repeal preceding Laws: But this supporting, defeats the Assertion, fished Rule of Law, that Statutes be- look forward only and prescribe for mer: For upon no Principle of natural n's Actions fall within the Comfiance and enacted ex post Facto: But when ad mid, is confirmed by an After Act, the ed operates ab Initio, and attaches up- the Commencement and Confirmation: therefore the Act confirming has a Effect. By the Act of 1701-2 many- ties are imposed: The first Act relief- mation is the Act of 1704: Three ds, then, had the Act of 1701-2 in- tion of a Law: In that Interval of Supposition of the Nullity of the Act- cept might have been lawfully broke- sion of Pains and Penalties: But if- oerates as a Confirmation, every such- interval, though clearly a legal Act, re- nes criminal and subject to the Punish- This is contrary to natural Justice: m Nova Constitutio futuris formam dis- terius: which in Substance is, Statu- erius: when an Act therefore, is origi- Law will never Work a Confirmation.

by Construction or Implication. An Act of Parliament indeed, when express upon the Point, I admit will bear down the Law and Principles of Justice: But when an Act is not plain and express, no Exposition can prevail, which is repugnant to natural right and established maxims.

Among the old Statutes we meet with Acts recognized, that are not to be found on Record: The Recognition of them, by succeeding Laws, is good Evidence that such Statutes once existed: They are received and prevail as Statutes: Not as listed up or animated by the Statutes which recognize them, but as original Statutes made and enacted upon a Constitutional Foundation: The Recognition operates only as presumptive Evidence of the Fact. But when we can go back and lay our Hands upon the very Statute itself; when we can trace the Foundation of it, and shew it originally void, from the clearest Grounds; what avails a naked Recognition? Every Presumption ceases when the Contrary is proved.

It has been objected that, upon a Supposition of the Nullity of the Act of 1701-2, the Act of 1700 must be existing: I have no such Conception: If the Act of 1701-2 was void ab Initio, the Act of 1700 was in Force, when the Act of 1704 was made, and therefore expressly repealed. But then it is objected, that the saving Clause of the Act of 1704 prevents the Repeal. This Objection scarce demands the Ceremony of a Resutation. The saving Clause expressly extends to such Rights and Benefits only as had accrued and were then actually vested. Was the present Claim of the Forty per Poll by the present Clergy a Right and Benefit, which had then accrued and actually vested? Surely the Clergy of this Province are not a Body politic with a Capacity to take by Succession; nor is the Forty per Poll a transferable Right. The saving Clause, with Respect to the Rights of the Clergy, was spent upon the Dropping of the Appointments or Inductions which were then in Being.

My Opinion, then, is, that, Upon the Demise of King William, the Assembly of this Province was dissolved: That the Assembly, which afterwards met and enacted the contested Forty per Poll Law, being called without a fresh Writ of Summons, was illegally and unconstitutionally convened: That, therefore, no Obligation can result from the said Forty per Poll Act as a Law.

Annapolis, 15 August, 1772. WILLIAM PACA.

The Extra from Swift, alluded to in our last Gazette, will be inserted in our next.

To be sold by the Subscriber at Publick Vendue, on Tuesday the 3d of November next, at the House where Mr. Philip Briscoe formerly kept Store, near Newport, in Charles County.

A CHOICE Parcel of Country born Slaves, consisting of Men, Women, Boys, and Girls: Also, Horses, Cattle, and Hogs, with sundry Plantation Utensils, for Cash (or Bills at an Exchange to be agreed on at the Time of Sale) Three Months Credit will be given, on giving Bond with Security if required.

ROBERT BUCHANAN.

August 27, 1772.

To be sold by the Subscriber on Saturday the 3d Day of October next, to the highest Bidder, at Elk-Ridge Landing, at the House of Mr. Thomas Ricketts, the following Tracts or Parcels of Land, viz.

SEVENTY FIVE Acres, Part of a Tract of Land called Comb's Adventure, situate and bound on the Ferry Branch of Patapsco River; whereon is an excellent Iron Mine, and so convenient to the Water, that a Vessel of 150 or 200 Tons may load within 50 Yards of the Bank, that is now open, 66 Acres, Nriwood's Chance, 10, Partner-ship, 22, Betterhope, 20 Acres. All the above lands lies in Baltimore County, and none of them more than Eight Miles from Town. Any Person or Persons may view any of the Land, by applying to

EDWARD NORWOOD.

September 7, 1772.

To be sold on the Premises, for Sterling Money, by the Subscriber, at publick Vendue, on Saturday the 26th Instant.

A TRACT of Land (called Saint Michael) lying in Charles County, about 7 Miles distant from Port-Tobacco, containing about 325 Acres: There are on the said Land, a Dwelling-house, Kitchen, several Out-houses, and Tobacco-houses. The Land is very level, and is calculated either for raising or planting. Any Person inclinable to purchase, may view the Land, and know the Title and Terms of Sale, by applying to the Subscriber at Port-Tobacco, any Time before the Day of Sale.

ROBERT LAWSON.

WHEREAS James Williams, Administrator of Capt. James Reith, has advertised for Sale, a Lot of Ground in the City of Annapolis, whereon James Reith lately lived. I take this opportunity to acquaint such Persons who may incline to purchase said Lot, that the said James Williams has no right to dispose of the same, neither had the late James Reith, nor John Campbell, under whom the said James Reith claimed as a Purchaser, any Right Title to the said Lot. The said Lot, as also the Lands now occupied by said Campbell, were heretofore mortgaged by my Father to the late Philip Campbell, Esq; deceased, so that the Equity of Redemption now vests in me, as Heir at Law to my Father; and I intend in a short Time to proceed for Recovery of them.

ALEXANDER CUMMING.

Patapsco Furnace, near Elk-Ridge Landing, in Anne-Arundel County.

To be sold at publick Vendue, on Monday November 23, SEVERAL Tracts of Land, containing about 4400 Acres, viz. One of 1700 Acres, One of 1500, and another on the River Side, with a valuable Fishery, containing 466 Acres, besides several small Tracts, all on and near the River Patapsco. The Three, large Tracts mentioned are situated only about 6 or 8 Miles from Baltimore-Town, where is a ready Money Market twice a Week for all Sorts of Provisions. There are on the Premises One large Plantation, containing about 500 Acres; another of 200, with convenient Houses; and cleared Ground sufficient to make a Third Plantation of 400 Acres, Grubbing and Fencing only wanted; a large Quantity of Meadow Land; a Furnace, built about the Year 1760, with a Stone and Brick Bridge, and Casting House. A new Grind Mill fit for Country Work, standing on a fine Stream of Water; and also a Mill Seat on navigable Water, where has been a Mill formerly: Its Situation is perhaps as pleasant and advantageous for erecting a large Merchant Mill on as any in the Province, and lies convenient to all the Back Country of Elk-Ridge and Frederick County, for the Purchase of Wheat; the Water Carriage to Baltimore-Town being not more than 10 or 12 Miles.

There will likewise be exposed to Sale, provided the Lands are disposed of, a Number of valuable Servants and Negroes, several of which last have been employed in a Furnace, viz. One young Fellow a good Workman as Keeper, others as Fillers and Assitants to the Founder and Keeper below; and some used to raising Ore and cutting Wood; as also Horses, Cattle, Sheep, Hogs, &c. with Plantation Utensils of all Kinds, as well as a Crop of Corn and Wheat on the Ground.

The whole to be sold together or in Parcels, as may best suit the Purchasers. Conditions of the Purchase to be agreed on the Day of Sale. For further Particulars enquire of the Subscribers at Baltimore-Town, or of James Walker near Elk-Ridge Landing, who will shew the Lands and Improvements to any desirous of seeing them. There is in the Neighbourhood, adjacent to the Land, a very fine and valuable Range for Stock.

THOMAS HARRISON and Co. Baltimore, August 27, 1772.

THE Subscriber intending for Europe, desires all those who have any Demands against him, to furnish their Accounts that they may be settled and paid, and those who are indebted to the Subscriber are requested to discharge the same immediately, otherwise the Bonds, Notes, and Accounts which are not discharged by the first of October next, will be put into the Hands of a Lawyer for the more speedy recovery.

THOMAS EWING.

Just imported, and to be sold by the Subscribers, at their Store in Gay-Street, Baltimore,

GENUINE old Barbadoes Spirit, West-India Rum, Mufcovado Sugars, and Liverpool blownd Salt.

N. B. They purpose keeping themselves well stocked with the very best Spirit, where their Friends may depend on being supplied, and at a moderate Rate.

MR. FAULKs, the noted Horse-Rider, having promised to perform at Bladensburg the 14th Inst. and at George-Town the 16th Inst. but being extremely ill at Lancaster, hopes his Friends will excuse his not executing his Promise.

THE Ship Patuxent, David Lewis, Master, lying in Patapsco-River, takes in Tobacco at the usual Freight, with Liberty of Consignment to any Merchant in London. Apply to Frank Leek, in Upper-Marlborough, or the Master on board the said Ship. She has good Accommodations for Passengers, and will sail by the 15th of October without fail.

BY Virtue of an Assignment and Power of Attorney to us, bearing Date the 24th August, 1772. All Persons indebted by Bond, Note, or open Account, to Mr. John Macnabb, Merchant in Baltimore-Town, are desired to pay the same, or come and have their Accounts settled, by

WILLIAM SMITH, junr.
JOHN ASHBURNER,
THOMAS PLACE,
JAMES CHRISTIE,
ROBERT CHRISTIE. Affinees.

LOST about the First of July last, in Baltimore-Town, a black Leather Pocket-Book, with about 3l. Cash, a few Papers, and 15 Tickets in the Annapolis Dock Lottery, signed by Thomas Harwood, junr. of the following No. 2746, 47, 48, 49, 50, 51, 52, 53, 54, 55, 2771, 72, 73, 74, and 75. Whoever finds and will deliver the same to Mr. Little, with the Papers and Tickets, shall be intitled to the Cash, and a Dollar Reward for their Trouble.

THOMAS GASSAWAY, junr.

Prince-George's County, September 8, 1772.

COMMITTED to my Custody as a Runaway, William Collogher, alias Williamson, says he belongs to William Duke, in Frederick County. His Master is desired to pay Charges and take him, from

RALPH RORSTER, Sheriff.

STOLEN from on Board of my Schooner, a Red Turkey Leather Pocket Book, containing a Bond of Aaron Milburn, for 157 Pounds 20 Shillings current Money, payable the 7th Day of September 1772, on an Account taken from Thomas James, with a Receipt on the Back, and several other Papers. I therefore forewarn all Persons from purchasing the said Bond.

ATHANASIUS JARBER.

THE Subscriber takes this Method to acquaint the Publick, that he has taken the Still-House belonging to Mr. James Maccubin, near Annapolis, for carrying on the Brewing and Distilling. All Persons who please to favour him with Barley, Wheat, Rice and Indian Corn, shall be honestly paid. The Creek runs up from London-Town Ferry to my House, where there is a good Landing, very convenient to the Inhabitants on South-River, and not One Mile from the Ferry Landing.

JOHN BRODERICK.

THE Subscribers being confined in Anne-Arundel County Jail for Debt, gives this publick Notice, that they intend to apply to the next General Assembly for Relief.

GEORGE BOLTON,
BENJAMIN JONES,
EDWARD NOLES,
JOHN MESSAR.

N. B. One of them is a Wheelwright, and is agreeable to treat with any Person on reasonable Terms, agreeable to his Creditors and himself.

AN away from the Subscriber, living on Capt. John Run, in Frederick County, between the great and little Falls of Patowmack, a Negro Man named NED, has not been more than Four Years from Guinea, and speaks but indifferent English; he is marked on each Cheek with Three Scars, and Three in his Forehead, his Teeth filed, and has lost both of his little Toes: Had on, and took with him, Two Crocus Shirts, and one Pair of ditto Trousers, a Pair of Country made Shoes, and an old Cotton Jacket; it is supposed he will make towards Annapolis. Whoever takes up the said Negro, and brings him home, shall have Twenty Shillings Reward, besides what the Law allows, if Twenty Miles from Home, and if a greater or less Distance proportionably, paid by

JOSEPH BENTON.

Mr. W A L L, COMEDIAN, Engages to teach Ladies and Gentlemen to play on the GUITAR and MANDOLIN.

HIS Terms are One Guinea Entrance and the same Sum for every Eight Attendances. Those who think proper to employ him, by sending their Commands to his Lodgings, at Mr. Hutchings's, near the Dock, will be immediately waited on.

June 8, 1772.

WHEREAS a Commission issued from Frederick County Court, at the Instance of John Fletcher, empowering us the Subscribers to examine Evidences to prove and perpetuate the Bounds of a certain Tract of Land, lying in the County aforesaid, called Poor Tom's last Shift, or the Bounds of any other Land whereon the same may depend: We do therefore give this publick Notice, that, on Friday the 25th Day of September next, we intend to meet on the said Land, in Order to examine all such Evidences as shall be offered to us.

NATH. MAGRUDER A.
ZACH. MAGRUDER,
NATH. MAGRUDER N.
HEZ. MAGRUDER.

August 26, 1772.

To be sold on the Premises, by the Subscribers, at publick Vendue, on Monday the 21st of September next,

A TRACT of Land, situated near Queen-Anne, in Anne-Arundel-County, containing 177 Acres, of which there are about 10 Acres of Meadow Ground cleared, and as much more may be easily made with little Expence. The Soil is good for planting. There are on said Land, a Dwelling House, Kitchen, and Quarter, with several Out Houses, Two Tobacco Houses, with an excellent Apple Orchard for Fruit, of which may be made annually from 4 to 6 Thousand Gallons of Cider. Any Person inclinable to purchase may view the Land any Time before the Day of Sale, by applying to the Subscribers, near the Premises.

(w3) JOHN IIAMS,
T. WATKINS, junr.

N. B. The Sale will begin at 12 o'Clock.

To be sold at Vendue, on Monday the Fourteenth of September next, at the Coffee-House in Annapolis, in the Afternoon,

A LOT of Ground in the City of Annapolis, lately the Property of Capt. James Reith, deceased, whereon are a neat Brick Dwelling-House, a good Stone Kitchen, and sundry other valuable Improvements; for ready Current Money, or good London Bills of Exchange: Any Person inclinable to Purchase, may view the Premises at any Time before the Sale, applying to

JAMES WILLIAMS, Administrator.

N. B. All Persons indebted to the Estate of the said James Reith, either by Bond, Note, or open Account, are desired to make immediate Payment; and all those who have Demands against said Estate are requested to bring them in, legally proved, that they may be adjusted.

(r f.) J. W.

JAMES DICK and STEWART Have for SALE, A FEW Grofs of Choice Port Wine, and some superfine Flour by the Barrel.

THE Match between Mr. Delancy's Horse, Latb. and Col. Ely's Mare Nancy Bywell is altered to the 26th of September.