

two Letters of the Eighth. From your Residence amongst us c. c. and the Knowledge you have thence acquired of our internal Affairs, you must have observed that very Little is left in the Will or Discretion of the Executive Branch. The Government can neither command or prohibit, contrary to the General Laws, or where they are deficient. Those who enter on Board French Vessels, undoubtedly ought to fulfil their Contracts and it consists with moral Fitness as well as Policy, that every necessary Measure should be taken to compel them. Desirous of contributing all in our Power to the End, which we wish we could fully accomplish, we inclose you Letters to the Ferry Keepers at Susquehanna and Patapsco, which we request you will be pleased to forward with the printed Passports you propose to leave at those Places. Though our Letters are not compulsory, we flatter ourselves that they will not be altogether without Effect. The Regulation which subsists amongst us with respect to the accused, though acquitted, being burthened with the Expences of Prosecution against him in some Instances inflicts a great Hardship, but those Instances are not so common as we should be apt to conclude on a superficial View of this Subject, for though the Acquittal stands as a Criterion of the Party's being innocent of the Crime charged, that Rule does not in Fact hold true universally, and, before a Prosecution can be begun at all, there must arise from Facts proved on Oath, a strong Presumption of Guilt, and if the accused Person is not guilty to the Extent of the Charge, he has generally conducted himself so immorally or imprudently that the Punishment of paying the Expences is not out of due Proportion to his Fault. However Sir, as you are much interested in Favour of Joubert, we write to the Officer requesting his Discharge, expecting the Assembly had rather the Public should defray this small expence than that any Uneasiness should take Place in a Matter of such small consequence in itself, it will naturally bring the Consideration of the Subject in general before the Legislature and the Result will necessarily be the Rule in the Future. Of much more concern to us is the Subject of your second Letter, and we flatter ourselves that no Words are necessary to convince you of it. The Galley belonging to this State is fitted out, in great Part, at the Expence of it and for the sole Purpose of protecting the Trade to and from this Bay, the Efforts of the Merchants in Baltimore were in Aid of ours; the principal Officers were, by our Permission, proposed by them & approved & commissioned by us, as the Officers of this State: they were so on the former Cruise. No Instructions have been given by this Government for the Conduct of its Officers or Subjects, towards the Ships of War of his most