

of January, at his house at Whitehall, Sir Richard Glynn, Bart. alderman of Dowgate ward.—They are supposed to have lost their lives by the jail distemper taken from the prisoners brought before them to be tried.

NEW-YORK, March 18.
ExtraB of a letter from a gentleman in the West-Indies, Janu^{ary} 29, 1773.

"The Caribs are resolute and seem determined that the loss of liberty and property shall be accompanied with that of life; a determination worthy of a Briton; and as such should be revered by one, though found in the breast of a poor oppressed Carib. Our troops are sickly, and appear to want that animation, which has hitherto, always appeared on more glorious occasions; they seem sensible that justice has not drawn the sword. The expedition was ill judged, and is condemned by every rational being in the West-Indies. One third of the sum expended, given to the Caribs, would have purchased the lands, and they would have retired from the island. They are by no means savages; many of them own twenty and thirty negroes, and have plantations under good cultivation."

ANNAPOLIS, April 1.

On Thursday the 18th ult. died at his Seat in Charles County, Mr. David Stone, in the 65th Year of his Age: A Man whose Life was exemplary for Honesty, Sincerity, and parental Attention to a very numerous Family.

TO WILLIAM PACA, Esq;
STR,

FEARFUL, left, amidst the multitudinous political pieces, which now solicit the publick attention, mine should, haply, be overlooked, I take the liberty of deriving a consequence to it by dedicating it to you. Under your auspices, I confidently send it into the world, conquering and to conquer. And I hope it is not mere vanity in me to think myself entitled, in some degree, to the applause of my countrymen, for having drawn them, that they are under no more obligation to pay their lawyers, than they are to pay their parsons.

I will not suppose, that there can be a lawyer in the country, who will contest this point with me: I think I am sure, no country-born lawyer will. For, I adopt the liberal and sensible sentiment of Mr. J*****, that it would be strange indeed, should they be found to lend a helping hand to support a law so costly to the people. I am, however, much at my ease, with respect to answerers; and, sheltered by you, I bid them defiance. I know, they cannot answer me, without first answering you: and if your opinion be unanswerable, so is mine.

From my soul, I wish, I could truly say of my opinion also, that it had been examined and approved of in all its parts, by Mess. Johnson and Goldborough. This, doubtless, had been a sufficient passport for it. I boast however, that it has, virtually, received their approbation: breathing the very spirit of yours, and grounded on the same principles, it may, in fact, be affirmed to be *alter et idem*. How much it may contribute to stop the career of the act, is not for me to say: but this I will say, that whoever hereafter pays a lawyer a single farthing beyond his own ideas of a quantum meruit, most blindly, impolitely, and unpatriotically submits to an illegal and oppressive exaction. Let not the practice of the lawyers be urged against me, as a proof, that they think the law in force; for, this might as well be urged in behalf of the annihilated act of 1701-2. The talk is, moreover, that the lawyers, who have so gloriously distinguished themselves, of late, as the friends of the people, have not now a great deal of practice; and, doubtless, the world will do them the justice to believe, that they have declined, solely from a conviction, that there is no law in force, ascertaining their fees.

Whatever may be the fate of the arguments now published, I reserve a pretty point in petto, which I will bet fifty guineas, shall silence all objections. And, surely, the word of a puller down of law will be taken sooner than that of one, who is for supporting them. Should there then appear no publick refutation of my opinion, "it is to be hoped, that no private insinuations, or declarations, will have the least weight with the discerning people of this province; but, that my published opinion will continue to be deemed, as it really is, unanswerable, till it shall be publicly answered." And having now fairly given this general challenge, the publick may reply, I will not again eat my words.

I am, Sir, your affectionate fellow labourer, and must devoted admirer,

A TRUE PATRIOT.

TO THE PRINTERS S,

"Be pleased to give the following opinion a place in your Gazette, and you'll oblige many, but, particularly, Anne-Arundel county, B. H. 25th of March, 1773.

CASE.

THE province of Maryland was in the hands of the crown, in the reign of George the first. A general assembly had been legally chosen by his writ of election and summons: the assembly met on the 26th of April, 1715. The dominion of Maryland was restored to Charles, Lord Baltimore. His commission to Governor Hart bears date, the 30th of May, 1715. The assembly, then sitting, without any fresh writ of election and summons, continued to sit

till the 3d of June: and, towards the close of the session, made and enacted "An act, entitled an act for restraining the ill practices of attorneys, and ascertaining fees to the attorney-general, clerk of indictments, attorneys and practitioners of the law in the courts of this province, and for levying the same by way of execution, &c."

Quære. Is this act a law or not?

The proprietary of this province, under the limitations only of the charter, stands, with relation to his tenants here, truly and strictly, in loco-regis. "He is the fountain of all judicature, the writ of Habeas Corpus: of the assembly issues in his name, and by his authority: and the assembly commences, and is held by such authority." Till he forfeits his charter by an act of disloyalty, or, by the exercise of illegal power, he cannot be divested of these, his *jura regalia*, or governmental powers: He alone can call together "the free men of the province," or, "their deputies, and delegates, for the framing of laws." The king of England, the province being under the jurisdiction of a proprietary, has as much right to issue a writ of summons for a diet at Ratibon, as for the burgesses of Maryland to meet in general assembly: *quæstio* hoc, the proprietary is our king.

The re-instating Lord Baltimore, in the year 1715, in the government of this province, was, to all intents and purposes, as much a *demise*, as if the king had actually died. "When Edward the fourth, in the tenth year of his reign, was driven from his throne, for a few months, by the house of Lancaster, this temporary transfer of his dignity was denominated, his *demise*; and all process was held to be discontinued, as upon a natural death of the king." If, then, by the natural death of the king, it be held, that the assembly would have been dissolved, it is *LUCE CLARIUS*, it was dissolved by this, his *demise*. Yet the king's commission to Governor Hart would not have ceased, or determined, by his *demise*, had it not, on the 30th of May, been superseded by a new one from his successor, viz. the proprietary. It would have been *annihilated* and *kept alive* by the statutes of William and Anne, so often quoted in our late controversies. But, what would the substituting commission of the governor have availed; or, what did his new commission avail? The dissolution of the assembly does not spring from the determination of commissions: the continuance, therefore, of commissions was never meant as a prop to assemblies.

I grant, that the commencement of this assembly was legal: I grant, that it was held legally, till the 30th of May; but, I contend, that then it was dissolved. It will not be said, that the act under consideration, was an act, till it had received the governor's assent, on the 3d of June. And, though it be admitted, that the governor, by virtue of his new commission, had full power to give such assent, let it be remembered; that, on the 30th of May, the assembly was dissolved, by the *demise* of the king: and, of consequence, there was a defect of power in one of the branches of the legislature, without which, it is needful to add, no law can be enacted.

A case exactly similar having been ingeniously argued by a gentleman of a very respectable character, in this Gazette, No. 1409, Sept. 10th, 1772, I forbear farther to pursue his reasonings; which, with all becoming gratitude, I acknowledge, have been my chief guides in this enquiry. To this masterly performance I refer the curious reader, in which he will not find an argument, that does not as clearly and decisively prove the nullity of the act under consideration, as of the forty per poll act.

I beg leave to close my opinion in Mr. Paca's energetic words. My opinion then is; that upon the *demise* of George the first, on the 30th of May, 1715, the assembly of this province was dissolved: that their continuing to sit, and to enact the act recited in the case, notwithstanding such dissolution, without a fresh writ of summons, was illegal and unconstitutional, and that, therefore, no obligation can result from the said act, as a law.

A TRUE PATRIOT.
Annapolis, March 16, 1773.

TO WILLIAM PACA, Esq;
SIR,

NOT content, in your last letter, with treating the Rev. Mr. Boucher with much scurrility; you proceed to attack the clergy, in general—"The bells are tolling adieu to the 40. per poll." 'Tis a mere jingle in your own ear; and reminds one of the old Scotch proverb—

"As the fool thinks,
So the bell thinks."

Is your *disium* to pass current for law?—The people, fond as you think they are to believe you, cannot persuade themselves, that an act which hath been of acknowledged force for more than seventy years, in which time have flourished some of our ablest lawyers—bath been *implicitly* confirmed, if possible, by a determination in the provincial courts—bath been lately examined, and approved of, at home—and is allowed to be valid by a DULANY, and the most respectable gentlemen now amongst us—the people, I say, when they consider these things, cannot prevail on themselves to give much credit to you.

Your little influence, too, will be, shortly, still less. Actions, you know, have been commenced, some time since, to bring the validity of the act of 1705 before the provincial court. Pressed though you have been to have them speedily decided, are you not determined to keep them depending till the meeting of the assembly? Why all this fear of a trial? Probably, like the *Partisans*, you fight to most advantage when you fly. But believe me, if you come not fairly up to the combat next month, your swaggering confidence will impose on us no more.

"The man who seems fond of talking disaffectedly of ministers of religion is himself irreligious." How far you contribute to justify the truth of this observation I cannot tell, being wholly unacquainted with you. "I have often heard, say you, the expressions, 'Maryland parson,' made use of, in this and a neighbouring province as a proverbial description of a 'worthless minister.'" With regard to this province I deny your assertion. People here think favourably of their clergy, in general. A few, perhaps, to borrow your elegant language, "dishonour the gown upon their backs." Nor can this be thought strange, when we consider their number. Of the twelve apostles one proved a reprobate, and two were exceedingly rash. Nay, have not you yourself, in one of your letters, acknowledged that a majority of us are worthy? Have you not plainly hinted, too, that you will stand our friend in the assembly? Why so inconsistent? But this is not the only place where you display your talents for absurdity. You complain of your adversary's *whitish* attack upon you; and his fondness for bringing others, unconcerned, into his dispute. Have not you, Mr. Paca, been egregiously guilty of this very crime? Have you not discharged your heaviest artillery against the whole body of clergy? Fortunately, the extreme violence of your resentment hath prevented you from doing the least execution. You have been hurried on to affirm what is not true. A Maryland parson, proverbial, in this province of a worthless minister! How you assault the humanity, and may I not add the discernment, of your countrymen! I'll tell you a proverb, if you please, amongst us—"The LAWYERS, in charging fees, pay no regard to an *act of assembly*." You dishonour, in this respect, hath been insisted on, by CLIENT and PLAIN TRUTH. Why don't you answer these writers? Surely they are not beneath the majesty of revenge.

What character the clergy of Maryland bear in our neighbouring provinces to the northward I take not upon me to say. Of this you have a better right to judge than I—having received your education at the metropolis. This I know, from united authority, that in that city there are many, who are led by their very principles of religion, to interpret an harmless action into a miscarriage—to aggravate the smallest miscarriage with all the circumstances of guilt and villainy. And where no blot is to be found, none to be pretended, they depreciate virtue as *dull morality*. A teacher of the sect, in contemplation, not long since declared in a book he published, that before the introduction of his party, "almost every man in Baltimore county was a stranger to the life and power of religion." Amongst such uncharitable, self-righteous Pharisees, such uncombed puritans as these, you may have heard what you call the proverb of a Maryland parson—but to repeat it, give me leave to add, does no honour either to your understanding or your heart. Were it necessary, and agreeable to me, on this occasion, I might enlarge on a remark, which, you know, is very common—that the inhabitants of Pennsylvania are much wiser and better than any of their neighbours, in their *own* conceits. Even you, eminent as you are in your profession, were you to remove thither to practise, could not soon prevail on the people to part with their prejudices, and employ you. In time, I believe, you would gain your end. Merit is seldom unrewarded. Forward ignorance, I confess, sometimes fills the rank of honour, and flouts it in all the insolence of *unearned wealth*. But instances of this sort ought not to be complained of—inasmuch as they are strong natural arguments for an hereafter.

Before I conclude, I would just endeavour to check your vanity, in supposing, that "Parson Boucher's best friends wish him well out of the scrape." Your friends, I fancy, have much more reason to tremble. For the great common law vestry gun is fired, at last! And a *brutum fulmen* it is—though it had its aim. You have raised a cloud of smoke, as thick as Cacus did, when HERCULES came to search for the stolen cows; under favour of which you hope to escape. A gentle breeze of common sense, however, will easily disperse this cloud. But I will not anticipate what may be said—so I leave you to your meditations. Adieu!

AN EASTERN SHORE CLERGYMAN.
March 29, 1773.

TO WILLIAM PACA, Esq;
SIR,

WE think (said Hen. the VIIIth to the House of Commons, when he laid before them "an answer of the clergy in convocation) this answer will finally please you, for it seemeth to us very slender." With this remark, I beg leave to dismiss all farther debate on the fact of your having wavered in your opinion. My charge, and your defence are both before the publick; and I will not any longer insult that patience, it so much behoves me to spare, by saying one thing over and over again, to a man, who either cannot, or will not, understand the plainest English.

Whether you had ever been an office-hunter, or not, concerned not me to enquire; and every fair and impartial man, who has been at the trouble of reading what we have written, will do me the justice to own, that you have forced this subject upon me. I know of no reproach there is in the holding of an office under Government, on the contrary, I think such appointments truly honourable. Nor is there, that I know of, any *insanity* in soliciting for a place, though there may be some mortification in having solicited in vain. How far, this may have been the case with you, I presume not to say; neither will I positively assert, that your not being a placeman now, has not been owing to any want of inclination in you, to accept of a place; but, solely to a want of merit to entitle you to one; but, this I will say, that I think so. This is not thrown out quite at random, though it be what I never should have said, had you not extorted it from me.