

MARYLAND GAZETTE.

T H U R S D A Y, D E C E M B E R 1, 1785.

passed.
duced.
ouched, and evidence
oucher are insufficient
him.
obate is defective and
as prescribed by law.
ot admissible for want
and the obligee ought
up, before the one fe-
the estate of the other,
be no bar to the obli-
medy against the other

r proof, and the bond
up before the claim
or payment.
d taken up before the
Fitzhugh, that he has
m Daniel Dulany, or
claim.
ation.
r received the money;
memorandum of his oc-
against Corbin Lee is
nt the company.
rs's books and other
e nothing due the estate
ent of their accounts.

ited by Mr. Chalmers,
is indebted to him for
his lease.

jun. clk.

land, Oct. 25, 1785.
near Piscataway, 2
KINS, about eighteen
me by the court of said
ty-one years; had on
hat, white linen shirt,
n shewing linen coat,
linen overalls, thread
oes with large pewter
s gone in company with
ays his friends live on
, and is noted for run-
aid Rankins is about five
, of a fair complexion,
d. Whoever will take
m home, or secure him
his master may get him
of thirty shillings, paid

SAMUEL COE.

S K E W A R D.
November 1, 1785.
itioner, on the first day
man named J E M, a-
t 10 or 11 inches high,
with the small pox, and
an artful fellow, and will
e man; had on when he
ck short coat, old buff
d shirt; he took undry
h were a claret coloured
brown corduroy jacket
black stockings, and black
voked copper buckles.
ve negro in any goal so
him again, shall receive
ought home reasonable

N C. MACKUBIN.

n, October 11, 1785.
properly prepared for re-
ity of hides and skins to
thod of informing those
with their custom, that
served with punctuality
not taken away within
re delivered, the owners
f of the leather for tan-

EDWARD SEFTON.
arge quantity of negro
on the most reasonable
d by Mr. William Wil-
y, and Mr. James West,

October 25, 1785.
ven that the inhabitants
end to petition the next
commissioners for laying
e in said county. 3

, Charles-Street.

To the PUBLIC.
TAKE it for granted, that a citizen of
this state has an unquestionable right to
animadvert upon the proceedings of its
public bodies: no apology therefore is ne-
cessary, or can be required for the com-
ments, I mean occasionally to make upon the conduct
of either branch of the legislature, during their present
session—
My first attention shall be directed to a late order by
the senate commanding the agent to lay before them his
official papers and transactions respecting his agency:
I conceive this order and command to be highly indeli-
cate and clearly unconstitutional and illegal.

The senate, at their last session, with a politeness and
decency that should ever distinguish men placed in the
exalted station they have the honour to sustain, directed
one of their own members to request the agent to attend
that honourable body, and give them official informa-
tion: the request was readily and cheerfully complied
with: the agent attended and gave a full and explicit
detail of all his transactions.

But at this session it appears the senate have thought
proper to adopt a very different mode of conduct: in-
stead of requesting a communication of official papers
they order it to be done; instead of directing one of
their own members to call upon the agent they direct
one of their officers to execute the order upon him by
the delivery of a written copy of it—

Men in high stations have many opportunities of be-
ing very ill-natured in the exercise of their powers: it
is true a public body having competent authority may
say to an inferior we order and command you:
but a regard for the civilized habits and manners, and
for the refined sentiments and improvements of the
heart, which the arts and sciences have introduced upon
the expulsion of rudeness and barbarism, should ever
influence superiors to be as sparing as possible of the
haughty magisterial stile; and to adopt in their inter-
course with inferiors a language better accommodated
to the feelings of honour, delicacy and humanity, and
yet equally effectual. To the refractory and disobe-
dient let the whip of authority be smack'd as loud as
you please: but to fellow-citizens ever ready respect-
fully to submit to the government and its laws, the
voice of authority ought to be unassuming and con-
ciliatory. History abounds in instances, where govern-
ment has been maintained by entreaty and persuasion,
when rods and tortures and every system of violence,
and all the magazines of vengeance have been used in
vain—

But this order and command of the senate is very in-
delicate in another point of view. It commands a man
to communicate the instructions he gave his counsel
before his departure from London. Now these very
instructions were communicated to the senate and the
house of delegates at their last session: and so was the
whole correspondence between him and his counsellors,
and a full detail of his agency down to that period.
Why then was the order extended beyond that period
and made to comprehend antecedent transactions al-
ready communicated and in possession of both houses?

Was it done with an intention to hold out the idea
and to perpetuate it on the records of the senate, that
the agent had not made the communications, which
were necessary and therefore became chargeable with a
suspicious and unpardonable neglect?
We cannot travel into the human heart: but too well
we know that private resentments very often steal into
public deliberations, mingle with our proceedings, and
interferingly influence both the stile and subject of them.
This order, it is plain, was unnecessarily made and as
unnecessarily extended: and considering it in this light
and its mandatory nature, I think it will be difficult to
reconcile it to any just idea of delicacy or decency—

But I have said, it is also unconstitutional and illegal:
unconstitutional, because not warranted by the consti-
tution; and illegal, because not warranted by any law.

In tracing the powers and authorities of the branches
of our legislature, there are no other sources to deduce
them from, but our acts of assembly, the bill of rights,
and the constitution and form of government. The
common law has nothing to do with subjects of this
kind: there is no statute or act of assembly respecting
the present case; and the lex parliamentaria or the
usage and practice of the parliament of Great-Britain
cannot apply. This question then must be decided by
the bill of rights and our constitution and form of gov-
ernment.

Extract of the agent's answer to the order of the se-
nate.
Annapolis, November 21, 1785.

Gentlemen,
In Obedience to the ORDER of the senate, delivered
me yesterday, I enclose a copy of my instructions to Messieurs
Lyons, (my solicitors in chancery) of the 9th of August
1784. I transmitted to his excellency the governor in my
letter of the 14th of that month, a copy of these instructions,
and they were laid before the general assembly, last session,
and I was examined by the senate, and pointed questions
were put by an honourable member of that body, about the
propriety of several of the instructions. I flatter myself,
on enquiry, no neglect, inattention or even delay can be
justly imputable to me in communicating these instructions,
and every circumstance relative to my conduct, as agent,
while in England.

I will now bring forward to public view this great
charter of rights power and authority and it shall speak
for itself.

SECT. 10. "That the house of delegates may originate
all money bills, propose bills to the senate or receive
those offered by that body, and assent, dissent or
propose amendments; that they may enquire, on
the oath of witnesses, into all complaints, grievances,
and offences, as the grand inquest of this state, and
may commit any person for any crime to the public
goal, there to remain till he be discharged by due
course of law; they may expect any member for a
great misdemeanor, but not a second time for the
same cause; they may examine and pass all accounts
of the state, relating either to the collection or expen-
diture of the revenue, or appoint auditors of state and
adjust the same; they may call for all public or official
papers and records, and send for persons, whom they may
judge necessary, in the course of their enquiries, con-
cerning affairs relating to the public interest, and
may direct all office bonds (which shall be made pay-
able to the state) to be sued for any breach of duty."

The constitution is decisive: there is no mistaking it.
The founders of our government conceived it highly
proper, that a power to call for official papers and
records and to send for persons, that might be judged
necessary, should exist somewhere and they lodged it
with the house of delegates the immediate representatives
of the people.

If the senate have a rightful authority to make such
an order, they have a rightful authority to enforce
obedience to it by imprisonment. And if they could
make such an order commanding the official papers of
the agent, they could make it upon any other public
officer of the state.

Suppose then the senate should make an order com-
manding the treasurer to attend at the bar with all the
official papers and books and records of his office?

Or, suppose they should make an order commanding
the judges of the general court to give their attendance
before them with all the records of the court?

And suppose these orders should not be complied
with? What would the senate do with these offenders
against their orders and presumed authority? Would
they proceed to enforce obedience by attachment and
imprisonment? I think not.

But it may be said, might it not so happen, that
the senate may want such information for the very pur-
pose of exercising their rights of legislation? I admit
it, but I contend they must apply for it to that body,
with whom the constitution has lodged the power to
demand and obtain it.

But should it ever so happen, that men in high of-
fices should abuse the confidence of their country, and
violate the constitution and laws, have not the senate,
it may be said, a power to lay them by the heels and
to inflict an exemplary punishment? I answer no.

What! Shall such great offenders escape with im-
punty? I answer God forbid—

What then is to be done? I will tell you.

If there should be such men, in such high offices,
and so offending; and if gentlemen of the senate should
seriously think, they ought to be brought to an ex-
emplary punishment: if their conduct be influenced by
no other view than a vindication of the government
and its laws: if, while they feel the rigid obligations
of public duty and public justice, they also feel and
regard the rights of humanity: if acting upon sym-
pathizing generous grounds they were more inclined
to save than damn the characters and reputations of
fellow-citizens—they would give these persons so
charged and accused a fair impartial and constitutional
trial: if they must fall they would let them fall in the
open day: they would take them before the tribunal,
which the laws of their country and the constitution
have provided, where while public justice is executed,
the rights of humanity may be preserved: they would
take them before the GRAND INQUEST of the state:
they would go down to the bar of the house of dele-
gates and there exhibit their complaint and accusation.

But when I hear men loud in their complaints against
public officers and yet not daring to bring them before
a legal judicature: when I see such men with all the
superciliousness of aristocratic pride despising the plebeian
though constitutional tribunal of a house of delegates:
when I see them mixing with their countrymen and
using every art to raise prejudices and inflame the
passions: when I see them busily employed in all the
practices of misrepresenting and exaggerating: and
when, abandoning with contempt those modes and
forms of trial prescribed by the government and con-
stitution, I see them labouring to establish an aristocratic
authority in the state and to erect a tribunal of all others
the most oppressive and the most abhorred: a tribunal
calculated to give personal hatred and private animosities
the widest range for vengeance: a tribunal which
gives the accused no opportunity of defence nor power
to call to his aid a single witness paper or record: a
tribunal avowed to be erected on the principles of ne-
cessity to protect and defend PRIVILEGE—that glorious
ground, on which many bad and wicked men have
endeavoured to support many bad and wicked mea-
sures: a tribunal, whose decisions and judgments are
passed and pronounced behind the backs of the accused,
in their absence and without an hearing; a tribunal,
where the accusers are themselves the witnesses and
judges: when I see such men acting on such principles,
I consider their professions of zeal for their country a

public mockery and insult. And it is my opinion and I
shall freely declare it, that the man, who shall labour to
break down these guards and barriers, which our con-
stitution and government have provided against the
encroachments of an arbitrary LORDLY power, and
shall in their stead endeavour to introduce into this
land of liberty a tribunal or judicature pregnant with all
the mischief, wickedness and villainy of a Star chamber
court or popish inquisition—I say that man deserves the
execrations of every
F R E E M A N.

NEW-YORK, November 14.

THE last letters from Shelburne, in Nova Scotia,
mention, that the ship Gibbon had lately returned
from a whaling enterprise, the first of any moment that
had been hazarded to any very material distance; it
proved to be successful, that, on a moderate computation,
the net proceeds will amount to five thousand six hun-
dred guineas. The owners consist chiefly of persons who
left New York on the late change of government, and we
are assured that the dividend of one gentleman concern-
ed, under that description, will amount to five hundred
guineas. This event has greatly cheered the spirits of
the inhabitants of that infant, and now much improving
part of Nova Scotia.

Nov. 16. The following singular affair, which may
be depended upon, was perpetrated last Wednesday
night, at Princeton, New Jersey.—Mrs. M'Comb, wife
of a gentleman of that place (now absent in Virginia)
having exhibited an indisposition of mind previous to
the shocking deed she committed, was found locked up
in her chamber, and refused to open the door, which
created a jealousy that she intended some injury to her
person, and the door was accordingly forced open,
when she exhibited a spectacle horrible to nature,
having cut off both her ears, and scarified her throat,
in attempting to cut that. The reason she assigned
for committing this rash act, was, that an angel ap-
peared to her, and threatened her with the horrors of
perdition, unless she performed the aforesaid operati-
on. She is now strictly watched, but the anguish
of her body, and disturbed mind, threatens her dissolu-
tion.

Letters from France mention, that the marquis de la
Fayette, may shortly be expected in this country.

Translation of the answer delivered by the marquis of Car-
marthen to count Luff, in consequence of the communica-
tion made by the court of Berlin, respecting the German
league.

"The king has received with pleasure the communi-
cation which count Luff has made, by order of his
Prussian majesty, to lord Carmarthen, of the sentiments
of his said majesty respecting the treaty signed at Berlin
the 23d of July, in the concluding of which the king
himself, in his electoral capacity, was pleased to con-
cur.

"The lively interest which his Prussian majesty never
ceases to take for the maintenance of the Germanic
constitution, and the preservation of the rights of every
member of the empire, cannot but deserve the greatest
praise from those powers who are true friends to the
prosperity and well-being of that respectable confeder-
ation; and at the same time that the court of London is
eager to render this justice to the patriotic views of his
Prussian majesty, it flatters itself that the measures of
precaution, which the three electoral courts have thought
proper to take, may never become necessary, by any at-
tack, either direct or indirect, upon the acknowledged
rights of the Germanic body; but that for the future,
the most solid harmony may be re-established, and the
most sincere confidence for ever subsist, between the
austrian chief, and the illustrious members of the em-
pire."

PHILADELPHIA, November 19.
By the United States in Congress assembled, New-York,
November 2, 1785

On report of the board of treasury, to whom was re-
ferred a letter of the 24th October, from John Pierce,
Esq; commissioner of army accounts.

Resolved, That all persons having claims for services
performed in the military department, be directed to
exhibit the same for liquidation to the commissioner of
army accounts, on or before the first day of August en-
suing the date hereof, and that all claims under the
description above mentioned, which may be exhibited
after that period shall for ever hereafter be precluded
from adjustment or allowance, and that the commissioner
of army accounts give public notice of this resolve in all
the states, for the space of six months.

CHARLES THOMSON, Sec.
The printers of the several states are requested to in-
sert the above in their papers.

Extract of a letter from a gentleman in London, to his cor-
respondent in Virginia.

"I have conversed with Mr. Adams. He tells me
he has full power for entering into a commercial treaty
with this country.—The ministers receive the propositions
coolly. Mr. Adams is of opinion, that nothing
will so speedily bring about a treaty, as your generally
adopting the measures of the Bostonians and Philadel-
phians."

The destruction occasioned by the late storm in many
parts of Massachusetts, is greater than ever was known.
On Portsmouth river only, it is said that twenty-five
mills were carried away, the water rising 15 feet higher,