

MARYLAND GAZETTE,

Containing the freshest Advices, Foreign and Domestic.

TUESDAY, June 23, 1747.

To the Representatives of the Freemen of the Province of Maryland.

GENTLEMEN,

THE Subject Matter of this Letter is of the greatest Consequence to your Constituents, and is now under your Consideration, I thought you were the properest Persons to address it to.

A LATE Writer, under the Character of an Eastern Shore Factor, pretending the public Good, expresses himself thus. "Many of our Fraternity think the Insolvencies would be a sufficient Deduction [after an Inspecting Law] of all outstanding Debts contracted in the mercantile Way; and no Doubt all honest Planters will think in the same Way, if they have contracted with the Merchants they have dealt with for good clean Tobacco."

WHEN the Factors say the Insolvencies would be a sufficient Deduction; (for it is an Expression, which, before it was put in Print, they never failed to make Use of in every Conversation on the Subject;) it is hard to discover what they mean, whether they intend it only as a smart Piece of Wit, or as a Specimen of their Talent at Reasoning. Perhaps they would insinuate that the Losses which Creditors have sustained by bad Debts are so great as to merit Compassion, tho' we all know there are as few created here as can be in any Part of the World; for it is a common Observation that hardly any Man runs away from this Province but is glad to return after he has tried all the other Colonies on the Continent. In other Places they must work hard for their Living. But here Nature has been more bountiful to us; the Soil being so exceedingly fertile that it produces almost spontaneously, or with the slightest Labour, all the Necessaries of Life.

BUT the grand Argument of the Factors is couched in the latter Part of the above Quotation, which, that they may be convinced of my Intention to reason the Point fairly with them, I shall endeavour to place in it's strongest Light. We have, say they, made a Bargain for clear Tobacco, and it is an Injury, done us when we are paid any that is foul; an Inspecting Law will only compel the Planters to comply with the Terms of their Contracts, which all the World will allow ought to be performed; Therefore we ought not to be obliged to make any Deduction in the Quantity we have stipulated for. It must be confessed that their Reasoning carries a specious Appearance, for the Fallacy skulks under the equivocal Signification of the Term, Contract, as will presently appear.

I AM told the Law would suppose all Bargains for our Staple are made for clean Tobacco, tho' the Merchants had not expressly agreed for the Quality; and therefore I shall not deny that in the ordinary Courts of Justice, tho' it could be clearly proved the Purchasers had advanced the Price of their Goods on a Supposition they should receive in the Tobacco stipulated for a Part Trash, yet no Deduction ought to be made on that Account; for as the Lord Bacon, in his moral Essays, finely observes; "Judges ought to remember that their Office is justly to interpret Law, and not to make Law, or give Law. Else would it be like the Authority claimed by the Church of Rome, which under Pretext of Exposition of Scripture, doth not stick to add and alter, and to pronounce that which they do not find."

BUT tho' Judges must determine as the Law is, yet Legislators decide as the Law ought to be, according to the Principles of natural Justice. Now on these Maxims I think it is plain, admitting the Creditors have reckoned they would receive in the

Tobacco they contracted for a fifth Part Trash, and have advanced the Price of their Goods accordingly, that a Law to prevent such a Mixture for the future would be unequal, unless the outstanding Debts were reduced in the same Proportion: For otherwise, a Planter that owes five Hogheads of Tobacco, would be obliged to give away one of them, tho' he never received an Inch of Oznabrigs for it. Which surely would furnish these Factors that get too much by us, without the Trouble of handling the Hoe themselves, a rare Opportunity of laughing in their Sleeves at our Stupidity. But on the other Hand their Employers could not have the least Room to complain of such a Reduction, as they would still receive the full Value they had bargained for; tho' in the Language of Westminster-Hall they might notwithstanding, with great Propriety, for aught I know, assert, that they had neither actually or virtually contracted for any Part to be paid in Trash.

NOW that the Factors have raised their Merchandize on Account of this Stuff is evident; for it must be granted that a great Quantity is yearly exported, which lessens the Price of the Commodity at home whereby the Purchasers regulate themselves here; from whence it clearly follows that they have made an Allowance for the Trash in the Price given by them for Tobacco. What that Allowance is we cannot indeed exactly discover; yet if we consider the small Price our Staple nets in Europe compared to what that of Virginia yields there, I believe it will be difficult to account for the Difference, unless we admit the fifth Part of what has been bought up here for several Years past to be such as an Inspecting Law would destroy. But I must leave this Matter to be discussed by those who have an Opportunity of being informed of the Truth of the Facts, for I pretend to no experimental Knowledge in Trade; the few Ideas I have of the general Nature of it being communicated to me by Mr. Locke, and some other Authors who have built on the Foundations of that Great Man, whose Writings, when Tobacco bore a Price, I was enabled to send for from England, and with which I used to amuse myself at the Leisure-Hours I could then spare from my Plantation; tho' Now, as our Staple is sunk into such Contempt, I can neither afford to purchase Books, nor spend any Time in reading those I have. Yet at this critical Juncture I thought it my Duty to collect and lay before you in as plain a Manner as I could, some of the Thoughts that have occurred to me on the present Circumstances of Affairs, which the Author of the Letter now in question gave me an Opportunity of introducing under the Remarks that aserve to be made on it, as it speaks the Language of a Faction that would assend us. I have been agreeably anticipated in many Things I designed to say by a Piece signed A. B. published in the Gazette, No. 106. wherein the Writer hath clearly demonstrated the Advantages of an Inspecting Law, by Arguments drawn both from Reason and Experience, as to leave no Room hereafter for any Man to excuse himself to the People by saying he was ignorant of the Benefit and absolute Necessity of such a Regulation. And now I return to the Point in Debate between me and the Eastern Shore Factor.

I SHALL not insist on the Concessions of his Fraternity when the Law was first spoke of, which now it seems when they see every Man of Sense convinced we shall be settled without it, they will by no means allow; for as my Aim is to lay open the Truth of Things, I shall take no Advantage of any Declarations which they may think were inadvertently made by them. But from what this Writer himself has now published upon mature Consideration, it seems highly pro-