

# THE GEORGIA GAZETTE.

NUMBER 138.

THURSDAY, NOVEMBER 21, 1766.

**NOTWITHSTANDING** our advertising last week that a stop was put to the publication of this Gazette, we shall continue printing the same as long as we are allowed to make use of unstamp'd paper.

## AMERICAN INTELLIGENCE.

*Begin in New-England, October 28.*

**W**EDNESDAY last the Great and General Court of Assembly met here according to adjournment, and on Friday the House presented the following Answer to his Excellency's Speech at the opening of the Session,

*His Excellency's Speech,*

**T**HE House of Representatives have entered into a due consideration of your speech to both houses at the opening of this session; and should have earlier communicated to your Excellency our sentiments thereupon, had not the late sudden and unexpected adjournment prevented it.

We must confess, that after your Excellency had called to our remembrance of the unanimous opinion of a very important committee, we were in hopes you would have given the timely time then to have considered the critical state of the province, and determined what was proper to be done at so difficult and dangerous a conjuncture.

Your Excellency tells us, that the province seems to be on the brink of a precipice! A sight of its danger is then necessary for its preservation. To despair of the common sense is a certain preface of its fall: Your Excellency may assuredly, that the Representatives of the people are awake to the danger, and their utmost prudence will not fail to prevent its ruin.

We indeed could not have thought that a weakness in the executive power of the province had been any part of our complaint; had not your Excellency made such a declaration in your speech: Certainly the General Assembly have done everything incumbent on them; and laws are already in being for the support of his Majesty's authority in the province: Your Excellency doth not point out to us any defect in those laws; and yet you are pleased to say, that the executive authority is much too weak: Surely you cannot mean, that the whole legislative in aid of the executive authority, that any new and extraordinary kind of power should be constituted, to oppose such acts of violence as your Excellency may apprehend from a people ever remarkable for their loyalty and good order: who at present are happy and discontented. If then the laws of the province for the preservation of his Majesty's peace are already sufficient, your Excellency we are very sure need not to be told, to that department it solely belongs to appoint a suitable number of magistrates to put those laws in execution or remove us in case of failure of their duty therein. And we hope this important trust will remain with safety to the province where the constitution has lodged it.

Your Excellency is pleased to tell us, that declarations have been made and still subsist, that the act of parliament relating Stamp Duties in the colonies shall not be executed within this province. We know of no such declaration—if any individuals of the people have declared an unwillingness to subject themselves to the payment of the Stamp duty, and chuse rather to lay aside all business than make use of the stamp'd papers, as we are not accountable for such declarations, so neither can we see any thing criminal in them: This house has no authority to controul their choice in this matter: The act does not oblige them to make use of stamp'd papers; it only exacts the payment of certain duties for stamp'd papers as they may incline to use: Such declarations as possibly have been made, and may still subsist, were

papers not being distributed among the people; with respect to some of which your love and concern for the province leads you to fear more for us than we do for ourselves. We cannot think your Excellency would wilfully aggravate our dangers; we are not in particular so alarmed, as your Excellency seems to be, with the apprehension of the hand of violence being let loose. Your Excellency, upon recollection, will find that all papers relative to Crown matters are exempt from Stamp. The persons of his Majesty's good subjects will still remain secure from injury: That spirit which your Excellency tells us attacks reputations and pulls down houses, will yet be quashed by the law. The wishes of the people will remain guarded from the floor open violence. There will be no danger of force of arms becoming the only governing power. Nor shall we realize what your Excellency is pleased to call a state of general outlawry. This we think necessary to be observed, without a particular consideration of all the consequences which your Excellency fears, to prevent, if possible, any wrong impressions from fixing in the minds of all disposed persons, or remove them if already fixed.

You are pleased to say, that the Stamp Act is an act of parliament, and as such ought to be observed. This House, Sir, has too great a reverence for the supreme Legislature of the nation, to question its just authority: It by no means appertains to us to presume to adjust the boundaries of the power of parliament; but boundaries there undoubtedly are. We hope we may without offence put your Excellency in mind of that most glorious British constitution, solemnly denominated by the church in the name of the sacred Trinity, is the person of King Henry the Third, and the rights of the realm, against all those who should undertake to observe them being made contrary to the liberties of Magna Charta.—We are ready to think that your Honour advocates for the constitution usually composed of three parts of parliament; with Magna Charta; and if it ever happened that such acts were made as infringed upon the rights of that charter, they were always repealed. We have the same confidence in the rectitude of the present parliament, and therefore cannot but be surprised at an insinuation in your speech, that they will require a submission to an act as a preliminary to their granting relief from the unconstitutional burdens of it, which we apprehend includes a suggestion in it far from your Excellency's design, and supports such a wanton exercise of more arbitrary power, as ought never to be furnished of the persons of liberty and justice.

**PARLIAMENT,** your Excellency tells us, that the right of the parliament to make laws for the American colonies remains indisputable is *Washburn*: Without contending this point, we beg leave just to observe that the charter of this province invests the General Assembly with the power of making laws for its internal government and taxation; and that this charter has never yet been subjected. The parliament has a right to make all laws within the limits of their own constitution; they claim no more: Your Excellency will acknowledge that there are certain original inherent rights belonging to the people, which the parliament itself cannot divest them of consistent with their own constitution: among these is the right of representation in the same body which exercises the power of taxation: There is a necessity that the subjects of America should exercise this power within themselves, otherwise they can have no share in that most essential right, for they are not represented in parliament, and indeed we think it impracticable. Your Excellency's assertion leads us to think that you are of a different mind with regard to this very material point, and that you suppose we are represented: But the sense of the nation itself seems always to have been otherwise. The

No Papers were published after this till the 21<sup>st</sup> of May 1766 on account of the act made for America—whereas in Georgia no Papers were published in several other provinces.



be most disrespectful: And we leave it to your Excellency's consideration, whether to suppose an indisputable right in any government, to tax the subjects without their consent, does not include the idea of such a power.

May it please your Excellency,

Our duty to the King, who holds the rights of all his subjects sacred as his own prerogative, and our love to our constituents, and concern for their dearest interests, constrain us to be explicit upon this very important occasion. We beg that your Excellency would consider the people of this province as having the strongest affection for his Majesty, under whose happy government they have enjoyed the blessings of liberty: They have a warm sense of the honour, freedom and independence of the subjects of a patriot King: They have a just value for those inestimable rights which are derived to all men from nature, and are happily interwoven in the British constitution: They esteem it a privilege for them ever to give them up, and rather than lose them, they would willingly part with every thing else. We deeply regret it, that the parliament has been so to pass such an act as the Stamp Act: We flatter ourselves that the hardships of it will shortly appear to them in such a point of light as shall induce them in their wisdom to repeal it: In the mean time we must beg your Excellency to excuse us from doing any thing to assist in the execution of it. Were we in order to avoid questions to resolve what we have to say on this head into mere questions, we should with all humility ask, Whether it would be possible for us to add any weight to an act of that most august body the parliament? Whether it would not be construed as arrogance and presumption in us to attempt it? Whether your Excellency would be active in bringing a question which is so much opposed to the sentiments of the people which we are bound to declare the declared intrusion of men of them, and which is so much opposed to the most essential rights of Adagna Charita, to which as British subjects they have an undoubted claim, are injured by it: That it wholly cancels the very conditions upon which our ancestors settled this country, and enlarged his Majesty's dominion, with much blood and sweat, and at their sole expence: That it is totally subversive of the happiest frame of subordinate civil government established in our charter, which amply secures to the crown all advantages, to the nation our connection, and to ourselves all inalienable rights of Britons: That it tends to destroy that mutual confidence and affection, as well as that equality which ought ever to subsist among his Majesty's subjects in his wide and extended empire: That it may be made use of as a precedent for their fellow subjects in Britain for the future to demand of them what part of their estates they shall think proper, and the whole they please: That it is such a single judge of the admiralty with a power to seize and determine their property in controversies arising from internal contests, without a jury, contrary to the very expression of Adagna Charita: That no freeman shall be amerced, but by the oath of good and lawful men of the vicinage; that it even puts in the power of an insolvent to carry a supposed offender more than a thousand miles for trial; and what is the worst of all evils, if his Majesty's American subjects are not to be governed, according to the known spirit of the constitution, as those in Britain are, it is greatly to be feared that their minds may in time become disaffected, which we cannot even entertain the most distant thought of without the greatest abhorrence: We are truly sorry that your Excellency has never made it a part of your business to form any judgment of this act, especially as you have long known what unexampled and most distant prospect it gave to his Majesty's good subjects in America, and of this province of which you are so illustrious by the head and father, and your Excellency thought it proper to have reasonably entered into a discussion of the policy of it, you would, we doubt not have seen that the people's fears were not without good foundation, and the love and concern which you profess to have for them, as well as your duty to his Majesty, whose faithful subjects they are, might have been the most powerful motives to your Excellency to have expressed your sentiments of it in early enough to those whose influence through it is so important.

We cannot help expressing our great uneasiness, that after neglecting some violence committed in the town of Newport, your Excellency should sit this house, whether such proceedings be consistent with the dutiful, humble and loyal representations which we propose should be made: We

be most surprised and astonished, we can't but see, that by fair implication it may be argued from the manner of expression, that an odium was intended to be thrown on the province. We inherit from our ancestors the highest relish for civil liberty, but we hope never to see the time when it shall be expedient to countenance any methods for its preservation but such as are legal and regular. When our sacred rights are infringed, we feel the grievance; but we understand the nature of our happy constitution too well, and entertain too high an opinion of the virtue and justice of the supreme legislature, to encourage any means of redressing it, but what are justifiable by the constitution. We must therefore consider it as unkind for your Excellency to tax such a subject as a province whose unshaken loyalty and indissoluble attachment to his Majesty's most sacred person and government was never before called in question, and we hope in God never will again. We should rather have thought your Excellency would have expressed your satisfaction in protesting over to loyal a people, who in that part of the government where the violence were committed, before there was time for them to be supported by the arm of civil power, and even while the supreme magistrate was absent, by their own motion raised a spirit and diffused it through all ranks, successfully to interpose and put a stop to such dangerous proceedings.

Your Excellency is pleased to recommend a compensation to be made to the sufferers by the late disturbances. We highly disapprove of the acts of violence which have been committed; yet till we are convinced that to comply with what your Excellency recommends, will not tend to encourage such outrages in time to come, and till some good reason can be assigned why such a compensation should be made good, rather than any damage which these persons on any different occasions might happen to suffer, we are persuaded we shall not see our way clear to order such a compensation to be made. We are greatly at a loss to know who has any right to require this of us, if we should differ from your Excellency in point of its being an act of justice which concerns the credit of the government. We cannot conceive why it should be called an act of justice, rather than generosity, unless your Excellency supposes a crime committed by a few individuals chargeable upon a whole community.

We are very sorry that your Excellency should think it needful to intimate that any endeavours have been and may be used to lessen your credit with this house. Your Excellency cannot but be sensible that when the popular pulse beats high for privileges, it is no unusual thing for a clamour to be raised against gentlemen of character and eminence. We can assure you that our judgment of men, especially of those in high stations, is always founded upon our experience and observation. While your Excellency is pleased to make your duty to our most gracious Sovereign, and a tender regard to the interest of his subjects of this province, the rule of your administration, you may rely upon the readiest assistance that this house shall be able to afford you. And you will have our best wishes that you may have wisdom to strike out such a path of conduct, as, while it secures to you the smiles of your loyal master, will at the same time conciliate the love of a just and loyal people.

Winter Hill hand Hedes, I sent you Hadwericement with a white Man to ride for me, If you prevent um in your Kallie, I shall be glad, I shall be glad to see you. CHURCHMAN.

Described from his Majesty's service on the 25th instant, a servant man named Peter Hobbs, alias Grievous, about 5 feet 7 inches high, of a sanguine complexion, with an attraction of his head to the side opposite the Right, speaks broken English. As he went off in a pet, he had not time to shift his dress, which was a French hat and wig, with a black and white, which it is supposed he will change in the country. Whoever will apprehend the said Peter, and bring him to the Subscriber at Northwold, shall have a Braver Skin reward by

N.B. If he will return to his duty, and promise reformation, he will be kindly received, otherwise deemed a desert.

Newport, Rhode Island, O.S. 14. We hear that numbers of young persons in the country are joining in wedlock, earlier than they intended, supposing that after the 1st of next month it would be difficult to have the ceremony performed without paying dearly for Stumps. No less than 22 couples were published on Saturday last at Marblehead, intending marriage on the same account.

# The Georgia Gazette

Number 138

Thursday, November 21, 1765

Notwithstanding our advertising last week that a stop was put to the publication of this Gazette, we shall continue printing the same as long as we are allowed to make use of unstamped paper.

[handwritten on the margins]

No papers were published after this until the 21<sup>st</sup> May 1766 on account of the Stamp Act made for America [\_\_\_\_\_?] in Georgia, as Papers were published in several other Provinces without stamps.

## AMERICAN INTELLIGENCE

Boston in New England, October 28

WEDNESDAY last the Great and General Court of Assembly here according to adjournment, and on Friday the House presented the following answers to his Excellency's speech at the opening of the Session.

*May it please your Excellency,*

The House of Representatives have entered into due consideration your speech to both houses at the opening of the session; and should have earlier communicated to your Excellency our sentiments thereupon, had not the late sudden and unexpected adjournment prevented it.

We must confess that after your Excellency had called us together in pursuance of the unanimous advice of a very full Council, we were in hopes you would have given the assembly time then to have considered the critical state of the province and determined what was proper to be done at so difficult and dangerous a conjuncture.

Your Excellency tells us, that the province seems to be upon the brink of a precipice! A sight of its danger is then necessary for its preservation. To despair of the commonwealth, is a certain presage of its fall. Your Excellency may be assured that the Representatives are

awake to a sense of its danger, and their utmost prudence will not be wanting to prevent its ruin.

We indeed could not have thought that a weakness in the executive power of the province had been any part of our danger, had not your Excellency made such a declaration in your speech. Certainty the General Assembly have done everything incumbent on them; and laws are already in being for the support of his Majesty's authority in the province. Your Excellency doth not point out for us any defect in those laws; and yet you are pleased to say that the executive authority is much too weak. Surely you cannot mean, by calling the whole legislative, in aid of the executive authority, that any new and extraordinary kind of power should by law be constituted, to oppose such acts of violence as your Excellency may apprehend from a people ever remarkable for their loyalty and good order, though at present uneasy and discontented. If, then, the laws of the province for the preservation of his Majesty's peace are already sufficient, your Excellency, we are very sure, need not to be told, to whose department it solely belongs to appoint a suitable number of magistrates to put those laws in execution or remove them in case of failure of their duty herein. And we hope this important trust will remain with safety to the province, where the constitution has lodged it.

Your Excellency is pleased to tell us, that declarations have been made and still subsist that the act of Parliament for granting Stamp Duties in the colonies, shall not be executed within this province. We know of no such declarations - if any individuals of the people have declared an unwillingness to subject themselves to the payment stamp duties, and choose rather to lay aside all business than make use of the stamp'd papers, as we are not accountable for such declarations, so neither can we see anything criminal in them: This House has no authority to control their choice in this matter; the act does not oblige them to make use of the papers; it only exacts the payment of certain duties for such papers as they may incline to use. Such declarations may possibly have been made and may still subsist very consistently and with the utmost respect to the King and Parliament.

Your Excellency has thought proper to enumerate very minutely the inconveniencies that may arise from the stamp'd papers not being distributed among the people; with respect to some of which your love and concern for the province leads you to fear more for us than we do for ourselves. We cannot think your Excellency would willingly aggravate our dangers; we are not

in particular so alarmed, as your Excellency seems to be with the apprehension of the hands of violence being let loose. Your Excellency, upon recollection, will find that all papers relative to Crown matters are exempt from the stamps. The persons of his Majesty's good subjects will still remain secure from injury. That spirit which your Excellency tells us attacks reputations and pulls down houses will yet be curbed by law. The estates of the people will remain guarded from theft or open violence. There will be no danger of force of arms becoming the only governing power. Nor shall we realize what your Excellency is leased to call a state of general outlawry. This we think necessary to be observed, without a particular consideration of all the consequences which your Excellency fears, to prevent, if possible, any wrong impression from fixing in the minds of ill displeased persons, or remove them if already fixed.

You are pleased to say that the Stamp Act is an act of Parliament and as such ought to be observed. This House, sir, has too great a reverence for the supreme legislature of the nation to question its just authority. It by no means appertains to us to presume to adjust the boundaries of the power of Parliament; but boundaries there undoubtedly are. We hope may without offence put your Excellency in mind of the most grievous sentence of excommunication, solemnly denounced by the church, in the name of the sacred trinity, in the presence of King Henry the Third, and the estates of the realm, against all those who should make statutes, or observe them, being made contrary to the liberties of the Magna Charta. We are ready to think that those zealous advocates for the constitution usually compared their acts of Parliament with Magna Charta and if it ever happened that such acts were made as infringed upon the rights of that charter, they were always repealed. We have the same confidence in the rectitude of the present Parliament; and therefore cannot but be surprised at an intimation in your speech, that they require submission to an act as a preliminary to their granting relief from the unconstitutional burdens of it; which we apprehend includes a suggestion in it far from your Excellency's design, and supposed such a wanton exercise of mere arbitrary power, as ought never to be surmised of the patrons of liberty and justice.

Furthermore, your Excellency tells us that the right of the Parliament to make laws for the American colonies remains indisputable in Westminster. Without contending this point, we beg leave just to observe that the charter of the province invests the General Assembly with the power of making laws for its internal government and taxation; and this charter has never

yet been forfeited. The parliament has a right to make all laws within the limits of their own constitution; they claim no more. Your Excellency will acknowledge that there are certain original inherent rights belonging to the people, which the Parliament itself cannot divest them of, consistent with their own constitution: among these is the right of representation in the same body which exercises the power of taxation. There is a necessity that the subjects of America should exercise this power within themselves, otherwise they can have no share in that most essential right, for they are not represented in Parliament, and indeed we think it impracticable. Your Excellency's assentation lead us to think that you are of a different mind with regard to this very material point, and that you suppose we are represented; but the sense of the nation itself seems always to have been otherwise. The right of the colonies to make their own laws and tax themselves has been never, that we know of, questioned; but has been constantly recognized by the King and Parliament. The very supposition that the Parliament, though the supreme power over the subjects of Britain universally, should yet conceive of a despotic power within themselves, would be most disrespectful; and we leave it to your Excellency's consideration, whether to suppose an indisputable right in any government, to tax the subjects without their consent, does not include the idea of such a power.

*May it please your Excellency,*

Our duty to the King, who holds the rights of all his subjects sacred as his own prerogative; and our love to our constituents and concern for their dearest interests, constrains us to be explicit upon this very important occasion. We beg that your Excellency would consider the people of this province as having the strongest affection for his Majesty, under whose happy government they have felt all the blessings of liberty : They have a warm sense of honor, freedom and independence of the subjects of a patriot King : they have a just value for those inestimable rights which are derived to all men from nature, and are happily interwoven in the British constitution : They esteem it sacrilege for them ever to give them up ; and rather than lose them, they would willingly part with everything else. We deeply regret it, that the Parliament has seen fit to pass such an act as the stamp act : we flatter ourselves that the hardships of it will shortly appear to them in such a point of light as shall induce them in their wisdom to repeal it : In the mean time we must beg your Excellency to excuse us from doing anything to assist in the execution of it : Were we, in order to avoid assertions, to resolve what we have to say on this head into mere questions, we should with all humility ask, whether it would be possible for us to add any weight to an act of that most august body the

Parliament ? Whether it would not be construed as arrogance and presumption in us to attempt it? Whether your Excellency can reasonably expect that the House of Representatives should be active in bringing a grievous burden upon their constituents? Such a conduct in us would be to oppose the sentiments of the people whom we represent, and the declared instruction of most of them. They complain that some of the most essential rights of Magna Charta, to which as British subjects they have an undoubted claim, are injured by it : that it wholly cancels the very conditions upon which our ancestors settled this country, and enlarged his Majesty's dominions, with much toil and blood, and at their sole expense : that it is totally subversive of the happiest frame of subordinate, civil government, expressed in our charter, which amply secures to the Crown our allegiance, to the nation our connection, and to ourselves the indefeasible rights of Britons : that it tends to destroy that mutual confidence and affection, as well as that equality which ought ever to subsist among all his Majesty's subjects in his wide and extended empire : that it may be made use of as a precedent for their fellow subjects in Britain for the future, to demand of them what part of their estates they shall think proper, and the whole if they please : that it invests a single judge of the admiralty, with a power to try and determine their property in controversies arising from internal concerns, without a jury, contrary to the very expression of Magna Charta ; that no freeman shall be amerced, but by the oath of good and lawful men of the vicinage : that it even puts it in the power of an informer to carry a supposed offender more than two thousand miles for trial ; and what is the worst of all evils, if his Majesty's American subjects are not to be governed, according to the known stated rules of the constitution, as those in Britain are, it is greatly to be feared that their minds may in time become disaffected ; which we cannot even entertain the most distant thought of without the greatest abhorrence. We are truly sorry that your Excellency has never made it a part of your business to form any judgment of this act ; especially as you have long known what uneasiness the most distant prospect of it gave to his Majesty's good subjects in America, and of this province, of which you are substituted to be the head and father. Had your Excellency thought it proper to have seasonably entered into a disquisition of the policy of it, you would, we doubt not, have seen that the people's fears were not without good foundation ; and the love and concern which you profess to have for them, as well as your duty to his Majesty, whose faithful subjects they are, might have been the most powerful motives to your Excellency to have expressed your sentiments of it early enough to those Whose influence brought it into being.

"We cannot help expressing our great uneasiness, that after mentioning some violences committed in the town of Boston, your Excellency should ask this house, whether such proceedings are consistent with the dutiful, humble and loyal representations which have propose should be made. We are sure your Excellency will not expressly charge us with encouraging the late disturbances; and yet to our unspeakable surprise and astonishment, we cannot - but see, that by fair implication it may be argued from the manner of expression, that an odium was intended to be thrown on the province. We inherit from our ancestors the highest relish for civil liberty; but we hope never to see the time when it shall be expedient to countenance any methods for its preservation but such as are legal and regular. When our sacred rights are infringed, we feel the grievance, but we understand the nature of our happy constitution too well, and entertain too high an opinion of the virtue and justice of the supreme legislature, to encourage any means of redressing it, but what are justifiable by the constitution. We must therefore consider it as unkind for your Excellency to cast such a reflection on a province whose unshaken loyalty and indissoluble attachment to his Majesty's most sacred person and government was never before called in question, and we hope in God never will again. We should rather have thought your Excellency would have expressed your satisfaction in presiding over so loyal a people, who in that part of the government where the violences were committed, before there was time for them to be supported by the arm of civil power, and even while the supreme magistrate was absent, by their own motion raised a spirit and diffused it through all ranks, successfully to interpose and put a stop to such dangerous proceedings.

Your Excellency is pleased to recommend a compensation to be made to the sufferers by the late disturbances. We highly disapprove of the acts of violence which have been committed ; yet till we are convinced that to comply with what your Excellency recommends, will not tend to encourage such outrages in time to come, and till some good reason can be assigned why the losses those gentlemen have sustained should be made good, rather than any damage which other persons, on any other different occasions might happen to suffer, we are persuaded we shall not see our way clear to order such a compensation to be made. We are greatly at a loss to know who has any right to require this of us, if we should differ from your Excellency in point of its being an act of justice, which concerns the credit of the government. We cannot conceive why it should be called an act of justice, rather than generosity, unless your Excellency supposes a crime committed by a few individuals, chargeable upon a whole community.



We are very sorry that your Excellency should think it needful to intimate that any endeavors have been, and may be used, to lessen your credit with this House. Your Excellency cannot but be sensible that when the popular pulse beats high for privileges, it is no unusual thing for a clamor to be raised against gentlemen of character and eminence. We can assure you that our judgment of men, especially those in high stations, is always founded upon our experience and observation. While your Excellency is pleased to make your duty to our most gracious Sovereign, and a tender regard to the interest of his subjects of this province, the rule of your administration, you may rely upon the readiest assistance that this house shall be able to afford you. And you will have our best wishes that you may have wisdom to strike out such a path of conduct, as, while it secures to you the smiles of your Royal Master, will at the same time conciliate the love of a free and loyal people.

[The Session in September lasted only three days ; and the Court met again October 21. The answer was prepared by S. White, (the speaker,) T. Gushing, S. Dexter, J. Lee, Capt. SheafFe, Gen. Winslow, T. Gray, and Mr. Foster, of Plymouth.]