

"understood." That you persuaded him to think the proclamation was calculated solely for the benefit of the people, easily credit, and that he really thought so, I will as readily admit: your *subdulous* attempts to involve the governor in your guilty counsels, and make him a partner in your crimes, discover the wisdom of the maxim, "The King can do no wrong," and the propriety, nay, the necessity of its application to the supreme magistrate of this province. I shall adopt another maxim established by the British parliament, equally wise, and just, "The King's speeches are the ministers' speeches." The distinction, perhaps, will be ridiculed with false wit, and treated by ignorance, as a device of St. Omers. The proroguing speech, though perhaps not penned, yet prompted by you, suggests that nine tenths of the people understood the proclamation was issued for their benefit; but from the sentiments of their representatives in assembly? To judge by that criterion, the proclamation was not understood by nine tenths of the people as issued for their benefit. That the application of the above maxims should give you uneasiness, I am not surprised; they throw guilt of bad measures on the proper person, on you, and you only, the real author of them; the glory, and the merit of good are wholly ascribed to you, by your unprincipled creatures; the spirited reply to the petitioners for a bishop was delivered, it is said, in pursuit of your advice: be it so, claim merit wherever success of your advice, wherever it is due; but cease to impose on your countrymen, think not to assume all the merit of good counsels, and of bad to cast the blame on others. Hampden has been deservedly celebrated for his spirited opposition to an arbitrary, and illegal tax; a similar conduct would deserve some praise, and were the danger of opposition, and the power of the oppressor as great, the merit would be equal. The violent opposition, which Mr. Ogle met with, proceeded, I thought, in great measure from the cause assigned in my last paper; it certainly occasioned great discontents.

The decree for the payment of fees "according to the very statement of the proclamation," was given, as I conceived, in his first administration. A misconception of Antilon's meaning lead me into this error; that I would willfully subject myself to the imputation of a falsehood so easily detected, will scarcely be credited, unless it be believed, that the hardened impudence, and habitual mendacity of an Antilon, become proverbial, had rendered me insensible of shame, and regardless of character. "The Citizen has said, the proclamation ought rather to be considered as a direction to the officers, what to demand, and to the people what to pay, than a restriction of officers." Antilon affects to be much puzzled about the meaning of the word *direction*; it is surprising he should, when he holds up the proclamation, as the standard, by which the courts of justice are to be governed in ascertaining costs, as the only remedy against the extortion of officers, by subjecting them to the governor's displeasure, and removal from office, if they should exceed the established rates, or to a prosecution for extortion, should the legality of the proclamation be established in the ordinary judicatories. It is a common observation confirmed by general experience, that a claim in the colony governments of an extraordinary power as incidental to, or part of the prerogative, is sure to meet with the encouragement, and support of the ministry in Great-Britain. That the proclamation is a point which the minister of Maryland, (*our Antilon*) wants to establish, is by this time evident to the whole province. Every artifice has been made use of, to conceal the dangerous tendency of that measure, to reconcile the people to it, and to procure their submission. Opinions of eminent counsel in England have been mentioned, the names of the gentlemen are now communicated to the public; the state, on which those opinions were given, though called for, the person, who drew it, and advised the opinions to be taken, still remain a profound secret. The sacred name of majesty itself, is prostituted to countenance a measure, not justifiable upon legal and constitutional principles, to silence the voice of freedom, and of censure, and to screen a guilty minister, from the just re-sentment of an injured, and insulted country. The whole tenor of Antilon's conduct makes good the old observation, "That when ministers are pinched in the matter of proceeding against law, they throw it up on the King" (*M*). Antilon has represented the proclamation, as the immediate act of the governor, "The governor was not to be directed, &c." now, to give it a still greater sanction, we are told, the governor's conduct in this very business, has met with the royal approbation. To what purpose was this information thrown out? Was it to intimidate, and to prevent all farther writing, and discourse about the proclamation? Unheard of insolence! The pride, and arrogance of this Antilon, have bereft him of his understanding; quos deus vult perdere, primo dementat. Speaking of the proclamation the Citizen has said, "In a land of freedom, this arbitrary exertion of prerogative, will not, must not be endured." Antilon calls these naughty words, and intimates a repetition of them would be dangerous. In a free country, a contrary doctrine is insufferable; the man, who dares maintain it, is an enemy to the people, perhaps, the time may not be very distant, when this haughty, self-conceited, and treacherous Antilon will be obliged to lower his tone, and will find perchance my Lord Coke's saying prove true, "That the minister, who wrestles with the laws of a free country, will be sure to get his neck broke, in the struggle." I have asserted, that the Citizen's first paper was wrote without the advice, suggestion, or assistance of any persons; these words, it seems, are not sufficiently comprehensive; what words of a more extensive import can be made use of? I have denied all knowledge of the paper wrote by the Independent Whigs, till it was published in the Maryland gazette; to this moment the

(M) Grey's debates.

Independent Whigs are, unknown to me. The communication to some gentlemen in private, of a paper wrote against an obnoxious minister, censuring his public conduct, though the strictures might meet with their approbation, ought not to render them so culpable, as to justify the minister in loading them with the foulest, and most virulent abuse; Does the writer even deserve such treatment? I was, too well acquainted with the temper, and character of Antilon, not to be prepared against the bitterest invectives, which malice might suggest, and falsehood could propagate; such, I was persuaded, a censure of his meanness, would draw on his censurer. Conscious of my fures, and integrity, confiding in the goodness of my cause, and a desirous of counteracting the insidious designs of a def-wicked minister, I took up my pen, determined to def-wicked the calumnies of a man, which I knew, a candid publick would impute to his malevolence. The event has confirmed my apprehensions, Antilon has poured out the overflowing of his gaul, with such fury against the Citizen, that, to use the words of Cicero applied to Anthon.

"Omnibus est visus vomere suo more non dicere"
He seems according to custom, rather to spew, than to speak.

The extracts from Petyt were to shew, that the commons had censured proclamations issued to "establish matters rejected by parliament in a session immediately preceding;" That, "Former proclamations had been rescinded to countenance, and to warrant the latter."

The Citizen had no intention to deceive the people; no wish, that more might be inferred from his "little scraps," than what was plainly announced. The proclamations alluded to, were contrary to law; and it is contended, and, I trust, it has been proved, that the proclamation for settling officers fees is also contrary to law. Had the Citizen designedly suppressed the titles of the proclamations recorded in Petyt, would he have mentioned the authors name, and referred his readers to the very page, from which the extracts were taken? Would he not rather have imitated the conduct of Antilon, who speaking in his first paper, of a commission issued by the King to the chancellor for settling fees, neither mentions the book, from which the quotation is given, nor the time of the transaction. I comprehend fully, Antilon, your threats thrown out against certain religionists, to shew the greatness of your soul, and your utter detestation of malice, I shall give the publick a translation of your latin sentence; the sentiment is truly noble, and reflects the highest lustre on it's author, or adopter.

"Eos tamen laedere non exoptemus, qui nos laedere non exoptant."

"We would not wish to hurt those who do not wish to hurt us"—in other words—I cannot wreak my resentment on the Citizen, without involving all of his religion in one common ruin with him; they have not offended me, it is true, but it is better, that ninety-nine just should suffer, than one guilty man escape; a thorough paced politician never sticks at the means of accomplishing his ends; Why should I, who have so just a claim to the character of these, Antilon, are the sentiments, and threats, couched under your latin phrase, which you even were ashamed to avow in plain English; how justly may I retort

"pudet hæc opprobria dici,
Et dici potuisse, et non potuisse refelli."

The conclusion of a late excellent pamphlet (*N*) is admirably suited to the present subject; I shall, therefore, transcribe it, taking the liberty of making a few alterations, and insertions. "If we see an arbitrary and tyrannical disposition some where, the call for watchfulness is a loud; That there is such a disposition some where, and where, we all know—the proclamation, and the arrogance of it's supporters, are convincing proofs. "A tyrannical subject wants but a tyrannical master, to be a minister of arbitrary power; if such a minister finds not such a master, he will be the tyrant of his prince"—or prince's representative—"as much as of his fellow servants, and fellow subjects—I should be sorry to see" the governor of this province "In chains, even if he were content to wear them—to see him unfortunately in chains, from which perhaps he could with difficulty free himself, till the person, who imposed them, runs away; which every good subject would, in that case, heartily wish might happen; the sooner, the better for all."

FIRST CITIZEN.

COPENHAGEN, February 11.

ALL the captains and chief commanders of the royal navy of Denmark, were summoned to appear before the board of admiralty on the 8th instant when they received orders to take in a twelve months provision with all speed. The victualling office had been previously apprised of this, and the orders were so strictly attended to, that they began the same day to take in biscuit, &c.

LONDON, February 8.

On Saturday the Court of Common Pleas gave final judgment on the question of law which came before it last term, "whether an action of trespass and false imprisonment would lay against an attorney for any mistake, or act proceeding from ignorance in the execution of his office and way of his profession at the suit of the defendant." The Lord Chief Justice, who delivered the determination of the Court in a solemn argument which lasted for above an hour and a half, cited a variety of cases in full proof, that an action would lay in the present instance, and a very great number of correlative decisions, to shew that the grand principles of

(N) Intitled a speech against the suspending and dispensing prerogative.

the common law went directly in support of that opinion. He said, that the act of imprisoning must be either defended, excused, or denied. It could not be defended, because all the proceedings relative to the arrest were totally informal and illegal, were therefore vacated, and the writ looked upon in the same light as if it had never been issued. It could not be excused, because mistake or ignorance are not inevitable; nor could it be denied, because the fact had been already sufficiently and satisfactorily proved. He next remarked, that there had been three persons either virtually or actually concerned in the transaction; the Plaintiff, the Attorney, and the Officer who executed the writ. The first of whom was virtually a trespasser, by being bound by the act of her Attorney. The second, as acting through mistake or ignorance, was equally a trespasser; but the officer, acting ministerially, must always stand excused, because he could not have done otherwise; besides, as the proceedings were vacated, and the record of the whole transaction destroyed, an officer can never be answerable in such a case. His Lordship then entered largely into an enumeration of the several advantages and privileges an attorney enjoyed under the common and statute law, as well as the instances in which he lay open to be called to an account by his client, or adversary, and at length concluded, by saying, that by the common law of England, confirmed by the statute of Westminster the first, an action of deceit would lie against an attorney for any damage sustained in goods or chattels, at the suit of either his client or adversary; and that this being a damage suffered in the person of the latter, an action might be well maintained; and therefore the motion for a new trial to set aside a former verdict of damages awarded by a jury against an attorney now before the court, must be discharged. His Lordship, among a great number of other authorities, quoted Glanville, Bracton, the year-books of Edward III. Henry IV. Edward IV. and Henry VI. Coke's institutes, Crook Elizabeth, and Crook James, Brooke, Keeble, Raymond, Roll's abridgement, &c. &c.

March 6. Yesterday bills were stuck up at the Royal Exchange, for volunteers to enter on board the following men of war under the command of admiral Spry, viz. the Ocean, Albion, Somerset, Raisable, Torbay, Dublin, Boyce, and Kent.

Capt. Palliton, who arrived a few days since in the river, spoke with, in lat. 27, long. 43, 30; five French men of war. The largest of them, which mounted 80 guns, carried an Admiral's flag at the foretop-mast head.

The assiduous attention, says a correspondent, which Lord Rochford has paid to settling the commercial differences between the courts of London and Lisbon, deserves the highest praises, and the warmest thanks.

ANNAPOLIS, May 6.

Capt. Eden, in his passage, spoke the following vessels: April 5, a sloop from New-York, Quill, for Surinam, long. 46: 25 W. lat. 23: 48. Same day, brig Two Friends, Peter Bruffton, from Madeira for Philadelphia, out 23 days, long. 53, lat. 24: 51. April 13, ship Trueman, Joshua Shepherd, from Bristol to Charles-Town, last from Cork, which the left the 12th of February, long. 57: 4, lat. 26. Same day spoke sloop Lively, Henry Miller, from London for Guadalupe, out 14 days, long. 59. April 24, sloop Betsey, Andrew Low, from Georgia for New-York, out 9 days.

HAVING often heard that my old inveterate, though unprovoked, enemy Capt. Coolidge, (whose dear delight and employment for several years has been to invent and circulate many malicious falsehoods, to bring infamy and ruin upon me and all my connections) had threatened to publish some new calumny, I waited, knowing the man, with my usual indifference, to see what the mountain would produce, when behold— at last— a little black— something crept forth— to acquaint the world of the important discovery—that Mr. West had— what?— refused to settle accounts with him! Really? Yes really!— Indeed? Yes indeed! Praedigious!!!

Supposing the assertion to be true, (which I deny,)—how is the publick interested? can the publick settle the accounts?—I believe the publick will receive little entertainment from such a controversy;—for my part I am ashamed to have my name appear on so contemptible an occasion.

But he would make the world believe that I never let him have the accounts;—the direct contrary can be proved; and the true reason why the accounts have not been finally settled is, that his behaviour is so petulant and abusive as to render it impossible for me to settle amicably with him.

However, since he has thought fit to relate the pitious story, and exhibit so heavy a charge in the Gazette against "S. West," I said West, "the above West" and four more "Mr. Wests," I said West, lets him know, by the same channel, that he need not despair or be in a passion;—for a suit is commenced against him to bring the dispute before the proper tribunal. At the first court an order may be entered to refer the accounts to gentlemen capable of settling them and the award will show who had the best right to complain.

May 1, 1773.

S. WEST.

Annapolis, May 4, 1773.

JANE and Anne Nelson, have just imported, a neat assortment of the newest fashion millenary which they will sell on very reasonable terms.