

The Harmony, Coffin, Three Brothers, London Packet, Cales, and the from Bolton. The London, Cham- America. The Peter, Wboder, and the Canadian, Abbot, from

ERS of the MARYLAND GAZETTE.

any manner, directly or indirectly, conceals, that has appeared in your paper in recent political contests, I hope you will be included, in your next Gazette.

acerbius, imperit nihil injustius, homine defilius. Macrob. de Mor. Hum.

cracy of infuriate malignancy, over- nance, and habitual licentiousness, d, formidable, if there were no other against its attacks, than to dissolve tending rancour, correcting folly, and gacy; but, happily, little is to be alliance, when the aims of all its ex- posed, and indignation, and con- the detection, can't fail to furnish o repel the outrage.

of the Officers (on the falling of the by the Governor's Proclamation, has to be a measure as arbitrary and ty- assentment of Ship-money, in the time rit, not by fairly stating the nature of and shewing the resemblance by com- vince the understanding; but in the d of illiberal calumny, virulent abuse, veneration, to affect the passions.

ice, destitute of proofs, has invented orrible folly to adopt, and indurated opagate. As the artifice employed to succeed only in the proportion that it be my endeavour to counteract the e, by presenting to the reader, for his ion, an impartial account of the Ship- roclamation. King Charles, having vern without a Parliament, had, a- mental principles of a free constitution, Prerogative for raising money on the in his answer to the Petition of Right, bound himself not to levy any tax up- without the consent of both Houses of pursuance of this scheme of tyranny, was raised on the whole Kingdom. tion upon was, a rate, or proportion ty, which was afterwards assessed upon s of each. The sum raised was about rling. Writs were issued, directing e levied by the sheriff, and requiring e the effects of the people for the pur- mit to prison all who should oppose the main, till the King should give order for

of taking measures of defence against eged as a justification of the arbitrary e, "it was a fictitious, pretended ne- England was in no danger from enemies rary enjoyed a profound peace with all rs, who were engaged in furious, and and by their mutual enmities further tranquillity. The writs, which issued the Ship-money, contradicted the sup- ecessity, and pretended only that the fted with pirates, a slight, and tempo- rary, which might well have waited id by Parliament—besides the writs al- months for equipping the ships, much o days requisite for summoning the Par- the pretended necessity was continued r years."—Such, in substance, was the oney, the exaction, which Mr. Hamp- the energetic firmness of genuine

ader may compare the two measures, ter able to judge of their similarity, I Governor's Proclamation, which was

ous to prevent any oppressions and ex- being committed, under colour of of- of the Officers and Ministers of this d every of them, their deputies, or n an exacting unreasonable and excessive. e good people thereof, I have thought e advice of his Lordship's Council of e this my Proclamation, and I do here- order and direct, that from and after on hereof, no Officer nor Officers (the e Land-office excepted, who are subject- uation to them given in charge) their substitu-tes, by reason or colour of his e, or offices, have, receive, demand, or person or persons, directly or indirect- , or greater fees than by an Act of Al- is province, intitled *An Act for amending abacco, for preventing frauds in his Maj- and for the limitation of Officers fees*, were allowed, or take or receive of any per- s, on immediate payment (in case pay- e made in money) any larger fee, than e of twelve shillings and six-pence com- money for 100lb. of tobacco, under my displeasure. And to the intent that concerned may have due notice thereof, charge, and require the several sheriffs- ce to make this my Proclamation pub- respective counties, in the usual man- will answer the contrary at their peril. allowed, that the table of fees, in the Law, was the most moderate of any- in the province—and that the Officers satisfaction for the services they perform-

The reader can't but perceive, that the Officers are restrained from taking more from the people, than the table of fees, referred to, allows, as far as the treats of the Governor's displeasure; who has power to remove them from their offices; can operate as a restriction, and that there is no attempt in the Proclamation to subject the people, indebted to the Officers for service performed to any execution of their effects, or imprisonment of their persons, on any account.

The Proclamation issued with the professed design of preventing extortion and oppression; but if it had not ascertained the fees that might be received, it would have been entirely ineffectual, as a preventive of extortion.

It needs not any display of argument to prove, that the Proclamation, being prohibitory, allowed the Officers to receive, with impunity, according to the rate referred to.

Extortion, according to its proper legal signification, is committed, when an Officer, by colour of his office, takes money (or other valuable thing) which is not due, or more than is due, or before it is due. That an Officer is entitled to compensation, for the services he performs, can't be denied, and therefore he is not guilty of extortion, merely in taking money, or other valuable thing for his service, unless he takes more than is due. It is obvious to common sense, that there must be some established measure, or there can be no excess—that the term more cannot apply, unless what is due be ascertained—these must be a positive, or there can be no comparative. Let the relief then be considered. If something be undeniably due, when a service is performed, and no certain rule, or measure to determine the rate, should an Officer take as much as he can exact, he would not commit extortion, according to the legal acceptation of the term, extortion. The professed design of the Proclamation was to prevent extortion, the method pursued (and it was the only one that could be pursued) to effectuate the prevention, was the settlement of the rates—it the Proclamation had authority to fix the rates, according to which the Officers might receive, and beyond which they could not lawfully receive, it was preventive of extortion—if it had not such authority, it was ineffectual; but whether it had, or not, depended on its legality determinable in the ordinary judicatories: for, as the reader will observe, there is no enforcement provided; or attempted by the Proclamation, with respect to those, for whom services might be performed; wherefore, if the settlement of the fees was attended with a legal obligation on the Officer not to take more than; and on the people to pay as much as, the rates established, the Officer's remedy to recover his due, on refusal to pay it, must be sought for, where any other creditor is entitled to relief—if on the contrary, the settlement of fees was not attended with such obligation, the Proclamation was ineffectual, except so far as the dread of the Governor's displeasure might restrain Officers from taking, beyond the rate allowed by the late Inspection Law, and this being a mere question of Law, determinable in the same course, that justice is administered in other cases, what astonishing extravagance is it to call the Proclamation an infringement of the fundamental principles of a free constitution, and what malice and effrontery must they be possessed with, who have endeavoured to represent it in the odious light of an act of tyranny—a measure destitute of all enforcement; of every degree of efficacy, which the Law does not give in its regular, ordinary course of administration!—Fortiter aspergas, ut aliquid adhaereat (asperse plentifully, that something may stick) is the favourite document of the malicious Veteran—Like Ship-money! Compare, Reader, the two transactions, and your sensibility will be severely taxed to repress the emotions of indignation.

The Proclamation binds no farther than it is legal—it its legality is determinable, in the ordinary course of justice—it directs no method of compulsion to enforce a compliance from the people, nor gives any remedy to the Officer; for the recovery of his dues, to which he is not entitled by the rules of Law—if legal, it is not oppressive—if not legal, the severest epithet that justice can admit, is, that it is useless to the Officer, though of some service to the people; in the restriction to which he is subjected. But the writs, for raising Ship-money, imposed a tax, derogatory from those most essential principles of Government, on which the conservation of public liberty depends. These writs levied about £.200,000 sterling, when nothing was due—they compelled payment by means the most rigorous; by distress, or execution on the effects, and imprisonment of the people, who should oppose the levy, during the will and pleasure of a tyrant. The royal mandate imposed the tax, adjusted the proportion, and directed the collection of it—the arbitrary seizure of property, and the deprivation of personal liberty were employed to spread terror, and compel submission to a tyrant's will; I say, tyrant, though the appellation may offend the principled delicacy of Independent Whigs, particularly characterized by their attachment to the maxim, that the King can do no wrong;—and the doctrine of divine indefeasible hereditary right—a maxim and doctrine to which the refractory Tories, at the Revolution, offered such impious violence.—Whigs, of whose instruction Cambridge cannot boast, whatever praise may be due to the documents of St. Omers, and the institution of billiard rooms and tipping houses—the former, the best seminary in the universe of the champions for civil and religious liberty, the latter, of the most finished patterns of modesty, decorum, and animated elocution. King James the Second, to be sure, did no wrong, in attempting to destroy all the rights of the subject, civil and religious, and yet was cruelly driven into exile; but let not the lamentations of the confederated Independent Whigs be too loud in deploring this melancholy event, as vulgar prejudice ranks the Revolution among the most glorious deeds, that have done honour to the character of Englishmen, and may be apt to consider the principles of our Independent Whigs, as a basis too rotten to sustain the weighty superstructure of national liberty. There was a time, when the generous and spirited behaviour of one of

the Confederates nearly brought on a relentless persecution against all of the same religious profession. Unjust and merciless vengeance had he alone been the martyr, the pangs of his suffering would have been more than compensated by the glory of it; but hard it would have been on those to suffer, who could have derived no consolation from a similar merit. After the experience of having nearly ruined the party, of whom the importance and powers of superior wealth, and superior talents; placed him at the head—After the experience of greater benefits having been derived from his most impacable edmity, than could have been from the utmost exertions of his most cordial friendship; (my allusion is sufficiently intelligible) what admirable firmness must that man have, who will persist in the same course. If actuated by the motive of the unhappy spirit, who feels some relief, in his torments, from the agonies of others; his persistence might be accounted for; but this hypothesis must fail; for mischief has ever attended his efforts to distress, and destroy—how forlorn his situation! tormented when inactive—disappointed when active—in capable of relief, but from another's pangs, and incapable to inflict them.

As the full efficacy of the Proclamation, for the very purpose professed, that of preventing extortion, depends upon the authority to settle the fees, because without the standard, or measure to ascertain what is due; there can be no extortion in taking any sum, for a service performed; how amazingly strange is it to say, that the Proclamation was defended upon principles different from what is professed, when the arguments, applied in defence of the Proclamation, were calculated to prove the authority to settle the fees; without which the Proclamation, for the reasons assigned, would be ineffectual as a preventive of extortion. The Governor's Proclamation was "a measure that cost King Charles his crown and life; which the advisers of it have defended upon principles, more unjustifiable and injurious than those, under which it was pretentially palliated. You see, Sir, I adopt the maxim of the British Constitution, the King can do no wrong. I impute all the blame to his Ministers, who; if found guilty, and dragged to the light, I hope will be made to feel the resentment of a free people."—I must refer the reader to the Gazette of the 4th instant, for this most curious specimen of the political tenets of these modern Independent Whigs, of the extent of their knowledge, and the force of their expression. It would be hard indeed if his Majesty was chargeable with having done wrong, because the Governor of Maryland, with the advice of his Council; issued a Proclamation to prevent the extortion of Officers. There is no occasion to have recourse to any maxim of jurisprudence for his vindication; common sense will at once acquit him—there can be no difficulty in finding out his Ministers, the Governor and Council are answerable in this character; He cannot disavow an act to which his signature is affixed. The indignation, and contempt, such impotent vehemence and futile arrogance are wont to excite, make it difficult to speak without perplexity.—The Governor, however; in the complimentary address of one of the Confederates to himself, and his coadjutors, is raised to the Throne, and graced with the attribute of indelible rectitude. Base prostitution! Is their patriotism come to this? Did they mean by this fawning servility to expiate all the wanton indignities they had offered him? After he had not expressly declared that "What he should judge to be right and just, would be the only dictate to determine his conduct," they represented that he was blindly led by others, and not determined by his own judgment, and then add an insult to his understanding, by such extravagant adulation; as the meanest debatement would blush to offer, delicacy must nauseate, and common sense resent with indignation, especially after having been honoured by an approbation of his conduct, he is ambitious to deserve; and the highest he can receive: They know not him whom they thus treat;

Cui, male si palpere, recalcitrat undique tutus.—  
So inferable are insolence and meanness.—"Had he relied upon his own manly judgment, &c.  
"Eben had been a little God below."

With what propriety did they choose the signature, INDEPENDENT WHIGS? What vast knowledge must these men have, who are acquainted with the manners of the Ancients, who to be sure never made use of invectives in their political contests, as well as they are with the principles of Whiggism? A knowledge which neither OXFORD nor CAMBRIDGE ever taught.  
The idea of tax having been annexed to the regulation of the fees, though without any provision for their payment, other than what the Law, on the very grounds of its legality, should afford, it may not be amiss to examine the propriety of it. If the idea be proper, then fees can be settled, in no case, except by the Legislature, because it requires such authority to lay a tax; but the House of Lords, the House of Commons, the Courts of Law and Equity in Westminster Hall, the Upper and Lower Houses of Assembly, have each of them settled fees. If such settlement be legal, then the idea is improper; if illegal, it is strange, indeed, that it should have so generally obtained. When fees have not been settled by an Act of Assembly, they have, for the most part, been settled by the authority of Government, so that the Proclamation in 1770 was not the invention of any daring Ministers now in being: The opinions of eminent Counsel, as well before the year 1773, as since the year 1770, have been very fully given in favour of this authority, on a full state of the case, and in the latter instance, after a consideration of the arguments contained in the Address to the Governor, and his Answer; but the opinion of Counsel having been intimated, the following quotation from a pamphlet has been introduced as pertinent to the occasion; "On a question of public concernment; the opinions of Court Lawyers; however respectable for

their candor, ought not to weigh more than the reasons adduced in support of them; they have been all strongly marked with the same characters; they have been generally very sententious; and the same observation may be applied to all of them. They have declared that to be legal, which the Minister, for the time being, has deemed to be expedient." You have, reader, already seen in the comparison between Ship-money, and the Governor's Proclamation, one instance of the extraordinary knack of the Independent Whigs at assimilation; and you will now be entertained with another.

The opinion respecting the Proclamation is on no point, which the Minister for the time being aims to establish. Opinions, in favour of the Proclamation, have been given at the different periods of 1773 and 1774, by eminent Counsel; not only unconnected with; but distinguished by their opposition to; Administration. Make the comparison, how striking the resemblance!—I shall not contend that the opinion of Counsel is conclusive in any case; but presume to say, that it may have weight, as well on the affair of the Proclamation, as any other. And that they, whose sentiments coincide with the opinions of Counsel; eminent in their profession, and disinterested in the question, are not fairly represented as engines of oppression, and enemies to their country. It would be a degree of arrogance, rather too excessive, even for the Confederacy, expressly to avow, that every sentiment, and every measure opposite to their malignant and selfish views, ought to be treated with contempt, or received with abhorrence, and such only entitled to regard, as tend to promote them. The prudent and political Ogle; notwithstanding the most violent opposition that ever a Governor of Maryland met with, to his measures; regardless of all the virulent abuse, with which he was attacked; acted steadily; and despised the railings; particularly of such men, as he disappointed in their unreasonable and arrogant expectations; by doing what, he thought; justice and equity required. He was so well convinced of the authoritative force of the Proclamation for settling the fees of Officers; that he expressly determined, as Chancellor, by a final compulsory decree, fees should be paid upon the authority, and according to the very settlement of the Proclamation. What will the Confederacy say to this? Did he deserve "infamy, death, or exile," for giving an irresistible, conclusive force to the Proclamation? No; no, to be sure, not quite a punishment so severe, because the Independent Whigs (Independent Whigs, risum teneatis) "highly approve the British maxim, the King can do no wrong," and therefore (the reasonable postulation being admitted that a Governor is King) Mr. Ogle did no wrong; but, without doubt, according to their admirable principles, if he had been Chancellor only, and not both Chancellor and Governor, he would have deserved death, &c.

In consequence of a commission issued by the Crown, upon the Address of the British House of Commons, the Lord Chancellor of England, by the authority of his station, and by and with the advice and assistance of the Master of the Rolls; ordered that "the Officers of the Court of Chancery should not demand, or take any greater fees for their services in their respective offices, than according to the rates be established; and that any Officer taking more should be punished as for a contempt; and that all persons might have notice of his regulation and restriction, his Lordship was pleased further to order the same to be forthwith printed and published." An Address from the House of Commons to the King; a Commission from the King in pursuance of it; an Order of the Chancellor settling the fees; this Order printed and published, and yet the settlement of fees, a tax similar to Ship-money! "passing strange!" The Members of the House of Commons, to be sure, were all bribed, or forgot the privilege they had so often and zealously asserted, or they would not have addressed the King to issue a Commission for taxing the subject.

Serjeant Hawkins, who was a man of experience in the profession of the Law, and whose treatise of the Pleas of the Crown is in great estimation, has been so rash, or so great an enemy to liberty, as to say in print, that "the Courts of Justice, in whose integrity the Law always reposes the highest confidence; are not restrained from allowing reasonable fees for the labour and attendance of their Officers; for the chief danger of oppression is from Officers being left at liberty to set their own rates on their labour, and make their own demands; but there can't be so much fear of these abuses, while they are restrained to known and fixed fees, settled by the discretion of the Courts, which will not suffer them to be exceeded, without the highest resentment."

What, Mr. Serjeant; have the Courts authority to tax the people; in a manner as arbitrary as Ship-money? Shall they be allowed to do that, which brought King Charles to the block? How would the learned gentleman be confounded at this expostulation, if alive to hear it? "The general welfare of this province has been sacrificed," say the Confederates, "out of tenderness and regard to a few, to preserve whose salaries from diminution; the fortunes of all their countrymen have been suffered to be impaired." What say Ye to this imputation, Ye who unanimously dissented to the Inspection Bill? Ye will hardly acknowledge the imputed motive of your conduct, as a compliment to your understanding, candor, or spirit. A diminution, and that very considerable, of all fees was readily agreed to, in the election given to all persons to pay in money or tobacco; and this election was extended to the Clergy's dues; but the Bill failed. I might safely refer the question to the opinion of my countrymen, whether; if an Inspection Law had passed, upon the terms offered the Session before last, the general welfare of this province would have been sacrificed, and all their fortunes impaired? If not, what must they think of the principles of such prodigate intemperance, as these Confederates are? Nearly the same alteration of fees was proposed heretofore, without giving an election to the people to pay in money, or tobacco;