

them. He further asserts, that no lawyers sat in the last parliaments of this reign, which made such admirable laws for the good of the kingdom; and particularly in the parliament which passed that most important act to the lives and estates of good subjects, declaring what offences shall be deemed treason, &c. "When," says this historian, "it was the over open hand of a practising lawyer, always ready to grasp a fee, or the extravagant detestation paid to that fee; as if a motive so sordid in its nature, could so hallow a cause of cursed iniquity, as to render it fit for any man to prostitute his tongue in its behalf, and to employ what talents he has, either in argumentation, eloquence, skill in the quirks of the law, or in outfacing truth itself, to pervert justice, to impose on the minds of jurors, and influence them to an unjust verdict; or whether a strong bias, habitual disposition, and fruitful genius in too many for turning every trust and situation in life to their own private advantages, were the reasons why one of the wisest of our kings, with his council composed of great men, and parliaments themselves, thought it necessary to incapacitate practising lawyers from sitting in the house of commons: it is certain they were the first set of men expressly excluded." And though in the following reign, they again wormed themselves into parliament, yet it does not appear from this historian, that the act referred to was ever repealed; so that I do not know by virtue of what right they even now sit unless by that of common law.

In the parliament of the 7th William the third, a bill for registering deeds, conveyances, and wills, was obstructed by the lawyers in the house of commons; to use Bishop Kennet's terms, and the reason he gives for it, is much to the scandal of that profession; BECAUSE IT TENDED TO ABRIDGE LAWSUITS, AND WOULD BE TO THEIR PREJUDICE: if they had no other reason for it, the house might better have parted with them than the bill.

In the parliament of the 4th of George the second, two petitions were presented to the house of commons from the quarter sessions of the peace held for the east and north ridings of Yorkshire, complaining that the obliging grand jurymen at the sessions of the peace, to make their pretensions in a language which few of them understood; and the suffering in any of the proceedings of the courts of justice, or in any of the transactions of the law, whereby the person, or property of the subject might be affected, the use of a language not intelligible, and of a character not legal, but by the learned in the law, were great occasions of the delay of justice, and gave room to most dangerous frauds: that special pleadings by their intricacy, and oblatinels, rendered the prosecution of the rights of the subject difficult and expensive; that the recovery of small debts, as the law then stood, was impracticable, and the number of attorneys excessive; and praying, &c.

In consequence, as supposed, of this petition, on the fourth day of March following, Sir George Savile, a member for Yorkshire, presented to the house a bill to enact, That all proceedings in courts of justice should be in English. This bill passed both houses, and obtained the royal assent, NOTWITHSTANDING THE OPPOSITION OF THE WHOLE BODY OF LAWYERS.

Proper reflections on the above events cannot be wanting to the reader, unless he will suppose that the lawyers in this province are more distinguished for their integrity, candour, and moderation, than in our mother country; and therefore I shall only observe, that as according to some late writers in our gazette, "human nature is so constituted, that different penalties are given to different men, particularly in the mode of subsistence, and temporal acquisitions," common prudence dictates to us to guard against every mode that may tend to the oppression of individuals, or be detrimental to the general interests of society.

It is greatly to be wished, that such gentlemen as have a sincere regard and love for their country, would give themselves the trouble of diligently perusing the messages on the subject in dispute between the different branches of the legislature, in order to form their own judgments, without suffering themselves to be imposed on by the artful misrepresentations of either party. As Rome was not built in a day, so a number of political points in dispute, are seldom settled at one time, unless by a general convulsion, which often destroys the common wealth itself. Even in the glorious revolution of 1688 many things were either neglected, or forgot, which the people were desirous to have had settled; but which it might not perhaps have been at that time prudent to insist on. Every sensible man knows it to be both the duty and interest of the people to support government in all its just and legal prerogatives; and that complaints against their exertion, seem of all times the most unseasonable, when the people have received no injury. By our late political squabbles the province hath received great detriment; nor can there be any reasonable hope of the amendment of our circumstances, whilst private pique, malice, and resentment, mix in our public councils. To endeavour therefore between the several branches of good understanding between the several branches of the legislature, so absolutely necessary to the effectual prosecution of the public business, becomes the duty of every member of the society. And as it seems to be the opinion of the most judicious, that the election of too many lawyers to represent us, may either, from the spirit of their profession, or from a peculiar mode of thinking, as to the means of promoting the public welfare, sink us in a ruinous and that desirable end; so in order to be far from enjoying the benefit of their assistance, that we may receive the benefit of their assistance in future, without being subjected to the mischiefs which may flow from their having too powerful and dangerous an influence in our legislative body, I would recommend, at least, a considerable retrench-

ment of their number; and the election of such only as are distinguished for their moderation, integrity, abilities, and independent circumstances.—We may then entertain some reasonable hope of being soon delivered, not only from the griping paws of the misers, the tremendous flesh-hooks of the priests, and the exorbitant demands of the officers; but also FROM THE FAR MORE CRUEL, OPPRESSIVE, AND SINFUL EXACTIONS OF THE LAWYERS.—And here I must beg leave to ask, hath it not been repeatedly proved of late, that this order of men have been guilty of the most shameful violation of a law of the province, calculated to prevent their oppressions? Have they offered a title in their vindication? Is not their acquiescence under such heavy charges an irrefragable proof of their guilt; and has not every man who employs them a most feeling conviction of it? Ought they not, then, to be rather spurned as our tyrants and oppressors, than to be cherished and caressed as the protectors and guardians of our laws and liberties?

BRUTUS.

TO THE PRINTERS.

BY giving the following a place in your Gazette, you'll oblige
Elk-Ridge, April 22, 1773. A READER.

TO THE FREEMEN OF MARYLAND.

"O friends! be men: your generous breasts inflame,
With mutual honour, and with mutual shame!
Think of your hopes, your fortunes; all the care,
Your wives, your infants and your parents share;
Think of each father's red remembrance;
Think of each ancestor, with glory dead."
Pope's Homer.

TO submit to ministerial oppression is to enslave ourselves and our posterity: the mischiefs which have ever attended such submission, are speaking proofs, how much it ought to be guarded against, and with how much resolution and unanimity, we ought to oppose such innovations, as tend to destroy our rights and liberties, and maintain that freedom, which is essentially necessary to the peace and happiness of this province, the right of taxation by our representatives, and by them, alone, in concurrence with the other branches of the legislature, a right founded on justice and equity, and indubitably and fundamentally vested in the free people of Maryland: the proclamation rating the fees of officers, is a measure directly contrary to this right, tending to disunite (interposing betwixt) two branches of the legislature, and prebuiory to a settlement by law: that this innovation might not appear too shocking, it came out (by the advice of the ministers) clothed with the specious appearance of friendship and tenderness for the people, and, as it preceded, "a preventive of extortion." Such encroaching measures, if submitted to, are certain preudes of the total extinction of liberty, and its final extermination from Maryland: that liberty which our ancestors have transmitted to us, as our birthright, as the reward of all their toils and dangers. It will be difficult in after times to eradicate and exterminate a measure carried, by ministerial influence, however destructive in its consequences, when tamely submitted to by those, on whom the burden is laid. Let us then be united, and not divided from opposing the measure, by the artful contrivance and fineries of administration, let us timeously shake off the galling yoke of slavery. Pretended friendship hath ever been the sly and insidious snare of designing ministers, to impose upon the credulity of the people, and assuage them from opposing arbitrary measures, and thereby gentle them to the yoke of their authority, by slow degrees: let us consider, by whom our rights are invaded, the dependence of all, and interested views of part of those who advised the proclamation. It is a cause of just admiration and alarm, that the people of Maryland are to be governed by proclamations, issued by the advice of dependent ministers; men who are subservient to a superior, who may if he pleases exact of them a plenary obedience to all his commands, which they must either implicitly submit to, at the expence of their consciences, their honour, and their country, or incur his displeasure, and thereby be subjected to a removal from office.

When you consider the prevalence interest hath over the hearts of some men, so vast, that, "nec prius est exordia citius quam vita."—(their avarice is not extinguished but with life itself, you will not be at a loss to find the cause of all the malignant aspersions thrown out against those who detected the disguise, and opposed the measure; you see their sinister aims, in censuring the lawyers—a stratagem to draw the confidence of the people from them, and thereby "dissolve the union," and separate the lawyers and people, though their interests are so mutually combined, that I doubt their ever being able to effect their design, and "unravel the contexture," which justice hath formed. Have the lawyers ever objected to the settlement of fees by law? Have they not insisted upon it, as our natural and inherent right, and exerted themselves against different measures? Is it not allowed, on all hands, that they have no more than is adequate, to the labour, they undergo? It is objected, that every of us may some time or other be driven into a court of law, for justice, and then they have it in their power to plunder our pockets: Is not their number a sufficient security against that imposition, when the choice of the lawyer lies in the breast of the client? Officers are on a different establishment, and need greater caution to prevent their flagrant enormities.

Who will be surprised at the great pains and absurd methods some writers (who probably may be one and the same) have taken to traduce the character of the First Citizen, and render him odious to the people, when they find extreme turbulency of temper, avarice, ambition, and an insensibility of human misery united in the same breast? The Citizen's serving his country, and opposing usurpation, which is excellent and praise-

worthy, has rendered him the mark of their antipathy; but when avarice and ambition are the ruling passions, it is natural to hate and envy those, who stand between us and the good we desire, "O tempora! O mores!" (Alas, for the depravity of the times! Alas, for their degeneracy). They have endeavoured to alienate the affections of the people from him, by representing him, as a "political parricide," as the worst of evils, as a man attempting to subvert both church and state. If they judge the Citizen's intentions by their own, they give strong indications of "corrupt hearts;" if not, what rule have they left, whereby to judge of the sentiments of others? One of them, in his letter to the Citizen, hath endeavoured to intimidate the whole body of people. "If I have," says he, "mistaken the assailant, and directed some resentment against a person really not privy to, nor approving the outrage, it is a strong reason to disengage from these dark attacks, which may involve men in no manner concerned." He must be convinced, it could not be looked upon as a dark attack; he must have known the generosity of freemen applauded the attack. It would be matter of admiration indeed, if one man should menace the whole body of people, and that his menaces should terrify them into a compliance with his desires. The outrage, as he calls it, may have "rubbed the sore," he probably advised the measure. The Citizen has spoken (not outrageously) the sentiments of more than nine tenths of the people, which is manifestly proved by the unanimous resolve of our delegates against the measure. The liberal abuse so largely dealt out against him, obviously flows from his opposition to the proclamation, and not the principles they have insinuated.

Notwithstanding the opinion they affect to entertain of his life, his morals, his religion, or his knowledge; I am persuaded, the majority of the people entertain more favourable sentiments of him, and think him no less elevated by nature than fortune, and that his mind, enriched with knowledge, bears the true stamp of honour and dignity.—Let us, my countrymen, stand firm to our purpose, and be not drawn off by artful persuasive arguments. Let us not withdraw ourselves from the lawyers, who are willing to be able to assist us in our distresses. If the bare name of slavery is so detestable, how much more (but, as I have said, with our indignation) is it raised, when we know, when we feel the fatal consequences—when we have taken upon us the yoke of slavery—when we have submitted our liberty, our lives, our all, to the arbitrary controul of one man? Let us then unanimously support our delegates, and all honest men, in the preservation of our just rights, and the general welfare of both church and state.

A PROTESTANT PLANTER.

Anne-Arundel county.

TO THE PRINTERS.

Be pleased to give a place in your paper to the following conversation, which passed between the same persons whom you were before introduced to the publick.

EDITOR.

1st Cit. I T is to be hoped that our party convulsions are now drawing towards a period—the 14th of the month is fixed for the election. The patriots cannot but prevail, and the courtiers be covered with confusion.

2d Cit. No man wishes more fervently than myself, to see order and harmony once more restored: The patriots too, (such as are truly so I mean) have my warmest prayers for the success of all their schemes. But I conceive that we still differ as much in our ideas of patriot and courtier as heretofore. A gentleman of a respectable fortune, deeply concerned in the commercial interest of this province, has offered himself a candidate for the city, he is espoused by men of every rank, but because he does not happen to be made of such stuff, as to encourage a hope, that he will be led by the nose, or prostitute his tongue and understanding to perform all the base offices, that may be carved out for him by an insolent cabal, some trembling fear of calumny with a putrid ulcer in his mouth, goes about, not only to blacken him as a sycophant and place-hunter, but to asperse all such as refuse to have an instrument, steered by the cabal, thrust down their throats; or who contend, that in all societies composed principally of merchants and mechanics, a merchant is infinitely the properest person, to be invested with the sacred and important character of a representative.

1st Cit. Sir you amaze me! You cannot surely have read with attention a paper signed an * INDEPENDENT FREEMAN. It is the work of an able pen, it was written by a Lawyer. It is there clearly proved that YOUR MAN, who is shrewdly hinted to be descended from that unfortunate race of tyrants, that suffered death or banishment, for endeavouring to fix the yoke of slavery on the necks of a free people, the house of Stuart's I mean, is neither more nor less than an aged merchant, with rooted prejudices against the liberties of his country.

2d Cit. That the paper you refer to is the work of a lawyer cannot be doubted, thanks to the discretion of the young gentleman in whose favour it was fabricated I who has seen something of the ways of the world we are to suppose if we choose it. But that it is the work of an able pen, the piece itself carries along with it no internal evidence. I have heard it pretty generally pronounced, that if a boy behind a counter had been guilty of such a composition, no sensible merchant, either aged or young would have trilled him to pen a letter of common correspondance; it is nothing but

* See AN INDEPENDENT FREEMAN in the Maryland Gazette Jan. 21, which the speakers in many different parts of their conversations allude to, and in some quite word for word. It may not be amiss at the same time, to pay some little regard to a paper in the Gazette of February 8th, signed Editor, about certain libelous letters, and the printer's answer.