es, nor churches, nor the power to
epend upon that Act.

o assert, that St. Anne's parish is an
fted and established as a parish *beyond*
, in which said parish a church and
nd erected by antient laws and that
hurch and chapel do not derive their
e Act of 1701-2.

n is established, the parishioners, by
nded upon publick utility, become a
having the government of the parish
may, by common consent, pass a bye-
g off a *tax* for *church repairs*, without
of any superior judicature. There is
itutional, or repugnant to reason, in
common law; because the imposition
common consent of the parishioners.—
ar custom, grounded upon the princi-
nvenience, this authority of the whole
rishioners may be delegated to a *select*
e distinguished by the appellation of
e business of the parish being transacted in the
joining to the Church, where the vestments
enerally deposited and kept. When par-
y custom are thus chosen and elected for
overnment of the parish devolves upon
as the representatives of the people of
, in their *corporate capacity* of *Vestrymen*,
upon the parish for *church repairs* and
stitutions; for in such case the tax is
representatives of the parishioners in *As-*
d. As the persons, then, thus nomi-
ymen, have the government of the pa-
exercise a power of taxation, the nomi-
tion of them is of *common right* in all the
ho are to be bound and affected by such
s, by *custom* or *statute*, the election is li-
fined to part of them under a particular
and so stands the Law confirmed by re-
inations. Churchwardens (*too, (persons*
oard and custody of the church) are con-
as a *corporate body* to many purposes,
powers did not extend to *taxation*, and
f them, custom and statute out of the
common right in all the parishioners.
law operates till suspended or abrogated by
n St. Anne's parish, then, was erected
d as a parish, the government of it de-
he parishioners; they became a *body poli-*
, by *common consent*, exercise the power
church repairs. But by *custom, time imme-*
overnment of this parish has been dele-
trymen; Whether, in days beyond the
an, they proceeded to *taxation* is a point
ence in the present case; because, we do
ur justification, *with respect to the tax* we
on our *political capacity* as *Vestrymen*, but
ove cited Acts of Assembly of 1704 and
are subsisting Laws of the province. The
bly of 1704 broke in upon the common
Vestrymen, and vested the power of *taxa-*
h repairs in the county court—a jurisdic-
constitutional than that of Vestrymen; be-
istices of our courts, sitting their com-
n the Lord Proprietary, and at *his will and*
, upon no principle, be deemed the *repre-*
the parishioners, so as to involve *commu-*
imposition of such taxes for *church repairs*
islature in 1729, properly conceiving, tha
n the county court was an infringemen
nstitutional rights of the people, virtuall
s part of the Act of 1704, which gave th
to the county courts to tax, by vesting th
y of *taxation* for *church repairs* in the *Vestry*
urchwardens: departing *in an instance*
ie common law, by admitting the Church
a share in taxation with the Vestymen
immaterial point; because, as Churchwa
f common right eligible by the parishioner
presentatives as *constitutionally* as Vestrymen
question then
authority we act as Vestrymen?
you, Sir, this *precise* answer: By the a
he parishioners, founded upon common la
on right, who chose, nominated and elec
en of St. Anne's parish, according to t
e and custom of the Parish beyond the memory

verend Sir, as you not only figure n
of a legal nature, but can caper too n
l principles, we shall now meet you u
al ground, and take up our justification
y position, *that there can be no taxation wi*

ed doctrine premise, that the only point, wh
o be established, is that we and our breth
tionally chosen Vestrymen and Church
s once fixed, the above cited Acts of As
eat the business for us.
Act of 1729 a power of taxation is gi
men and Churchwardens for *church rep*
ask,
n, upon constitutional principles, were the Ve
Churchwardens to be elected?
e can be no *taxation without consent*, as
revered and glorious Hampden held, as
Sir, maintain, and as we *most clearly* b
ubitably, and as a natural consequence,
ers only, who are to be affected by the
e the right of election; because, upon n
hle ground can the taxation of the Vestry
rchwardens be a taxation *with the consen*
h. But we, our brethren, and Church
o imposed the tax in question, were n
hosen and elected Vestrymen and Church
St. Anne's parish, by the parishioners, wi
n and *mutual contradicente*. Ergo, We,
, and Churchwarden, were *constitutionally*
ymen and Churchwardens of St. Anne
ich was the point to be proved.
us now to enquire whether the judg

which, reverend Sir, you have pronounced against us, be *agreeable to the strict rules of rectitude*. You have adjudged us guilty of an high infringement of the constitutional right of taxation, and you ground yourself upon the fact, "in thus usurping the power of taxing "the people without the consent of their representa-"tives in Assembly convened."

We ask, who are the *representatives* of the people, with respect to the imposition of taxes for *church repairs*? Surely the Vestrymen and Churchwardens: because, *they only* have the power of such taxation, and they are chosen and elected by the parishioners. When, therefore, you and our brethren were elected and chosen Vestrymen and Churchwardens of St. Anne's parish by the parishioners themselves; whereby the Law of 1729 we the Vestrymen and Churchwardens, and no other judicature under Heaven, had the power of taxation for *church repairs*; when in consequence of *such election* and in consequence of *such a Law*, we, *the only persons* that by any possibility could be *constitutionally* the *representatives* of the parishioners upon *such a subject*, imposed a tax for *church repairs*, in God's name! how are we guilty of an high infringement of the constitutional right of taxation in "usurping the power of taxing "the people without the consent of their representa-"tives in Assembly convened?" How too are we "the arbitrary instruments of an unconstitutional "taxation?" or "the immediate agents of fixing that "odious badge of slavery upon the necks of a free "people, taxation without consent, taxation without "THE LEAST PRETENCE OF "LAW?"

But, reverend Sir, suppose our late proceeding, as Vestrymen, could not be strictly warranted *by Law*, and that we, without attentively weighing and considering our authority, concurred with our brethren in the imposition of a tax for the *necessary repairs* of the church and chapel; Why is your *charity* confined to the *supreme magistrate* only? We could not possibly have had any *private views*; nothing was to be put into our pockets; but on the contrary our purses were opened, for this publick purpose, equally with our fellow parishioners; and you Sir, yourself, must confess that *our only object was to rescue* the church and chapel from falling into ruin. You are as liberal of your praise, where the power of *translation* resides, as you are profuse in your reflections on those, who dispute your claim to the forty per poll.

Here then we rest our defence, and submit ourselves to the impartial judgment of the publick.

But, reverend Sir, before we part, the rules of good breeding may require, that we should take some notice of your queries upon *the proclamation*? And here we *presume* to set you right in a capital point "Can "you hereafter presume to place yourselves in an "higher rank of patriotism than those members who "voted for the Proclamation?" Pray, Sir, did *any member* vote for the *Proclamation*? No. So glaringly unconstitutional was that measure, that the vote against it passed UNANIMOUSLY.

Jonathan Boucher. Qu: "Why are you so *clamorous* against the Proclamation?"

Chase and Paca. Answ. Because *we* were never *consulted* upon that proceeding; because *we* and the people of this province never assented to it, *personally* or *representatively*.

Jon. Boucher. Qu. "Is not this the avowed principle of your opposition, *that it is a tax without* "*Law?*"

Chase and Paca. Answ. LUCE CLARIUS.

Jon. Boucher. Qu. "Have you any powers or prerogatives which even the supreme magistrate must "not be allowed to exercise?"

Chase and Paca. Answ. Yes. The power as Vestrymen with the Churchwardens, to tax St. Anne's parish for church repairs; *which the supreme magistrate must not be allowed to exercise.*

Jon. Boucher. Qu. Whence derived?

Chase and Paca. Answ. From the Act of 1729 express in point.

Jon. Boucher. Qu. "Can you *hereafter* presume to "place yourselves in an higher rank of patriotism than "*those* members who voted for the *Proclamation?*"

Chase and Paca. Answ. A BULL! for *no member* voted for the *Proclamation.*

Jon. Boucher. Qu. "You who have thus been the "*arbitrary* instruments of an *unconstitutional* tax upon "the people?"

Chase and Paca. Answ. How so? We were the *representatives* of the parishioners, and imposed the tax by the Act of 1729.

Jon. Boucher. "Than those whose ONLY OBJECT "was to rescue them (the people) from the extortion "of Officers?"

Chase and Paca. Laudable charity! but we question whether the *supreme magistrate* will accept of the *noscgay*.

Jon. Boucher. "Men (Officers) who needed such a "restraint!"

Chase and Paca. LUCE CLARIUS.

Jon. Boucher. "If, as you have repeatedly declared, "they are harpies and plunderers!"

Chase and Paca. If they are, then the *Proclamation* is too weak a cord to hold them, and we prefer the strong *cable* of the common law, and the *verdict* of a jury;—If they are *not*, wherefore then the *Proclamation?*—*If they are!*

But not yet tired of interrogatories, you are pleased, reverend Sir, to put several queries upon a different subject, and those too we will answer.

Jon. Boucher. Qu. "Where a tax is constitution-"ally imposed is there not a mode of enforcing it, if "it be withheld?"

Chase and Paca. LUCE CLARIUS.

Jon. Boucher. Qu. "Suppose then the parishion-"ers of St. Anne's parish should be so rebellious as to "refuse the payment of this same 5 lb. of tobacco im-"posed upon their *polls*, by the plenitude of your am-"ple powers, What is the Sheriff to do?"

Chase and Paca. As we and our brethren the Vestrymen and Churchwardens imposed this *same 5 lb. of tobacco by the plenitude of our ample powers*, derived from the Act of 1729, the *common law* gives the remedy by *distress*.

Jon. Boucher. Qu. "Is the Sheriff to sue a bill in "Chancery against every individual of them?"

Chase and Paca. Answ. He may for *discovery* but not for *relief*.

Jon. Boucher. Qu. "Or what course is the Sheriff "to take to make them *douse?*"

Chase and Paca. Not by a *douse* in the *chops*, nor upon the *polls*, nor upon the *backs* of the people, as the Sheriff of Anne-Arundel county is illegally and overbearingly instructed by the Clergy to do, in case of failure of goods and chattels to pay the forty per poll: but by *distress*; because, no remedy is given by statute. And when a man is so poor in his circumstances or unhappy in his temporal acquisitions that he has neither wig, hat or cap, coat or jacket, shirt or breeches, stockings or garters, shoes or buckles, pipe or tobacco-box, to pay his tax with, the humanity of the *common law*, in spite of the oppressive spirit of a Priest, will spare his naked corpse, and protect it from the thorns of a jail. But if, reverend Sir, you should be able to accomplish the scheme for an American Bishop, you may then indeed *file a bill* in the spiritual court, and possibly upon *Canon* principles obtain judgment, to have this *naked dog* excommunicated and driven into a wilderness to herd with beasts. And yet, What is his crime?—Poverty.—

—Upon our knees we bend, and to Heaven devoutly pray, that the province of Maryland may never be cursed with ecclesiastical tyranny! May the Christian religion and the Gospel of Christ flourish through the land in their native purity, BY THEIR OWN INTRINSIC, INHERENT, AUTHORITATIVE WEIGHT, without the interposition of those infernal jurisdictions of *spiritual* cruelty, vengeance and inhumanity! May THE COMMON LAW prevail triumphant! and may the *glorious trial by jury* exist, to latest time! the scourge of oppression, the bulwark of liberty, and the palladium of our country.

You are pleased, reverend Sir, speaking of the assessment for St. Anne's parish by Anne-Arundel county court to say, "an indubitable proof of their opi-"nion upon *a point* which hath of late thrown this "*once happy* country into such *dreadful convulsions*." By your leave, Sir, no proof at all, much less indubitable; because they exercised no judgment upon the matter, and because the measure was legal, independently of the Act of 1701-2. You admit *this once happy country is thrown into dreadful convulsions*. Yes, reverend Sir, this *once happy country* is thrown into *dreadful convulsions* indeed! The Clergy in general of the Church of England have blown up a storm of oppression, and the good people of this province, like struggling waves, are contending against it:—Cease, ye holy ministers and Gospel preachers; your *exactions* and *heavy burthens* upon the people; cease your illegal, arbitrary and oppressive claim of *the forty per poll*; hearken to the dictates of Religion and Christianity; let the examples of the Apostles *humanize* your conduct, and give back peace and happiness to a convulsed province!

We shall now, reverend Sir, in our turn, beg leave "*to subjoin a few questions for your consideration, and* "*which we trust you will take in good part.*"

Did not you, with a *flock* of your brethren, assembled *in the city of Annapolis*, draw up an application for *an American Bishop?* And what was the *assigned* reason for such meeting?—Who composed *this patriotic band?* Give a list of their names, that the publick may reward them. Did you not address his Excellency Robert Eden, Esq; on such application? If not to aid such application, what was the purport of the address, and why presented? Did you not, *in the plenitude of your ample powers*, nominate and elect *a Secretary* of State for your *body politic?* Who was your Secretary, and by what constitutional authority was he elected and established as such? What was his salary and out of what fund payable? What reply did his Excellency make upon the address to him? Give the publick a copy of it from your records. Did he not give you a spirited reprimand for your presumption? Did he not crush *that scheme of perdition* which was so deliberately formed for *this once happy country?* Did he not demand of you to inform him by what authority you presumed to elect for yourselves *a Secretary of State?* Did you not in your Application and Address brand the General Assembly with the odious epithet of *Levellers?* If not, clear up the facts to the publick by producing copies of the Application and address from your records. Did not his Excellency threaten to lay your proceedings before the General Assembly? Did not your *body politic*, thereupon, knock under, and shrink back into your original nothingness? As you applied for a Bishop, be pleased to inform the publick how he was to be supported? We presume without Officers and Ministers too he could not inforce his jurisdiction. How were the fees of this *glorious American Bishop*, of his Officers and Ministers, to be paid, and by whom? By a tax upon the people? If by a tax on the people, was it to be raised with *their assent?* If not, by a tax with *their assent*, by what other ways and means? Be *precise* upon the point. Where was this *American Bishop* to hold his TREMENDOUS COURT, and what judicature was *to prohibit* in case he exceeded his authority? If to be held in Boston, for example, how, in case of a controversy between the parishioners and minister, were they to travel there? How were their charges to be paid? and by whom? How too, were witnesses to be *exported*, who differ in *some degrees* from commodities for sale? Was the Bishop to keep a *man of war?* or in what vehicle were culprits with their witnesses to be *transported?* Will you say, that the authority of the Bishop was to be delegated to *chosen Ministers* in every colony? What? Was a *Sub-Bishop* with a spiritual court to be established *in every colony?* Pray who was to be the *Sub-Bishop* of Maryland? Surely such distributive spiritual jurisdiction would be a multiplication of Officers and Fees upon the people with a vengeance! And when that time comes, the Lord have mercy upon us! For Heaven and our prayers must be our only dependance.

And now, reverend Sir, a few words and then farewel *for the present*: It was the policy of the Lawyers to keep back their sentiments upon the forty per poll Act; that while the question upon the validity of it was suspended in doubt, a reasonable composition might take place between the Clergy and People: they were Church-men and well affected to the established religion, and therefore had no wish or inclination that "*faithful and able Ministers labouring in the work of the* "*Gospel*" should not have an adequate reward for their services; but, for this laudable prudence, the Maryland Gazette rung with personal reflections, and shameful abuse; the Lawyers were repeatedly challenged to give an opinion *publickly*, and their silence was censured in the most indecent terms. The Clergy too began to turn the scale, by prosecution of suits and an exaction of the forty per poll. Provocation at length, and the arbitrary conduct of particular Clergymen, roused up some of the Bar; they spoke openly and publickly—You, reverend Sir, we presume, was highly offended with the sentiments we frequently exprest upon the subject; because, we cannot upon any other ground account for your personal attack upon us. Mortified and mad with us for the language we held with respect to the validity of the forty per poll Act, you placed yourself upon the watch for an unguarded moment to give a stab to our publick characters; your vanity persuaded you to think that you were qualified for a flight into the political sphere; and falsely conceiving that our late proceeding, as Vestrymen, was a *trip* in our politicks; swift as an eagle down you drope upon your prey. You have traduced and vilified us with a wantonness that shocks humanity; and with a Pen dipt in gall painted us in the most odious colours.—Your aim was to deprive us of the honourable trust and confidence the public has reposed in us *by the ruin of our characters*.—But, Reverend Sir, with your reason enveloped by passion, you have rambled in the dark and made an unlucky stumble.—Chagrin and disappointment now await your folly; for we trust, that the deadly shaft, shot with such vengeance, and speed with so much zeal, has fairly pass'd by and miss'd the mark.

Your humble Servants,

SAMUEL CHASE,
WILLIAM PACA.

The Partnership of James Dick *and* Stewart *having expired the 1st Inst. the business is now conducted under the Firm of*

JAMES DICK and STEWART, and Co.

Who have to sell by Wholesale and Retail, at their Stores in Annapolis *and* London-Town, *for ready Money, Country Produce, or the usual Credit,*

A GENERAL Assortment of *European* and *East-India* Goods, among which are, Hyson, Bloom, Green and Bohea Teas, London double and single refined Sugar.

They have likewise for Sale, old Madeira Wine by the Pipe, Hogshead, or Quarter Cask, West-India and Country Rum, by the Hogshead, Jamaica and Barbadoes Spirit, by the Hogshead or Quarter Cask, Muscovado Sugar, by the Hogshead, Tierce, Barrel, or Hundred; a few Tierces of Rice, a few Bags of Hops, barreled Pork, *&c. &c.*

Also, Anchors, Grapnals, Sail Duck, and all Sorts of Ship Chandlery and Cordage, made at *Newington* Rope-walk; where Orders for a Ships Rigging of any Size may be complied with on a few Days Notice.

Annapolis, January 13, 1773.

The Partnership of *James Dick* and *Stewart* being expired, all Persons indebted to us, are requested to settle their Accounts as soon as it is Convenient, which will oblige

Their humble Servants,

JAMES DICK,
ANTHONY STEWART.

January 12, 1773.

To be sold at publick Vendue, on Tuesday the Second Day of February *next, by the Subscriber, if fair, if not the next fair Day, at his Plantation near* Queen-Anne,

THE said Plantation with the Stock, consisting of Cattle, Horses, Hogs, and Sheep, and Four likely Country born Slaves, for Sterling Cash, *London* Bills of Exchange, or Current Money.—The Sale to begin at Ten o'Clock.

W3 STOCKETT and WILLIAMS.

Elk-Ridge, January 6, 1773.

To be sold at publick Vendue, on Monday the First Day of March, *Inst. at the late Dwelling-House of* Henry Dorsey, *junr. deceased, in* Queen Carolina's *Parish*, Anne-Arundel *County. The Sale to begin precisely at* 10 *o'Clock, and to continue for Two Days if not all sold in One,*

A VALUABLE Parcel of Negroes, Servants, Horses, Mares, Sheep, Hogs, *&c.* Plantation Utensils, and Houshold Furniture; Six Months Credit will be given for all Sums above Ten Pounds, with legal Interest, on giving good Security, and ready Money is to be paid for all Sums under Ten Pounds. Attendance will be given on the Premises, by

ts SAMUEL DORSEY, junr. Administrator.

N. B. All Persons who have any Demands against the Estate of the late *Henry Dorsey*, deceased, are desired to bring in their Accounts to the above Administrator, and those indebted to the said Estate, are requested to pay without further Trouble.