

authority from written laws. Thus do you adopt and reject either system of law, just as they happen to suit your purposes; and emerge, at last, a kind of mongrel vestrymen, fantastically produced by a novel and whimsical mixture of common and statute law. Like the fabulous centaurs of old, half man, and half horse, such vestrymen exist only in idea.

The acts of 1698, ch. 20, and 1699, ch. 16, were enacted for the express purpose of "empowering vestrymen to assess the parishioners for building and repairing churches." The act of 1700 established *select vestries*; and the reason and policy of the measure is thus expressed by the legislature—"for incorporating a political body, capable in law, to recover and redress all rights and pecuniaries accruing or growing due in law or conscience to any parish church or churches, for any pious use whatever, be it enacted, &c." Upon any vacancy in the vestry, the remaining vestrymen were *requir'd* and *empower'd* to fill up such vacancy, by electing *freeholders* residing in the parish, and the vestrymen are also *requir'd* to chuse churchwardens *annually*, &c. vide record book L L, No. 2, from 371 to 383. Here is a system of parochial polity totally different from that of the common law. The first framers of our laws have been admir'd for the elegant simplicity and precision with which their acts were drawn up; and had they judged the doctrine of the common law, respecting vestries, to be applicable to their condition, and admissible, what occasion for statutes to *empower* the people to chuse such officers? It will appear, moreover, that this has been the uniform sense of the legislature, from the first establishment of parishes, to this present time. The law 1700, ch. 1, was repealed by the unfortunate act of 1701-2; but, on the supposition, that this act was, ab initio, void, the other, according to Mr. Poca's opinion, continued in force, till the general repealing law of 1704, ch. 77. So that, from 1692 to 1704, vestrymen and churchwardens in St. Anne's parish were appointed, confessedly, under a power and authority deriv'd from act of assembly. If these acts of assembly no longer exist, the power and authority deriv'd from them is gone; and, if there was no common law, respecting vestries, antecedent to these acts, as hath been shewn, it cannot now begin to run, if it was applicable to our condition. Every act that has since been made for laying out and erecting new parishes, has a particular clause, expressly "empowering the freeholders of the several new parishes to chuse and nominate vestrymen and other officers." All these acts are quoted and set down by the unanswerable writer or writers of the paper, sign'd, *Freeholders of St. Anne's*, and need not be again referred to. The act of 1753, ch. 19, is, however, too striking, to be omitted: its title is, "an act, to enable the parishioners of part of St. Andrew's parish in St. Mary's county, to chuse vestrymen and churchwardens." If then any defence be due to the opinion of the legislature, it is clear, that their invariable sentiment has been, that vestries could not be chosen, but by act of assembly. And, however light y, you, in the wanton petulance of an overweening fondness for your own amazing abilities, may affect to treat these venerable men, I am not ashamed to take up the sentiment of the young man in Cicero, and to declare, "mallem mehercule, cum istis errare, quam vobiscum verum sentire."

I have already observ'd that your *fort* in writing is the *obscure*. You learn'd it, I doubt not, from the ancients: Juno escap'd from Ixion, and Venus rescued her son from the furious Greek, by the friendly interposition of a cloud. Many merits are ascrib'd to you, merely because you are not understood—"omnia, etiam non bene consulta, in virtutem trahuntur." Sall. The people complaisantly suppose, that you have some meaning, tho' it be past their finding out; and so, as the same last quoted author said of Marius, "gloriam ex culpa invenit;" your gross blunders may receive *applause*.—Much stress is laid on the position, that a parish is a "being propagated by operation of law." I wish, in charity to such tyros as Latin, in legal knowledge, you had been pleas'd to have been more explicit in your ideas. Till you are, I must content myself with insisting only, that, whatever other parishes may be, St. Anne's is certainly a being, propagated by operation of a positive law, even the act of 1692. And so also is its vestry.

I amuse myself with conjecturing where you will next take your *flights*. Will you condescend to take a hint from me?—*Fas est et ab hoste doceri*. Besides an anxiety to redeem my character for charity with you, I cannot help thinking, I owe you something of this sort, and I scorn to lie in your debt. Charity herself would smile, to see you again take shelter in the forlorn hope of the act of 1701-2; to rescue you from this, I offer this *hint*, which, with a little of Mr. J's assistance, I have vanity enough to flatter myself, you may make the *prettiest little point you ever met with in law*. In the last paragraph but one of Mr. Poca's opinion, it is said, "the clergy of this Province are not a body politic, with a capacity to take by succession, nor is the forty per poll a transmissible right." The inference is plain, that if the clergy had been a body politic, or the forty per poll a transmissible right, their claim to it would have been sav'd by the clause in the act of 1704. Vestries are bodies politic, incorporated by the act of 1700, and have transmissible rights: ergo, vestries are excepted in the saving clause of said act. Q. E. D.

I am, gentlemen,
Your humble servant,
JONATHAN BOUCHER.

A N E C D O T E.

THE learned and pious Dr. Hammond, some little time before Cromwell assum'd the reins of government, was on a visit to his Bookseller, to collate some ancient Hebrew, Greek, and Arabic manuscripts, when his attention was so much diverted from his em-

ployment, by the entrance of a tall man, in the habit and accoutrements of a puritanical trooper, who marching up to the table where the literary monuments were stow'd, laid his hands, without ceremony, on a Hebrew paper, and began to read it aloud. The doctor express'd his astonishment that a private trooper should display such acquaintance with the most abstruse parts of literature; and observ'd, that it seem'd to him to favour somewhat of a *miracle*. The stranger writhing his face into suitable contortions, and sharpening his voice into the true tone of fanaticism, replied, that it was *INSPIRATION*. The doctor then put into his hand a Greek, and an Arabic composition, which he explain'd with facility, and (bating his puritanical gestures and modulation) with elegance. The Bookseller, who mean while remained fix'd in silent wonder, at length so far recovered himself, as to whisper in the doctor's ear, "that he fear'd the King's majesty was wrong in the war, and that the reformers were assist'd of heaven, but that he had yet one experiment to make, which, if it had the same upshot as the former, would infallibly detach him from his allegiance."

Such was the doctor's embarrassment at the novelty of the incident, that he could suggest no argument to combat the bookseller's insinuations; but desir'd him to proceed immediately to the experiment. A Welch bible was accordingly presented to the saint, with a request that he would read a chapter, and translate it into English. But he, casting his eyes over the text, instantly broke forth into an *ordinary* style of indignation, and swore that he did not understand one word of it, and that none but the devil did, and retired with rage and confusion at his detection; but care was taken to pursue him to his haunts, and develop'd the mystery of his character.

He prov'd to be one of those disguised Jesuits, who had enlisted themselves, by the command of the general of their order, under the banners of Cromwell, to expose their persons to all the danger and horrors of war, to administer fuel to those flames, which had spread over the kingdom, and threaten'd its total desolation.

It is well known that there were stations occupied in the king's army by detachments from the same devoted band, whose peculiar charge it was, to avail themselves of every manœuvre of jesuitical discipline, to extinguish each sentiment of peace and humanity in the breasts of the royalists towards their misguided and infuriate adversaries. Whilst their brethren who had fought on the opposite side, were adulating themselves to the complexion of the puritans, favouring their spiritual illapses, and urging them, as they had drawn the sword, to throw the scabbard into the fire. Thus by the most refin'd and intrepid policy were the public distresses fomented, and a regular operation carried on in the bowels of the nation, to reduce it to the necessity of submitting; either to the arms or mediation of some foreign popish power.—If the present alarming convulsions in the mother country should produce a crisis equally terrible as that which is here alluded to, it is hardly possible however, that the same ministers will be again employ'd by the politicians on the continent. The banishment of the Jesuits from Portugal, their proscription in France, the almost universal detestation in which they are held, the disgrace into which their final extermination from the face of the earth, and that it should ever be in their power to do such signal mischief to this community as some are inclined to persuade themselves, I can scarce be brought to think. Unless at one of those tragical conjunctures, when all the dogs of civil discord shall be let slip, as I am inform'd by those who hold a general conversation with the order, that there is not among them one dangerous head, one single *Man of letters*.

Baltimore. CLERICUS.

To three eminent GENTLEMEN at the BAR.

YOUR laudable opposition to the illegal and oppressive demands of officers and clergy hath, it seems, afforded cause for much severe scrutiny into your own conduct. Charges of notorious exaction have been brought against you, by CLIENT AND PLAIN TRUTH. Fain would I obviate every thing that hath been said by these ill-natured writers.—What they have advanced, I do assure you, is generally talk'd of, in town and country, and people do not scruple to declare, that the Patriots are as bad as their neighbours.—My only arguments, in your favour, are the three following; which I had occasion to play off, the other day, against a government man.—With what success I leave you to determine.

I. If answer'd no purpose, I thought, to allege a crime against you, of which you had convicted others.—Recrimination is an old woman's expedient.

II. It must not be thought strange, that gentlemen, as you are, of distinguished abilities and genius, should exercise certain unaccountable arts, not in use among common men.—The richest soil produces the rankest weeds along with the most luxuriant flowers.

III. Let what will be insinuated against your probity, some of you are remarkable for domestic, generous virtues; and these, therefore, ought to cover a multitude of sins.

What, think you, did my antagonist reply to all this?—As to my first argument, he said, nothing could be more pertinent than that recrimination of a master in reasoning, *how that speak'd against adultery, dost thou commit adultery?*—As to my second, he absolutely affirm'd, to my very great astonishment, that you were not distinguished either for abilities or genius.—And my last argument he expell'd by a most indecent observation.—Chymists, says he, will tell you, there is something good in excrements.—nor could he, he continued, think so dishonourably of human nature as to suppose any one of you void of every good Quality.

T W I T C H.

BY a letter from Constantinople we have advice, that the French ambassador being become odious to the people there, on account of the intrigues he has carried on to continue the war with the Russians, has been set upon by the populace, and would certainly have been murdered, if a party of janissaries had not rescued him out of their hands. The letters add, that the Grand Seigneur has ordered a party of the above guards to attend him wherever he goes, to prevent any further insults.

The Bostonians, whatever opprobrious epithets may have been bestowed on them, seem, says a correspondent, well to understand, that firmness is a first-rate qualification in the patriotic character, and that he who has once entered the lists in behalf of the laws or liberties of the people, must neither be wearied by delays, warped by artful representations, intimidated by threats, or allured by fair promises, to desert his ground; all which are the common arts and finesse of a designing administration.

Jan. 15. It is said there is a difference in opinion among the British ministry, touching the affairs of Poland, one party being for suffering the powers upon the continent to act as they please, while others are for preserving the treaty of Oliva inviolate, and preserving the body of the republick whole and entire. But, as we are pacifically inclined, it is supposed the first mentioned party will prevail.

Jan. 16. We are constantly complaining in this country against the excess of ministerial corruption, without once recollecting how greatly such complaints affect our national character; for we must be either generally venal as a people, or corruption could never flow in upon us so violently, as to endanger the banks of our glorious constitution.

Jan. 18. The clerks in the Secretary of state's office for the American department have received orders to give due attendance, in order to prepare the papers relative to America for the House of Commons.

It is reported, that the state of the publick credit is at present under the consideration of the ministry, and that some salutary regulations, particularly relating to commercial failures, will very shortly be the subject of discussion in an august assembly.

Jan. 19. The powers who can tamely look on and see, without opposition, the dismemberment of Poland, seized upon and cantoned out by three great princes, who have no claim to a foot of land in that country; but that which oppression, rapine, and superior force can give, may one day repeat their inactivity, and become a prey, in their turn, to the same arts of the same blessed mediators.

A certain all grasping monarch has, we hear, mark'd out considerable tracts within the Hanoverian circle, which he means to lay claim to at no very remote period.

So many alarms have been spread lately, concerning the commercial credit of this country, that we think ourselves happy in being able to throw in a word of comfort, viz. that it is confidently believed, not a single banking-house in this country will be shaken by the great failures in Holland, however distressing their connexions on the continent.

The last accounts from India, we hear, are inconceivably flattering, and give the directors of a great company the highest spirits imaginable; Shaw Allum, the lawful emperor of Indostan, who has for a considerable time been banished from the throne of his ancestors, and opposed by a confederacy of tributary princes, who wanted to shake off the sovereignty of Delhi, has, assisted by the English, acquired a signal victory over the bravest nation of his enemies, killed a prodigious number of their troops, and taken treasure to the amount of near three millions sterling, with which, at the head of his victorious army, he is now preparing for a triumphal entry into his capital.

The British commerce, in consequence of the civil commotions, has never yet extended so far as Delhi; but should the above be true, the India company, and the nation in general, must receive great benefits thereby.

Jan. 27. This morning, about five o'clock, the Queen was taken in labour, when his Grace the Archbishop of Canterbury and the Right Hon. the Lord Chancellor, with other officers of state, were sent for, but before their arrival her Majesty was safely delivered of a Prince, about ten minutes before six, and both her Majesty and the young Prince are as well as can be expected. At noon both the Park and Tower guns were fired on the occasion. The above is their Majesty's ninth child, having now six Princes and three Princesses.

A deputation from the body of American merchants will very shortly wait upon Lord Dartmouth, to receive his Lordship's answer to some proposals lately submitted to his consideration, for reconciling the disagreements between the colonies and the mother country.

The general estimation of West India property, is that 100 acres, with 200 negroes, will clear, after all expences, 150 hogheads of sugar annually, which at the usual price of 15 l. per hoghead, will be 2250 l. a year.

A correspondent has sent us the following simple recipe for the piles, which, he says, cured him of that terrible disorder in two days: Take tobacco, shag and hog's lard, mix them well together, and apply the part affected when going to bed, very little of which will effect a cure.

General Gage is on his way home from America, where he has held the chief command with great reputation; but we do not hear that he is either to be succeeded by any other officer, or to reside any considerable time in this kingdom.

So much base Portugal coin, has been circulated in the north of England, that the people, especially, refuse to take any, which is a great inconvenience to many people, especially travellers, who are often at great loss on that account.