

brick the under Works of the Court-House, and to new shingle the same: This Petition was read and granted, but by some Differences betwixt the Branches of the Legislature, there happened to be no Effusions that Year, nor the Year following; and the Year 1741, the Affair was brought on again, and a Motion made to repair Calvert County Court-House, in consequence of which, there was an Act passed into a Law, empowering three Commissioners named by the Assembly, together with the Justices of Calvert County, to repair the Court-House of that County, by an Assessment of a Sum not exceeding five hundred Pounds current Money on the Inhabitants thereof. It appears by the Proceedings of the same Year, that the Assembly made it a Rule never to grant particular Acts for the giving Power to do any Thing, when the same Thing may be done by the Laws in being. The Petition of one Thomas Harris was read and rejected, and the Reason given for it in the following remarkable Words; *That as the Petitioner hath already sufficient Power made for him, by an Act of Assembly entitled, &c. and that not this likewise have been a proper Answer to the Justice of Calvert County, had there been any Act then in being, it gave them a Power to do what they petition'd for? or the Gentlemen on the opposite Side of the Question assert the Negative, that an ample Power was really lodged in the Justice by as clear and explicit a Law as ever was; and yet the whole Legislative Body was ignorant of it? The Legislature ought: I think, in Modesty, to be supposed to stand the Power given in their own Acts best; but by what has been recited, it is plain they were of Opinion, that was no such Power as was petition'd for given in any former Act; and therefore they made one upon purpose: Nay that they did not see fit to leave the Management of so much public Money entirely to the Justices, but thought proper to send three Commissioners of their own naming to them. In the ensuing Assembly will confirm the Opinion of their Body in this Matter, or acknowledge the superior Skill of Justice George's County Justices, a little Time will determine.* The Court-House of Calvert County stood two Years in Repair, after the Necessity of repairing it was acknowledged by the Lower House of Assembly, from a supposed Want of Power to do it without a particular Act for the Purpose; the Money was wasted were only to new-brick the under Works of the Court-House, and new shingle the same. But it is modestly reflected, that the ensuing Assembly, in direct Contradiction to the former Opinion of their own Body, will approve of what Justice George's County Justices have done, and acknowledge there has been a Law in Force these forty Years, which empowers the County Courts a Power not only to new brick the Under Works of the Court-House, and new shingle the same, but also to make a new Brick Wall round, and considerably to enlarge it, or more properly to build it anew; and this too, without a Footing as places an unlimited Power of Taxing upon the People in County Courts, which, as has been shewn, is one of a fundamental Part of the British Constitution.

A FREEHOLDER.

and Proceedings, &c. for 1741, Page 430.  
 Page 422.  
 the Act: Mr. Benjamin Mackall, Mr. Benjamin Hance,  
 Richard Young.



GREEN,

BEFORE the Thread of my Discourse is resumed, it may not be amiss, for the Benefit of those who have not access to the Laws, to publish in your Paper the Act of Assembly, or rather that Paragraph of it, by which the Inhabitants of Prince George's County are taxed for the Repairs of their Court-House: Free of which would have been anticipated, if Mr. Freegreenable to his repeated Promises, had entered into an opinion of the Law; but that it seems has carefully been either as a Rock on which he was sure to split, or because Peace and Tranquility of a People was to him of less value than the Glory of displaying a little Learning in defence. An Ambition commendable enough in a Schoolmaster, surely not altogether becoming the Friend and Chamberlain of Liberty. At his first setting out he was pleased also to set forth with an Expectation of having the Benefits of the Mail laid open, and the private Views with which they acted

unfolded; but in that too the Publick has been unhappily deceived; not more perhaps from the Difficulty of the Task, than to make Room for one of the most daring and insolent Reflections that ever was cast on any Country, by telling the supreme Magistrat and the representative Body of the People that the former had appointed a Person Chairman of a Court of Justice, and the latter unanimously voted him worthy of the greatest and most honourable Trust in the Gift of the People, although he had the Misfortune of being both a Knave and a Fool. But of this at present I shall say no more. Having imbarck'd in the Cause of injured Magistracy, and being determined not to be diverted therefrom by any Motive whatever, I shall come immediately to the Law, which to me appears a plain and full Vindication of their Conduct.

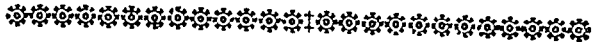
An Act empowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.

BE it enacted, &c. That for the future it shall and may be lawful to and for the several and respective Commissioners of the several and respective County Courts within this Province, at their several and respective County-Courts to be held for their said Counties, upon Examination had before them of the publick Charges of their several and respective Counties, and Allowances by them made of the same, to levy and raise Tobacco for Payment and Satisfaction of the several and respective County Charges, and the Sheriff's Salary for collecting thereof, by an equal Assessment of the taxable Persons of the said several Counties. Any former Law, Act, Usage or Custom to the Contrary in any wise notwithstanding.

To enlarge upon this Law is at present neither my Purpose nor Business; for as the Freeholder himself wittily observes, He is the Plaintiff and the Magistrates the Defendants, wherefore I shall now make no other Observation on that Head, than that this is the only Act by which the County-Courts are empowered to tax the People on any Occasion or for any Purpose whatever. And as the Words of the Law are general, and consequently imply a discretionary Power, it should seem the Duty of those who think themselves qualified to make Distinctions without Differences, to shew, that under this general Power Bridges are to be built, Ferries to be kept, the Poor to be maintained, and yet a Court-House not to be repaired, or that the last is not as necessary a Charge, or more so, than any of the former. Whenever an Attempt of this Kind is made, I shall be ready and I hope able to refute all such shallow Arguments and false Reasoning. In the mean Time, what has already been alledged by the Freeholder in Relation to the Constitution of our Mother Country shall be answered, nor am I dissident of proving, to the Conviction of all Men, my Adversary as ignorant of that as he supposed the People of Maryland destitute of common Sense, or as they justly esteem him of that and good Manners.

I am, Sir, Thine,

A Native of Maryland.



From the GENTLEMAN'S MAGAZINE for November, 1747.

Yarmouth, in Portsmouth Harbour.

THO' the Yarmouth without dispute had as great a share as any single ship in the fleet, if not a greater, in the engagement with the French October 14. yet in all the accounts I have seen, she is not so much as mentioned, as if no such ship had been there. It is something surprizing, that admiral Hawke should see and mention, in his long account, the behaviour of the Lion, Louisa, Tilbury, and Eagle, and yet could discover nothing of the extraordinary Courage and Conduct of capt. Saunders in the Yarmouth, who lay two hours and an half close engaged with the Neptune a 70 gun ship, with 700 men, and never quitted her till she struck, although the Monarch, a 74 gun ship, who struck to us likewise, lay upon our bow for some time with another of the enemy's ships upon our stern. When the Neptune struck, after killing them 100 men, and wounding 140; it was to close to us that our men jump'd into her; and notwithstanding so long warm work, and his ship much disabled in Masts and Rigging, with 22 men killed and 70 wounded, his Courage did not cool here, he could not with patience see the French admiral, and the Intrepid a