

MARYLAND GAZETTE

Containing the freshest Advices, Foreign and Domestic.

WEDNESDAY, April 20, 1748.

quid falsi dicere audeat, ne quid veri dicere non audeat.

THUCYD.

Dr. GREEN,

HAT grave and moral Writer *Thucydides* advises never to have the Courage to advance a *Falshood*, yet at the same Time to have Courage enough to assert any *Truth*. We have an *English Proverb*, which seems, at first Sight, to contradict this; *viz.*

Truth ought not to be spoke at all Times; but I think they both just, and may be easily reconciled, if the former be only spoken of Matters that concern the Public, and the latter taken as a prudent Maxim, fit to be observed in private.

This Distinction, which will be found to have it's Foundation in Reason, ought to be consider'd, by those who charge *Freeholders* with having been too severe: The Truth, just and Exactness of his Painting, none have denied; every one knew his Neighbour's Picture as well as his own; it seems were all drawn so much to the Life, that there was no Occasion for writing the Names at the Bottom. The only Question is, Whether it was necessary for the *public Good*, to lay certain Characters in their true Colours, to prevent the People's being imposed upon by such for the future? The Writer of these Letters conceiv'd it was; neither has he advanced a Step further than this Necessity seem'd to require. Truth always to be the Standard, and public Utility the Boundary of all painted Representations; while these Rules are observed, there can be no just Room for Censure: If they are not, through the Author will be chargeable with Falshood, private Peccque, according to his Offence. Let this be the Rule of judging betwixt the *Freeholder* and the Writer that suborned himself *A Native of Maryland*, making some small Allowance for human Frailty, where a great deal of Provocation was received. If none but *Knaves, Sharpers, Incendiaries, Men of desperate Fortunes, or Fools* drove on by such, are engaged in Opposition to the Measures he undertakes to vindicate, if they are nothing but a Parcel of *Mobbers*, with a *Warrant* at their Head, as has been strongly insinuated, then this Writer has been guilty of neither Falshood nor Scurrility. And if, out of a *furious Party Spirit*, he has traduced and calumniated, and endeavoured to stir up the People to *civil and Blasphemous*, let his Behaviour be justly branded with *savage, cruel, and scandalous*; if he, or any of these of the same Side of the Question, have been guilty of a partial ADMINISTRATION OF JUSTICE to forward their own or to promote their own *avaricious Views*, then let them be accounted another Mr. ADDISON, agreeable to his parallel; let his Party be accounted the *true Friends of Liberty*, and their Opponents, the *restless and ambitious Faction*. On the contrary, if all these Insinuations have their Foundation in down-right Falshood and Defamation, it is but reasonable the Saddle should be laid upon the right Horse's Back: For, I am extremely glad that the Management of the Side of the Question is undertaken, because, by this the Public will have an Opportunity of examining the merits of both Sides; for I desire nothing more than that may appear, wherever it lies: So, without further Preambule my Subject.

VING, in former Letters, endeavoured to prove, that the Power as is contended for in County Courts is inconsistent with the hereditary Rights of *British Subjects*, secured to them by the *British Constitution*; I proceed now to what I promised in my last, which was, to explain the *Act of Assembly* whence this Power is claim'd; and, in doing this, I hope to be able to satisfy every unprejudiced and sensible Man, a *Legislator*; neither in this Act, nor in any other, hath the least Grounds to imagine that they ever intended an unlimited Power of taxing the People in County

I SHALL begin with observing, that County Justices in England have but very little Power of levying upon the People lodg'd in them, and even that little is put under the strictest Regulations and Restraints. The principal Power of this Sort is given by the 43d Statute of Queen Elizabeth, where a Provision is made for the Poor; and there the Justices are limited to a certain Sum: They shall not assess any Parish above Sixpence per Poll, and one Parish consider'd with another not above Twopence, through the whole County. Besides this, the same Act that gives them a Power to raise this Money, appropriates it. The Wisdom and Prudence, as well as the Reason, of this Proceeding must be evident to every Man, who has duly consider'd our *Constitution*, and the many dangerous Consequences that might attend any considerable Share of Power over the Purse of the People being lodg'd in any Set of Men appointed by the Government. It is with Pleasure I have remark'd the same cautious Proceeding in several of our Acts of Assembly; as in that *For the Establishment of Religious Worship, &c.* in Page 21, of the Body of Laws; there the Justices are empowered to assess for the Reparation of Churches, &c. but they cannot do this, unless the *Vestry* makes Application; and even then they are limited to ten Pounds of Tobacco per Poll, through the Parish. Their Care of the People's Money went yet further, to prevent any *Jobbing* or *Misapplication* of this public Revenue without Redress, the same Law intitles every Parishioner to a Sight of the Register Accounts; and if he thinks himself or the Body of the Parish injur'd, there lies an Appeal to the Governor and Council. It would be tedious to run through every Act of Assembly which might be cited to this Purpose, it will be sufficient to assert in general, that wherever the Legislature has given Courts a Power to raise or dispose of the People's Money, they have for the most part limited them to a Sum, and always expressly appropriated it; the Allowances to Grand Juries, Petit Juries, Witnesses, Provincial and County Justices, are all plain Instances of it: But when those of the opposite Side of the Question are press'd with Arguments of this Sort, they reply, that it is very true, County Courts are limited in many particular Instances, but by the express Words of the *Act* in Dispute, they are left at large in every Thing else. Not so much at large neither, as they may perhaps imagine; however as they are limited to a Sum, nor tied down to any Appropriation of what may be raised, by the Power given by this Law, I shall grant it an Exception from the general Method observed by the Legislature; and I shall endeavour to account for, and shew the true Design of it presently. In the mean time, I must beg Leave to propose a few Questions, which those against whom I am reasoning would do well to consider. For what End, pray, were County Courts limited in these particular Instances? Was it not to secure the Property of the Subject, and prevent Oppression? But how could this valuable End be obtained, by restricting the Justices in several Particulars, whilst they are left at Liberty to tax what they please in every Thing else? Would it not be a mere Farce, to restrain County Courts to 10 lb. Tobacco per Poll for *parochial Charges*, and leave them at large to assess 10,000 lb. Tobacco per Poll, for whatever they please to call *public Charges*? For what avails it to any Man, to have his Property well guarded as a Member of a Parish, if it is left exposed as a *Freeholder* of a County? Were these Gentlemen to give themselves Time coolly to weigh the Importance of these Questions, it might be of Service to lead them a little into the Reason of the Law; it might make them less positive and dogmatical in pronouncing a Law to be *clear and explicit*, in granting a Power directly contradictory to a fundamental Part of the *British Constitution*, and contrary to the Tenor and Scope of all *British Laws* whatever, whether Acts of Parliament or Acts of Assembly.

BUT it is now Time to consider the Words of the *Act* itself; and first I shall lay it down as a Maxim acknowledged by Lawyers, that wære the Words of any Law will admit of two Senses,

Senses,