

MARYLAND GAZETTE

Containing the freshest Advices, Foreign and Domestic.

WEDNESDAY, April 27, 1748.

Mr. GREEN,

HE *Native of Maryland*, in an Introduction to Animadversions on the *Freeholder*, begins with the Opinion of the famous Mr. ADDISON; that "nothing could be so scandalous to Government, and detestable in the Eyes of all good Men, as defamatory Papers and Pamphlets." This Opinion has no need of Support: They have a Tendency to dissolve all Government, and throw a Country into the utmost Confusion. For the Sake, I shall decline all Preface; and apply myself to consider the *Freeholder's* Letters; from whence it will, I think, be made appear, that they are scandalous and defamatory, and so shall leave our Author to his own Reflections. In his first Letter he gives us a Copy of the Order of Court, which Names of the Magistrates that ordain'd it: He tells us, that he shall trouble him with some Observations upon the Method of Prosecution. I shall endeavour to show with what Views, it (the Order of Court) was made; how far it is founded either on Custom or the Rights of Assembly; and then enumerates the dreadful Consequences of such a Power in our County Courts. Here we are to expect something extraordinary: And had he pursued these Particulars, with Temper and Decency, he had not have been blamed: But to wander from the Method I confin'd myself to, and launch out into Scurrility and Satire; is as great an Absurdity as well can be. I do not expect to be censured, for being thus bold with Magistrates, when he was conscious with what Scandal and Reproach he was to treat them; but as he, worthy Gentleman, quarrel to Names or Persons, I can give the less Offence. Here he gives us to understand, that he can belch out and Insult, with a perfect Serenity and Calmness of Mind. O wonderful! Is he of the humane Race! And all this Good of Society! O rare Enterprizer!

A T Magistrary is a great and honourable Trust, no Man will deny, and yet ought to be bound with many and strict Restraints, and every Violation, wilfully committed, is to be punished by the superiour Powers. But for a Scribbler to take upon him to revile and censure Magistrates, or doing what they think is their Duty to do, is Insolent Impudence, in the highest Degree!

IT is the Right of English Subjects to have their Properties secured by Laws made by themselves, and by their Magistrates, as I think incontestible. But the Clause of the Constitution, is too pompous a Word for me; I leave that to the *Freeholder* to explain. Then follows an Assertion, that whenever these Laws are unjustly, or oppressively, misconstituted, to serve certain Purposes, or By-Ends, the God of the People in general, our Constitution affords us a try'd and practicable Remedy. I call this a notation, because every Body would pity a Magistrate that should misconstitute a Law, provided he was sincere and not ignorantly to misconstitute a Law, or Laws, to serve certain Purposes, or By-Ends, and not the Good of the People in general, is a flaming Contradiction and Nonsense; for it supposes that he knows his Ends in misconstituting, and yet is ignorant of them.

How well qualified is this Scribbler, to write against the Constitution? He gives us a Contradiction, and knows not that But more of this when I come to his third Letter. But since with his first Letter, I challenge him to make it that the Magistrates have taken any Steps to destroy, or that valuable Branch of Liberty, (viz) a Liberty in the People to lay their Wants and Complaints, by Petition, before the Legislature. If he has no Ground or Reason for this; is it not impudent and presumptuous, to expect, that the People every good Man should attend him? How solemn is the second Letter, he tells us, his Design is to be a little more, in considering that very extraordinary Order of

Court; and says, That nothing ever happened in the Province of more publick Concern. If the Steps taken by one of the Parties be legal and valid, it strikes at the Foundation of all Liberty, and then the Cause, not of private Persons, in a particular County, but of every Man in the Province, who is not inclin'd to give up those Rights and Priviledges which secure to him his Property, from an unlimited Power, contended for in County Courts, to take what they please. Now in Answer to this, he should first have shewn, to make the Order extraordinary, that no such Thing has been done before, by any Court in this Province; For if there has, then this Order is not extraordinary. This was still more incumbent upon him, because he asserts, That never did any Thing happen in the Province, of more publick Concern! Is it not strange, that this has never been seen into, from 1704. till this subtle Author found it out? And I believe there is not a County in the Province, but where the Justices have taxed the People with what was, in their Opinion, sufficient to defray the County Charge. But it is plain, the Author has made this a Party Cause; for if it is legal and valid what one of the Parties have done, (says he) then it strikes at the Foundation of all Liberty; one Party supposes another, an Opposite; of this our Author takes upon him to be the Advocate. I should be glad to know of him, how a Law can be sapped to strike at the Liberties of the People; which is made by the joint Consent of the People? Or, which is the same Thing, by their Representatives? One would think the Legislature would rebuke him for this; especially for saying, that this Order, if legal and valid, becomes the Cause of every Man in the Province, that is not inclin'd to give up his Rights and Priviledges. Is not this clamouring against the Legislature? A spiriting up the People against them? A making a Party against them, in order to bring them into Contempt? The plain English is, that if this Act gives them (the Magistrates) power to levy what they think sufficient to defray the County Charge, and have not fixed them to a certain Sum; then the Legislature have taken away their Rights and Priviledges. But he calls it an unlimited Power; he says, because the Interpretation put upon the Clause of the Act of Assembly, from which the Justices claim their Power, is without Limitation; and gives them the same Power to levy five hundred Thousand, or fifty Millions, as one hundred Thousand; and he might have added, as one Pound; and this Consequence is not denied, he says, by the Favourers of the Tax; they insist upon it, that such a Power is really lodged in every County Court by the Act. Is not the Clause of the Act as unlimited as the Interpretation of it? But who ever challenged an unlimited Power to the Justices to levy what they pleased? Are they not plainly limited by the Charges of the County? Can they raise one Pound more than will defray those Charges? Are they not under the Ties of Oaths, to act uprightly? Are not their Accounts, of the Tobacco levied, kept apart from other Matters; and to be under Inspection of the Governour and Council? What greater Care could the Legislature take, to prevent a corrupt Administration of the Act? They could not limit them to a certain Sum; because they could not foresee what would be proportionate to such Charge; the general Limitation is all that in Reason could be expected. And what a strange Noise has our Author made about it? It would have been worthy of him to have shewed, that the Justices of our Mother Country, or the Overseers of the Poor, are otherwise limited than by general Restraint? For if the Practice be the same there, as here, I'll venture to say, that the Order of Court is conformable to the Act, and strikes not at the Foundation of all Liberty; for may it not, with Reason be supposed, that the Parliament of Great Britain, and Assembly of Maryland, know the Constitution better than our Author? But he goes on and says, he thought it had been notoriously known, by every Man, who thought himself qualified, to act in a publick Capacity, that it was one of the most distinguishing Marks of British Liberty, nay, of the very Soul and Essence of it; for the People, or (which is the same