(XXVIIIth YEAR.) THE (N°. 1455.)

MARYLAND GAZETTE.

THURSDAY, JULY 29, 1773.

TO THE PRINTERS.

Head of Severn, July 22, 1773.

BE pleased to give a place in your gazette to the following *considerations*, I have been constrained, (and much against my will,) to submit to the censure or approbation of the *publick*, from an over hasty promise, I made, on the day of the Anne-Arundel election, of communicating through your paper, the GROUNDS and REASONS of the *opinion* I have entertained in favour of the PROCLAMATION; and which, had I been allowed, agreeably with my requests, at that time, *orally* to have *declared*, from some *short notes*, I had provided for the purpose, and from whence, these *considerations* have been since drawn up; the trouble of their *publication* might well have been avoided.

They should have made their appearance ere now, having been in the like readiness for the press, they are at present, ever since the commencement of the last session of assembly, as their date denotes; when they were brought down to Annapolis for their impression; but on reflection, it appeared improper to set forth any thing at that time, which might possibly divert the attention of the publick, from matters of greater concern, wherewith it was then supposed to be occupied; and to revive a TOPICK of discussion, that had already been productive of much altercation, some warmth, and a considerable *waste* of time in the community; especially too, as it was expected, that the zeal and wisdom of the then sitting assembly, would have actuated it to have fallen on, some useful and salutary REGULATIONS, respecting the FEES OF OFFICERS, and restrictive of those EVILS of OPPRESSION and EXTORTION, the PROCLAMATION was issued to PREVENT; and thereby to have superseded the REASON, the EXPEDIENCY, the NECESSITY of the continuance of that *measure* any longer, (if still disliked;) and thus cutting up at once, all grounds of future clamour, cavil, and dispute among us concerning it. Since the prorogation of the general assembly, my private business in the country, would not admit of my stay at the city, to attend the press; nor, should I be inclined now to send forth these considerations, had not a friend kindly engaged to take this trouble off my hands.

I trust, it comes out soon enough, if it be productive of any GOOD EFFECT; if not, it SURELY comes too SOON: *one end*, I flatter myself, it will answer, which is, to put *abler men*," on the disquisition of this subject.

It remains now, briefly to entreat, that the *publick* will be pleased, to excuse or overlook its imperfections, which I fear are many——

——————" Et, quas aut incuria fudit,
" Aut humana parum cavit natura;"——

sensible as they must be, that I have appeared in PRINT, not through FREE-WILL, but from CONSTRAINT.

I am your's, and the *publick's*,
most obliged and humble servant,
JOHN HAMMOND.

TO THE PUBLICK.

Anne-Arundel county, head of Severn, June 16, 1773.

IN a gazette, *(A)* that some time since appeared, and which gave an *account* of the Anne-Arundel *election*, the following *frivolous charge*, was contained; if it *merits* the name of *one*: viz. " that " the *old gallows* was cut down and *burnt*, and the *proclamation* buried by the citizens, *taken up and destroyed*, by *the order* of Mr. John Hammond, on the " morning of the election." That I requested on that morning, a gentleman, who superintends some buildings I am erecting, to send one or two of his workmen, and cut down the gallows, *is true*: that I ordered it to be *burnt*, *is false*: that I had a RIGHT, however, to destroy it, and thereby " abate a nuisance" on my land, and just before my door, I believe, will scarce be controverted; and that my MOTIVE in doing it was GOOD, I submit to the judgment of every man, who is a friend to decorum, peace, and harmony, in government; on assuring him, that I had nothing more in view, than the prevention of insult to magistracy; riot, anarchy, and excess; and the people from being agitated and misled, by vain shews of pageantry, loud harangue, firing of guns, and such like devices of artful and designing men, to inflame their passions, and pervert their understandings. But that, I *ordered* the *proclamation*, *to be taken up*, and *destroyed*, *(as is charged) or gave any particular directions* about it; or even, had it in my memory, or contemplation, at that time; I do here publickly aver to be a LIE, as gross as its AUTHOR, (be he who he may) that hath caused it to be printed: and in PROOF of my AVERMENT, I refer to the underwritten declaration of Mr. Anderson, *(B)* the gentleman, whose workmen, in consequence of my request, cut down the gallows. As to the proclamation, that is above alleged, to be destroyed, it is now *whole*, *uninjured*, and *safe* in my hands: they, who dug it up, of their own free will and accord, delivered it to a person, who fancying it would occasion a little mirth with my friends, delivered it to me: and it really had the expected effect: for, at the very time, I am making this declaration to the publick, I cannot but frankly own, it doth excite involuntarily a SMILE on my face, to reflect that this same proclamation, which on the 14th day of May, 1773, was " hearsed in canonized earth," should on the 24th of the said month, " have burst its cear- " ments;" " that the sepulcher, wherein it was " quietly inurned, should have oped his ponderous " and planken jaws, to cast it up again;" " that it " should in compleat form," in perfect print, uninjured by DEATH, and the GRAVE; (" O DEATH where " is thy STING! O GRAVE where is thy VICTORY!") revisit thus, the rays of the sun, making day hideous to *many*; and *some* fools of nature,

So horribly to shake their dispositions
With thoughts beyond the reaches of their souls. *(C)*

It hath *arisen*, It still *exists*; it's *constitutional nature and qualities*, will " bear it stiffly up," nor ever suffer " it's sinews to grow old," and weak; until *some publick act of the legislature suppressive of extortion and oppression, (those evils of office, the proclamation was created to prevent;) doth pass among us*, and *thereby supersede the reason, the expediency, I might* have said, *the necessity, of that measure!* Then, and not till then; I expect it will vanish, disappear, and depart from among us; leaving this sublunary world, and its *cavilling* and *quirking sons*, (the *sowers of sedition* and *discord* among us; to *exhibit*, *spout*, and *foam*, concerning its *legal essence and properties*; whilst *it will gloriously take its flight, and seek its* habitation " in nubibus," the place pre-provided for it by the great Littleton; *(D)* thereto live, and exist in *abeyance*; i. e. " in the remembrance, intendment, and consideration of the law;" or, as his commentator, Sir Edward Coke, saith, *(E)* " in expectation;" permit me to add, of a return to us, again; when the like *exigency* of our province, *brought* on us, by a *like cause*, (if ever, it happens, that the present one be removed) an unhappy disagreement between the branches of our legislature, concerning the limitation of *officers* and *lawyer's* fees, shall require it at the hands of the executive power here, whose office, and trust, I conceive it clearly to be, to guard the good people of our province, from every injurious act of *extortion* or *oppression*: until (I say,) such a *publick law* is passed among us, as doth and will supply the place of the *proclamation*, I trust, no human efforts to destroy it, will prevail; on the contrary, that if its *incombustible nature* could possibly be rendered, *susceptible of flame*, immediately on its being *reduced to ashes*; a new one, phœnix like, would spring up, from them; or, that in imitation of the sibyl's twig, described by Virgil;

——— " primo avulso, non deficit alter
Aureus, et simili frondescit virga metallo."
" One pluck'd away; a second branch you see;
" Shoot forth in gold; and glitter thro' the tree."

Thus much in relation to the *charge* against me; and the strange kind of *defence*, I have been constrained to make; owing intirely, to the penman of the paragraph, his having TIED, the *day of the election*, the *gallows*, and *proclamation*, all together; and (as I submit to the publick, I have *proved*, by the declaration of Mr. Anderson) KNOTTED them, with a PALPABLE LIE.

And here I should take my leave of the publick; having very little skill in writings of this kind, and much less of leisure for them, or inclination to appear IN PRINT; but that the penman of the above passage hath *lugged my name* into the paper, and I am much at a loss how to get it out again: as much at a loss am I to conjecture, why the above *remarkable passage* should compose a *part* of the *wonderful detail* of the *funeral obsequies* of the *proclamation*, for the *entertainment of the publick!* Was it intended to *hint* to the *publick*, that Mr. J. Hammond is a *favourer* of the *proclamation?* If it was, the *hint* was *unnecessary*; and the *retailer* of this *important piece of intelligence* might have saved himself and the publick the *trouble* of it: my *sentiments* with respect to that *measure* have long ago been known: the publick needed no other *information* of them, than my opposition to the address on the proclamation in the session of assembly in 1771, and my *open* and *frequent avowals* of its *propriety* ever since.

I am neither ashamed, nor afraid, to *pronounce* this my *opinion* of the proclamation, before any person, at any time, or in any place:

——" Its desert speaks 'loud, and I should wrong it
" To lock it in the wards of *covert bosom*,
" When it deserves with characters of brass
" A forted residence, 'gainst the tooth of time
" And razure of oblivion."

If I am mistaken in my notions of it, I am open to *conviction*, and promise publickly to retract my *opinion*, as soon as that desirable effect (I mean *conviction*) is wrought upon my *mind*.

" Candid men, in pursuit of truth, (as the reverend " Mr. Boucher justly remarks) would rejoice to em- " brace her, where-ever found, and would thank even " an enemy for pointing her out." This I profess is my case: " *To err* (I am conscious) is the *lot* of *humanity*; but to *refuse* to be set *right*, is the property " only of *folly*, or *something worse*." However, I must be bold to declare here, once for all, that the *arguments* which are to work *conviction* with me, must be different from those I have yet read or heard, different from those, which prevailed with us on the day of our election, against the proclamation: they must be *other*, than the *sounds* of *fifes*, *drums*, and *cannon*; the best, perhaps, that some men have to offer— and which are pretty efficacious in silencing an adversary; but which evidently tend, not to compose, but to inflame the passions; not to inform, but to deafen or stun the intellects of the hearers.

And here, in support of *freedom* in *opinion*, our birthright by nature, our privilege by law (a *privilege*, which nothing less than *Omnipotence* who gave it, can or ought to take from us) permit me most respectfully to ask of my countrymen, what *crime* one individual can incur, by thinking differently from another? Do we not daily think differently from each other, on the most plain and trifling matters? And is it not most likely we should be divided in sentiment, upon the more abstruse and complex subjects; such for instance (to name no other) is that of the prerogative of proclamation; a subject on which the greatest men in our mother country have formerly, and the component branches of *our own legislature* have lately, entertained a *diversity of opinion*: a subject, whose discussion hath employed our ablest pens here, and which remains still as undetermined and unsettled by the publick, as when they were first appealed to on it: for my own part, I should as soon expect to find all mankind of one and the same feature of face, cut of the beard, or coat, as of one and the same *opinion*: It is this diversity of sentiment among them, that constitutes the *source of conversation*, from whence they derive so much felicity: I hold it therefore " passing strange," that they cannot think differently about the *propriety* of *any measure*, without censure, condemnation, or reproach, on one side or the other; especially, if it were considered (which I believe is rarely done by them) that it is not in *one's power* to be of this or that *opinion*, as he pleases. *(F) Conviction* will not, cannot, be amenable

(A) No. 1446.

(B) I hereby declare and certify to the publick; *that Mr. John Hammond, at whose instance, I sent my people, and* cut down the gallows, *on the day of the Anne-Arundel election; gave no* particular orders, *as to its being* " burned;" *but generally, that it be* destroyed; *thereby to prevent any assemblage of the people at it, or its being applied to the purposes, that were then designed: nor did he utter a single syllable to me, at that time, or any other preceding it, concerning the* " taking up," *and* " destroy- " ing" *the* proclamation, *that had been buried by the* citizens, *(or, the* few, *that were concerned in it) as* charged *in the gazette, which he hath shewn to me; nor, have I any reason to believe, that he knew of its being there, any more than myself; (and I declare, I had not the least thought, or knowledge about it;) until it was sought for, and found by my people.*

JOSEPH HORATIO ANDERSON.

(C) Shakespeare.

(D) See his tenures, sect. 646. " *whereby, (accord-* " *ing to the Lord Coke) it will acquire a* quality of " fame; *whereof the poet's speaketh;*

——— " *et caput inter* nubila *condit.*" *1st inst.*

(E) 1st inst.

(F) " *It depends not on a man's will, to see that black,* " *which appears yellow; nor to persuade himself, that* " *what actually scalds him, feels cold. The earth will not* " *appear painted with flowers, nor the fields covered with* " *verdure, when-ever he has a mind to it: in the cold* " *winter he cannot help seeing it white and hoary, if he* " *will look abroad.* Just thus it is with our understand- " ing *(saith Mr. Locke)*; *all that is* voluntary *in our* " knowledge, *is the employing, or with-holding, any of* " *our* faculties *from this or that sort of objects; and a more* " *or less accurate survey of them: but they being employed,* " our will *hath no* power *to determine the* knowledge *of* " *the* mind *one way or other; that is done only by the* ob- " jects *themselves, as far as they are clearly discovered.*" *(Essay on the human understanding, book* 4. *ch.* 13. *sect.* 2.) " *Since therefore it is unavoidable to the greatest part* " *of men, if not all, to have several opinions, without* " *certain indubitable proofs of their truth; it would, me-* " *thinks become all men to maintain peace, and the common* " *offices of humanity and friendship, in the diversity of opi-* " *nions; since we cannot reasonably expect, that any one* " *should readily and obsequiously quit his own* opinion, *and* " embrace ours, *with a* blind resignation to an autho- " rity, which the understanding of man acknowledges " not. *For, however, it may often mistake, it can own* " no other guide *but* reason, *nor* blindly submit to the " will and dictates of another. *We should do well then* " *to commiserate our mutual ignorance, and endeavour to* " *remove it, in all the gentle and fair ways of* informa- " tion; *and* " not instantly treat others ill," as ob- " stinate and perverse, because they will not renounce " their own, and receive our opinions, *or at least* those,