

MARYLAND GAZETTE.

F R I D A Y, A P R I L 7, 1780.

the PEOPLE of MARYLAND. NUMBER II.

The influence of the crown of Great Britain, in the house of commons, and the corruption of that body, arises from its extensive duration; the forms only of the constitution preserved, and, under their sanction, they may exercise an absolute power. Whenever the legislature becomes corrupt, there is an end of the liberty and safety of the people. It is therefore necessary, by every reasonable precaution, to guard its integrity. It would be ridiculous to apprehend a corruption of the house of delegates, as there exists not a single temptation to pervert them. The governor and the council are annually elected; they have no separate interests to secure, and, if they had, they have no lucrative posts at their disposal, which would come up to the price of a leading member of the assembly, who might be inclined to barter his fame and his honesty. Therefore, we can rely on the integrity and judgment of our representatives, when we elect them, there would be no necessity, on this account, to limit their duration. We must recur to another principle. In the course of a long term, they might possibly forget that their power is not inherent, but derived from the people, whose trustees they are, and to whom they are accountable for their conduct. It is this consideration alone, which justifies the policy of frequent elections; but the expense and trouble of elections, and the violent heats and animosities which are frequently the consequence, will be found to overbalance the supposed advantage of having them annually.

The only plausible argument in favour of annual elections, is this: when a delegate has betrayed his trust, or proves unequal to the charge, his constituents have an opportunity to discard him at the expiration of the year.

Have they always the sagacity to discover this? and do they so readily embrace the opportunity? How many glaring instances have we seen, where a member, who did honour to his county, has been traduced, and a particular vote pointed out, to demonstrate the weakness of his head or the perversity of his heart? This method is too frequently practised at elections with success; the arts and ruses are produced to prove, that the rights of the people have been violated by measures, the sound policy of which can be fully traced only by time.

I repeat once more, we want men of abilities: we are obliged to delegate a man, ignorant of all law, except what he may have gleaned by an attendance on courts, or by reading some few books of assembly; on his coming into the house, he is utterly unacquainted with the forms of business, and the characters and views of politicians; in this situation, it is possible he may be tempted to submit his judgment to members of superior knowledge, and, for a time, to yield an implicit obedience to their will; the experience of two or three sessions enlightens his mind, and he bids fair for becoming an useful and distinguishing member; but, at the end of the year, the whim and caprice of his constituents, or the unfair management of an antagonist, gives him a discharge, and his successor enters, with equal disadvantages, upon this most interesting and important trust. There is a sentiment in Blackstone's introduction to his commentaries, so apposite to the subject, that I cannot forbear transcribing it. "Indeed it is perfectly amazing, that there should be no other state of life, no other occupation, art, or science, in which some method of instruction is not looked upon as requisite, except only the science of legislation, the noblest and most difficult of any." To which I will add, that an excellent mode of obtaining instruction, in this science, is a diligent attendance on the house of delegates, without which, no preparatory study will form a useful member of that assembly.

Every candidate must place his account in becoming a mark for censure and calumny; every part of his conduct will be scrutinised and misrepresented; when this is annually the case, when the sacrifice of his feelings must be added to that of his time, it is enough to discourage a

man of real worth from soliciting the confidence of the public, and, without a solicitation, there is little probability of his becoming an object of their choice.

A representative should have no motive but the welfare of his country, and the laudable ambition of an honest fame; to please, and to benefit, are by no means one and the same thing; by pleasing the people, their favour is secured; but, by serving them effectually, a man has frequently incurred their highest displeasure. I speak with allusion principally to the supplies of men, and the disposition of money.

He that places a high value on his seat, and dreads the disgrace of losing that, which may be preserved by voting agreeably to the passions of a misjudging multitude, cannot possess the independence of sentiment, which is an essential quality in a legislator.

In some measure, to provide for that independence, the term should be prolonged; to whatever length it may be extended, the evil would recur on the approach of an election; but some defect there must be in every human institution; that regulation is the wisest, which is productive of the least inconvenience.

Under the former constitution, I never heard of a corrupt house of delegates; and yet it was allowed to sit three years, and the members were exposed to such temptations, as no power in this constitution can offer. They always stood firm against the insidious designs of a government, the administrators of which had interests separate from those of the people; the most respectable characters were candidates, and, when elected, their attention to the public business was so duly paid, that they left no example of ten days' clapping, after the appointed time of meeting, before a majority was convened. Three years, therefore, is a term recommended by experience, the most shewy argument to be adduced on this or any other subject.

I confess, the lower class of mankind are delighted by a frequent exercise of the power of election; and, I believe, their good pleasure was consulted in the institution of annual assemblies; but every discerning politician will agree, that, in matters of government, they are scarcely acquainted with their true interests.

On the same erroneous principle of gratifying the people, at the expense of their real good, they are invested with the appointment of sheriffs. That the power is improperly placed, is a position too evident to be enforced by argument; I shall therefore only appeal to recent experience, to determine whether it were not better to confine the nomination of these officers to the governor and the council.

The exceptions I have taken may appear to be dictated by an affected singularity, or the paucity of ambition of displaying the ingenuity of the author: if, in any degree, I have attained the difficult science of self-knowledge, I am swayed by neither of these pitiful motives; I have endeavoured to point out those defects in the constitution, which, in time, may be productive of much mischief to the commonwealth. In every place I have spoken from the fullest conviction of my own judgment; in some parts I am an echo to the observations of wiser men. There are other articles in the constitution, which I conceive liable to objection; but I have always thought an intemperate zeal for the reformation of trifles to be ridiculous and absurd.

To obviate the charge of presumption and arrogance, in condemning the production of so many able patriots, I must remark, that human nature is unequal to the task of instituting, at one stroke, a complete system. Unforeseen consequences will arise, and it is the part of a wise man to obey the instruction of experience, the infallible teacher of true wisdom.

But with all the real or imaginary defects in our form of government, it merits the labour of a panegyrist; its defects may be ascribed to a servile imitation of the errors in a neighbouring state, or the injudicious adoption of some political principles; which are calculated for the meridian of Great-Britain. This conduct may be aptly compared to the blundering practice of an empiric, who administers the same nostrum to every constitution, and is possessed of an absurd

notion of its infallibility, from its casual success on a single patient.

In my next paper, I shall proceed to a less invidious task, and make some propositions for the amendment of our penal law. The necessity of a revival has been strenuously asserted in the house of delegates, and nothing, I suppose, but the urgency of some more important business, has delayed the undertaking; "Inter arma silent leges."

It is an observation of an admired writer in America, that, "could the straggling thoughts of individuals be collected, they would frequently form materials for wise and able men to improve into useful matter."

To discharge the duty of a good citizen, in contributing my pittance of rude materials, is the purpose of these papers. Far be the insufferable arrogance of supposing, that I alone, of the human species, am capable of discovering a perfect mode of government, or devising a criminal code, which would adjust the nice proportion of crimes and punishments, and be the best calculated to secure the safety and happiness of every individual. That body of men which can do this, will deserve the gratitude of ages, and monuments should be erected to perpetuate their memories.

In my progress through life, I have aimed at an exemption from prejudice and prepossession; it is my maxim, never to renounce the charter of nature, which has induged every man with some share of reason to determine for himself. I listen, and I read with attention, and a desire of instruction; but I form my conclusions with caution. This rule I recommend to every man; and entreat him to use it in the perusal of these remarks.

A REPUBLICAN.

For the MARYLAND GAZETTE.

NUMBER IV.

WHY is it, that the posts, to the southward, have been left so unprovided for defence, as to render the success of the enemy attacking them, extremely probable? It was well known, before the conclusion of the late campaign, that it was a main object with the enemy, to take possession of two or more of the southern States. The British arms, under general Prevost, had over-run a great part of Georgia, and penetrated to the capital of South Carolina. From hence, they were repulsed, by the gallantry of the inhabitants, the valour of the militia of the neighbouring states, and the discipline and prowess of the continental troops. An embarkation, of four thousand men, was intended from New-York, about the beginning of October, 1779, to reinforce the troops under general Prevost, and to enable him to institute a second march to Charles-Town. The arrival of the count d'Estaing on the coast of Georgia, put a stop to this embarkation, indirectly, by rendering it necessary for them to be detained, in order to defend the main post of New-York, or by rendering it dangerous for them to put to sea, lest in their voyage, to the southward, they should fall into his hands.

The count de Gralle, by his arrival in the western seas, exciting like apprehensions in the enemy, put a stop to an embarkation of the same, or a larger body of troops from New-York, November, 1779, which were intended for the same quarter; by which, it was effected, that, not until the last of December, 1779, did the fleet set sail from the Hook; so that the winter winds, an event to be expected, falling on it in its passage, dismantled most of the shipping, stranded some on the rocks of Bermuda, drove others to the West-Indies, and threw many into our hands, and into the hands of our ally. By these means, and by this disaster, the expedition has been much delayed, and the reinforcement so weakened, the greater part of the artillery and hories having been thrown overboard, if the accounts received are just, and the troops much reduced in number, that with a small force, ill provided, and many months later than expected, have the enemy been able to appear on the destined coast, where they had hoped to have been able, with much advantage, to substitute a winter campaign.

What, in the mean time, has been done by these states, to resist the invasion of the enemy, about to be reinforced from New York, and once more advancing to attack Charles-Town? Has the militia of the neighbouring states of North-Carolina and Virginia been early roused to march to oppose their progress? Have bodies of regular troops, in these states, been ordered there, with a rapid movement, to effect the same purpose? Have the continental troops, ordered from the main army, to that quarter, been sent forward with all that expedition which the exigence required? On the contrary, have not the militia of the neighbouring states slumbered through the winter? Have not many officers, and bodies of regular troops, been suffered to remain in the towns of the neighbouring states, as if they could suspect that these states might be the scene of action? Have not the troops ordered from the main army lingered on our borders, and when it behoved them to have met the enemy before Charles-Town, have been only within some days march of it, and greatly apprehensive, lest this capital, the key of the southern states, might be under the necessity of capitulating before they could arrive? I do not call in question the promptness of the militia of the southern states, to step forth, when called upon to defend their territories. They are moved, roused, agitated, or composed, at the will of those, in whom, by the constitutions of the respective governments, the power is vested to call them forth. I do not mean to blame the continental officers, and troops, who have lingered on our borders. They are detained or sent forward, as they have received orders, or as they are provided with necessaries for the march. It must be owing to a deficiency of elastic vigour in the spring of our public councils, that our operations have proceeded with so slow a step, for some time past. I am not acquainted with every remora, which, unavoidably, may have been thrown in the way; but knowing that men, after high exertions, are prone to sink into indolence, especially if they falsely apprehend themselves to have nearly attained their purpose, as has been the case with us, the preceding winter, from our hopes of peace, I think it not improbable, from the face of things, that we have not been so solicitous as we might have been, to be prepared at all points, to meet the enemy the ensuing campaign. The memory of past misconduct ought to be a spur to redoubled diligence in a future juncture of affairs.

Let it be considered what may be the consequence, if we do not repel the enemy from these southern territories. They will continue to despise our independence, as long as they shall be able to retain possession of a foot of ground upon the continent. They will boast, in the language of Archimedes, to remove the new world from its present political existence, as long as they shall find a place whereon to fix their armies, the fulcrum and the power, by which they labour to eff it. If, by any means, they should, at length, be brought to admit our independence, they will admit it only with regard to those states of which they do not hold possession. This will embarrass our negotiation, and protract the war. It will be impossible to desert any state, and leave it to the arms of Britain. The states are bound to each other by the most indissoluble knot, and they must live or fall together. While Britain therefore possesses one state, she has, in a certain sense, possession of the whole, and before one state can be independent, the whole must be rescued from her grasp.

We know that, of late years, war has been usually composed, in Europe, by the intermediation of other powers. Two nations, though equally weary of the contest, often continue it, merely from an unwillingness to make the first advances to an accommodation; lest these should be imputed to weakness; or they persist in it, from animosity, and against their real interest. Then, common friends effectually interfere, offering themselves for mediators. An article usually takes place, stipulating that both parties shall retain possession of what they have acquired during the war.

For this reason it will be, radically and essentially our interest, that the enemy shall retain possession of no part of these states. Mediators will then have it in their power to demand, with a good face, the relinquishment of every claim of dominion, or jurisdiction, over them; the ground will be smooth, and there will be nothing to impede the course of a negotiation.

AN ANTI-ANGLICAN.

For the MARYLAND GAZETTE.

MUCH scoff and scorn has been cast on a position of the Senator, that a man may owe allegiance to two countries; and yet we hear of a snake in New-England (according to

the account of Cotton Mather, to the royal society) which had two heads, and could run two ways at a time; also of a negro in this state (according to the account of a gentleman, to the same body) which was white and black, by turns; that is (not a pyc-bald negro, but) one who was white, one season of the year, and black the other. Is it more extraordinary, that a man should be the subject of two countries and inherit in both?

If the advocates for confiscation should persist in their burlesquery, I will undertake to prove the possibility of a *utrinque fides*, that is, *allegiance*, and not as some would interpret it, *jealty*, to two sovereigns, by authorities from Bracton, Britton, the author of *Fleta*, the *Mirror*, Glanville, and others, expressly in point.

PHILO-SENATOR.

Bush-town, March 31.

To the PIRI-C

IT has been objected, that the property of British subjects, in this state, ought not to be confiscated, because we were once connected with the kingdom of Great-Britain. "This property, says the Senator, was acquired at a time when we were all fellow-subjects of the same government; the laws permitted them, at that time, to purchase and hold estates among us, and we cannot now deprive them of those estates, without being guilty of a breach of faith."

It is a melancholy truth, that nine tenths of mankind scarce think at all; and even of the thinking few, by far the greater part suffer themselves so often to be blindly hurried away by their passions, their prejudices, or their interest, that they might almost as well be deprived of the faculty. Never was an objection more groundless and frivolous adopted by the advocates of error; nor can I conceive how it is possible for any person of common reflection to deceive himself into the belief, that it has any weight or solidity. Was the property in dispute acquired under the sanction of the faith of this state? So far from it, that this state was not at that time in existence. Were they entitled to purchase and hold lands and goods, in Maryland, by the laws and constitution of our present government? This constitution was not at that time formed; nor were these laws adopted. It was under the British government, that those lands and those goods were acquired. It was by the laws and constitution of Great-Britain, that their late owners were authorized to purchase and to hold them. While we were all subjects of that empire, we were prohibited from intermeddling with this property, except in such manner as her laws and constitution permitted, and the faith of the British nation was pledged to its owners for the secure enjoyment of their property. This faith did not only consist in giving redress by means of her laws, and courts of justice, to those of her subjects, who might be illegally dispossessed of their estates; but also required of the nation, that she would not, by her public acts of government, give just cause to any foreign power to seize the goods of her subjects; or to one part of her subjects to seize the goods of the other. Who broke those bonds by which we were connected? Great-Britain. Who cancelled that government, under which those estates were acquired and holden, and, in consequence, cancelled to every person all those rights, to which they had no other title, but as subjects of that government? Great-Britain. Who obliged the inhabitants of Maryland to declare themselves independent, to form a new constitution, and to adopt a government and laws of their own? It was Great Britain. All these events, by a series of injustice and oppression, Great-Britain hath accomplished. She violated that faith, which she owed to her American subjects; and, by that breach of faith, she gave to such of her former subjects, as separated from her, just cause to seize the estates of those who elected to remain under her dominion.

The property in dispute was never acquired, nor were its owners ever entitled to own it, under the laws, constitution, or faith of this state; and therefore by its confiscation, neither the laws, constitution, or faith, of this state can be violated; nor can we, as individuals, be accused of injustice, or breach of private faith, unless the opponents of confiscation will be hardy enough to assert, that we were not justifiable in breaking off our connection with the British nation, but that we declared ourselves independent, for the purpose of plundering her subjects. For further illustration of this subject, let us suppose the case of two nations originally separate and independent, for instance, Great-Britain and France. A French merchant, in time of peace, takes up his residence in England, engages in commerce, conducts himself honestly and industriously, and acquires a considerable share of

property. An Englishman has goods taken from him by some other subjects of the French king, and their king, upon requisition being made, refuses to do justice. Or hostilities are commenced by France against Britain. In such a case the goods of the French merchant may be seized upon; in the first, by letters of marque for the particular injury; in the last, for the satisfaction of the damages and expences of war. Should this merchant remonstrate to the British government, that he had acquired his property under the sanction of their laws, and had placed the most implicit trust and confidence in their good faith, for his enjoying it without molestation, might not the British government, with the strictest justice, reply, "it is true, our laws permitted you to reside here, and to acquire property among us, but those same laws, as well as the law of nations, declare that the property shall be answerable to us for the damages of your nation, and authorize us to seize it, if we have done, for reparation of the injuries and expences of the war, as the case might be; if you would avail yourself of the benefits of our laws, in one instance, you must put up with the inconveniences in the other; and remember, if you suffer any loss, it proceeds from the injustice of your own nation." I admit, should Great-Britain be the aggressor; should she, without just cause, begin the war against France, and under pretence of that war seize upon the property of the French merchant, this seizure would be unjust and inconsistent with public faith, for this plain reason, that the war being unjust in its commencement and prosecution, no national reparation for the damages and expences of that war would become due from France to Britain, and therefore there would not be any pretext to seize the property of the *surety*, that is to say, of the French merchant, for the payment of a debt which was never due from the principal, to the collective body of the French nation.

So when the property in dispute was originally acquired, it is admitted that the laws of the British government, to which we were at that time all of us under subjection, authorized the acquisition; but it is equally true, that not only by the law of nature, but also by the laws and constitution of that kingdom, there may be certain acts of government, and should it be necessary for the preservation of their liberties, may separate themselves from it, withdraw their allegiance, and form an independent state; upon which event taking place, those, who form themselves into such a state, have an indisputable right, not only by the law of nature and nations, but even by the express principles of their very laws, under the sanction of which the acquisition was made, to seize upon the property of such, who remain the subjects of that government, whose oppression and injustice obliged the separation. If we declared ourselves independent, without any justifiable necessity, if we are still the subjects of that nation, and, at this time, in rebellion, the seizure of British property will be an act of injustice; because the fountain being corrupt, all the streams, which immediately flow from it, must necessarily partake of its nature.

If it is admitted, that the war in which Great-Britain is engaged with America was cruel and unjust in its commencement, nor less so in its continuance; if it is admitted that our opposition was and yet is still necessary; positions which every whig in this state not only admit to be true, but have solemnly sworn to support; if these positions, I say, are admitted, it follows by immediate inference, that for all the property which hath been taken from us by taxation, for all that heavy load of debt which we have contracted for the expences of this war, we are every individual of this state, injured and damaged to the amount of our respective share and proportion of that property and that debt, to that amount as the British nation as principal with every of its subjects as security stand indebted to each of us; we are, one and all of us, by the conditions on which we enter into society, entitled to demand, as an undoubted right, from our government, that it will, as far as it has opportunity and power, procure us, from the principal or security, the satisfaction of these damages, the payment of this debt. Whatever British property lies within this state, our government has an opportunity to seize, and, as far as it will go, to apply it for that use, and that, if inclination is not wanting, it has power to do this, no person in his right senses will attempt to deny. Should therefore the government of this state refuse to comply with this obligation, it may, with the strictest propriety, be charged with cruelty, injustice, inhumanity, to those, whom it is bound by every tie to protect, support, and defend, to its own subjects. Let us

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Just, before we are generous. Let us first procure reparation of their damages, and payment of their debts for the subjects of this state from their enemies. When this shall be done, should the Senator, and those of his party, be written with a Quixotic madness, to establish their characters for generosity, why let them, for that purpose, lavish upon those enemies as much of their private fortunes as they please, but let them beware how they intermeddle with the property and possessions of the public; of these they have no right to dispose. They might, it is true, among those, who, in defence of their country, have lost their estates, their health, and their limbs, or among the helpless widows, and children of those, who have lost their lives, find subjects enough for the exercise of the most unbounded benevolence. But these, alas! will not have the merit of being British, nor will they be entitled to notice from having suffered in the connection with, and relation to, an arbitrary, tyrannical government, which, by having trampled under feet the rights of human nature, at length reduced to the very precipice of ruin.

There are persons among us, who appear as sensible to the calamities of our country, as if they were made of stocks and of stones; tell them of our fellow-citizens being insulted and plundered; of women and children reduced from ease and affluence, to poverty and distress, driven from their own happy abodes, without food and without clothing; tell them of the inhuman barbarities and butcheries practised on some of our countrymen, and the sufferings which others have endured in British guardships and jails; they will hear you with features as unmoved, as if they were carved out of inanimate marble: but touch upon the subject of seizing the property of British subjects, of compelling them to pay a just debt, which they owe to us, and which we have incurred for the very purpose of repelling and preventing those injuries, how suddenly is the scene changed! Their rancour vanishes in a moment; they are all over tremblingly alive, and seem to agonize at every pore, while justice, humanity, and generosity, are bandied about with such rapidity, that you would be almost tempted to believe they knew no other words in our language! Accursed be that humanity, which can find no other objects for its exertion, but the subjects of Great-Britain and may eternal infamy await those whose feelings are perpetually at variance with the interest of the public, and the obligations which they owe to their country.

AN INDEPENDENT WHIG.
Baltimore, March 30, 1780.

MARTINICO, January 23.

FOR fear of erring from the truth, we have deferred hitherto giving any account of the loss the enemy sustained in the bay of Fort-Royal. According to all the reports we have received from St. Lucia it appears, that the squadron of vice-admiral Parker has been considerably damaged, and that two of his vessels, which are said to be the Elizabeth and Conqueror, have suffered much in their hulls and in their rigging. As to the number of their killed and wounded, those who say the least make it amount to an hundred. Among the killed are two lieutenants, the second captain of the Elizabeth, and the commander of the conqueror, who was buried at St. Lucia. One cannot forbear to admire the conduct of our chef d'escadre, and of the captains of the Vengeur and Reseche, who saved the fleet of merchantmen, and did immense damage to the fleet of the enemy of 16 sail of the line, without receiving any themselves. This action may be compared to those which have immortalised our greatest seamen. The English themselves have formed the highest opinion of M. de la Motte Piquet, and give him the epithet of gallant, which in their language comprises all the eulogiums of true bravery.

It is reported that a packet-boat has lately arrived at Barbados, in a short passage from England, with an account that 16 sail of the line were soon to sail from France for this island; that the count de Guichen had fallen in with an English squadron, admiral Rodney, and his convoy for the West Indies, had beat the admiral, and taken or drove on shore most of the merchantmen; and that an English fleet, bound with stores for Gibraltar, had fallen in with the Spanish admiral Don Barcelo, who guarded the entrance of the Straights, who obliged the men of war to retreat, and captured the whole convoy. We wait, however, for a confirmation of this good news.

Feb. 3. The English Squadron under the orders of admiral Parker cruizes in two divisions, one to the north, the other to the south of this island. Last Sunday we saw eight English ships

of the line; at two o'clock the nearest of them tacked and chased a brigantine that was coming into our road. After exchanging some shot with our batteries, without any effect on either side, the brigantine was captured by the English man of war. Her crew got safe on shore, and inform that she was a prize of M. de la Motte Piquet, laden with fish. The same evening this division of the enemy passed before our road, and the next morning they were out of sight.

The first instant arrived here a vessel from Marseilles, which left that place on the 8th of November. Before she passed the Straights mouth, she was stopped by the Spanish Squadron for two days. The captain was informed, that the siege of Gibraltar was carried on with vigour; and that the English fire upon the Spaniards was without effect; he likewise was told, that three ships of the count d'Estaing's squadron were arrived at Cadiz; that Don Marcelo had intercepted an English fleet of store ships, of 42 sail, with succours for the garrison, and that not one escaped, except a single frigate, which convoyed the fleet, and through all the fire of the Spaniards got safe into Gibraltar.

BOSTON, March 9.

By captain Some who arrived here last Saturday in 26 days from Martinico, we learn, that a vessel arrived there before he sailed from the Straights which she left about the 12th of December, and brought an account that the Spaniards were daily advancing on the attack of Gibraltar, and that a flying squadron of our Spanish allies came across a fleet of 42 sail of British transports with provisions, under convoy of a frigate, bound from England for Gibraltar, and that the whole fleet, except the convoy, were taken.

March 13. Last Thursday, captain Bartlett, in a letter of marque brig from Cadiz, arrived here after a passage of ninety days.—He informs, that about four weeks ago he fell in with and took a brig, from New-York, bound to the West-Indies, which may be hourly expected.

The sloop Right Hand, Gabriel Sifer master, belonging to Joseph Packwood of New London, lately arrived at Portsmouth; the master says he sailed from Point Peter, Guadaloupe, on the 14th of January, in company with the brig Ranger, captain Howard, for New-London, and the sloop Maria, captain Dodge, for this port; on his passage he met with very hard gales from the northward and westward, which obliged him to keep so far to the eastward, and having sprung his main boom, was very glad to get into the first port.

Tuesday last arrived here, a flag from Bermudas, which brought all the prisoners belonging to these states, amounting to upwards of 30. By this conveyance we learn, that one of Goodrich's cruizers had met at sea, in distress, a large storeship, one of the fleet that sailed from New-York, which had on board one quarter part of the cannon, powder, and ordinance stores belonging to this whole embarkation, and 82 officers and soldiers, of the artillery. The ship was dismantled and otherwise so shattered in the storm that overtook admiral Arbutnot and his fleet soon after they left New-York, that there was no hope of her reaching any port. Goodrich's vessel accordingly took out the men, and carried them to Bermudas; the ship was set on fire and blew up. These men, thus saved from destruction gave the same account at Bermudas that we had from the officers brought into this port some time past, by the Blaze Castle; that admiral Arbutnot's fleet were totally dispersed, in the uncommon severe gales they met with; that probably many of them have perished; of the 1300 horse embarked at New-York, and all carried upon deck, not one is supposed to be saved. It was conjectured that many of them might have made Bermudas, but none had arrived there the beginning of February; nor have we any account of their arrival in any port, though they left Sandy-Hook on the 26th of December. Should all the damage be done to this fleet of the enemy, consisting, according to their own account, of 10,000 of their best men, with proportionable stores, and all the loss be sustained by them, which there is now the strongest reason to believe, the blow must be great indeed, and beyond any they have received during the war, except the capitulation of Burgoyne and his whole army.

However this may be, it is now not to be doubted that this fleet has been torn and scattered in such a manner, as to render the collection of it in season, and so as to answer the purpose of this grand embarkation, absolutely impracticable. All accounts agree that the transports had not more, in general, than 14 days provision; a terrible circumstance in the situation to which most, if not all of them, must have been reduced. The winter has been uncommonly severe at Bermudas.

PHILADELPHIA, March 22.

Saturday last the honourable general assembly of this commonwealth, adjourned till the 10th day of May next.

By advices from South-Carolina we learn, that on the 17th instant Clinton with his army was on James Island and at Stono ferry; that the enemy on their passage from New-York, lost all their cavalry; that they also acknowledge the loss of the Defiance, a 64 gun ship, which foundered at sea, and of three transports, the men of which and of the 64 are pretended to have been saved, and of one transport with Hessian troops, of which no accounts had been received.

By a gentleman arrived in this city we learn, the account under Boston head, of March 9th, respecting the British convoy bound to Gibraltar being taken by the Spaniards, is to be depended on; for that he saw 17 of the transports in Cadiz before he left that, in November last, as also a great number of the troops.

IN CONGRESS, March 10, 1780.

Resolved, That no allowance of pay or rations or subsistence ought to be made to any person after he ceases to be in office;

That if any issuer deliver out public stores to such persons, without being authorised by resolution of congress, the same ought to be charged to his account.

Extract from the minutes,
CHARLES THOMSON, Sec.

The respective deputies and assistants in the issuing department, are hereby directed to pay strict attention to the above resolve.

The printers in the different states are desired to publish the above.

CHARLES STEWART,
Commissary general of issues.

LAWs of MARYLAND, passed November session, 1779, may be had at the printing-office.

Somerlet county, April 4, 1780.

NOTICE is hereby given, that I intend to petition the next general assembly, for a road to lead from the main road leading from Princefs-Anne to the lower ferry, to the plantation whereon David Megrath formerly lived, and now in the possession of *John J. J. J.*
SW MARY W. G. GAMAN.

O V I D,

A beautiful, high formed well bred horse, sixteen hands high, raised by William Fitzgugh, Esq (of Marmion) and from whom he was lately purchased,

STANDS this season at my plantation near Piccawagon church, and will cover mares at one hundred pounds the season, if paid by the first of August, if not 300lb. tob.cco must be paid in lieu thereof by the first of Jaquary. Ovid was got by Aristotle, as high a bred horse as any in America, his dam by colonel Taker's old Othello, his grand dam by the famed and high bred imported horse Monkey, well known for his activity and goodness on the turf, his great grand dam by the late secretary Carter's imported horse Pompy. I have good pasturage gratis for those who live at a distance, and great care shall be taken of all mares left, but will not be answerable for escapes or other accidents.
SW WILLIAM COURTS.

Caroline county, Maryland, March 22, 1780.

THIS day was committed to my custody a negro man named BEN; he formerly belonged to a certain Philip Wilson, of Philadelphia. His present master is desired to come, pay charges, and take him away.
LOUISO BERRY DOWNS, sheriff.

NOTICE is hereby given, that by an act of assembly made and passed at a session of assembly of the state of Maryland, begun and held at the city of Annapolis, on the 8th day of November, 1779, the bills of credit, dated January 1, 1767, emitted and made current by an act of assembly, passed November session, 1766, are directed to be brought in and deposited with the western shore treasurer, on or before the first of June next, or thereafter irredeemable; for which the holders of said bills of credit may, at their option, receive either bills of exchange drawn on the trustees of said state at London, or state loan-office certificates, bearing an annual interest of six per cent. But if the bills of exchange, or any of them, to be drawn in virtue of said act, shall not be paid, the same shall be renewable, but neither the drawer, or any endorser thereof, shall be answerable for, or liable to pay, any damages thereon, other than the charges of protest.

N. B. The printers in the adjacent states are requested to insert the above in their respective papers.

Annapolis, March 30, 1780.
THE COMMITTEE OF GRIEVANCES and **COURTS OF JUSTICE** will sit to do business in the committee room, every day, from eleven in the forenoon till four in the afternoon, during the present session of the general assembly.
 Signed by order of the committee,
 A. GOLDBER, clk. com.

WILD AIR
STANDS this season at the head of West river, and will cover mares at three hundred dollars each, and ten dollars to the groom. The money to be paid before the horse is led out of the stable. He is a dark bay, upwards of fifteen hands and an half high, he was got by Mr. Delancey's imported horse Wildair, his dam by Ariel, his grandam by Othello, his great grandam a barb, his sire was got by Old Cade, his grand sire by the Godolphin Arabian.
 N. B. Pasturage at ten dollars a week, but I will not be answerable for any that may be lost.

JOHN JOHNS.

BADGER
COVERS at Mr. Ogle's plantation, near Annapolis, at two hundred pounds the season and eight dollars the groom. He is full fifteen hands one inch high, a dark gray, and allowed by judges to be a fine horse. He was got by governor Eden's Badger, his dam by Samuel Galloway, Esquire's Seim, his grandam (an imported mare) by Spot, his great grandam by Cartouche, his great great grandam by Old Traveller, his great great great grandam by Sedbury, his great great great great grandam by Childers, out of a barb-mare.
 Governor Eden's Badger was got by Lord Chedworth's Bosphorus, who won seven king's plates, his dam by Othello, commonly called Black and all Black, who beat lord March's Bajazet over the Currah of Kildare, his grandam by the duke of Devonshire's Flying Childers. Badger won the fifty at Guilford, and got lamed at Plom, the only time he started.
 Good pasturage for mares at five pounds a week, but I will not be answerable for any that may be lost.
 No mare will be received, unless the money is sent with her.

G. WATKINS.

PETITION will be offered to the first session of the general assembly after this notice shall have been published eight weeks, for an act to empower the subscriber (now a minor) to make a good and sufficient deed of conveyance, for certain tracts of land lying in Charles county, which he inclines to make sale of.
HARRISON MUSGRAVE.

HARPSICORDS, SPINETTS, and PIANO FORTES, repaired and put in tune, by **ARCHIBALD CHISHOLM,** in Annapolis.
 He agrees either by the year, or so much per time, to keep any of the above instruments in good order.

Calvert county, March 8, 1780.
COMMITTED to my custody as a runaway, a negro woman named Monica, appears to be about eighteen years of age, five feet five inches high, who says she belongs to James Perry, of Montgomery county. Her master is desired to take her away, and pay charges to
GEORGE GREY, Sheriff.

FIFTY POUNDS REWARD.
 Head of Severn, Jan. 17, 1780.

STOLEN from the subscriber, on Thursday morning the 13th instant, a coat, jacket and breeches, a pair of mittens, a comb, an ax, some powder in an osnabrig bag, and shot in a leather one. They were stolen by one **PATRICK RILEY,** an Irishman, about 5 feet 10 inches high, has yellow hair, a dark brown country cloth coat and breeches, and a whitish jacket, the breeches have a hole torn in the thigh; he has a cast in his eyes, a full red face, and very large limbs. He has a pass, which mentions his having had one from the governor of Virginia, which he lost, and that he is a deserter from the British army; he had with him a white bitch, with yellow spots, short ears and tail. Whoever will secure the said Riley so that he be brought to justice, shall receive one hundred dollars if taken in the county, and if out of the county the above reward, paid by
JOHN M'COY.

CAMBRIDGE RACES.
 To be run for, on the 15th day of May next, over the course at Cambridge, the four mile heats, a purse of seven hundred and fifty pounds, free for any horse, mare, or gelding, on the terms below.
 On the day following will be run for over the same course, three mile heats, a purse of three hundred and seventy-five pounds, free for any horse, mare, or gelding, on the same terms.
 And on the third day will be run for, over the same course, a purse of two hundred and fifty pounds, free for any horse, mare, or gelding, on the same terms as the first and second day's race.
 Any horse, mare, or gelding, winning two clear heats either day, to be entitled to the purse, the winning horse each preceding day to be excepted. Any horse that starts for either purse to be entered with Mr. Richard Bryan, the day before the day of running, otherwise to not double entrance at the post. Proper certificates of their age and blood will be required. Non-subscribers to pay 80 dollars the first day, the second day 40 dollars, and the third day 30 dollars. Subscribers to pay had entrance, each day. Proper judges will be appointed to determine all matters of dispute agreeable to the rules of racing. Horses to start each day precisely at 11 o'clock.

	aged 6 years	5 years	4 years
Full blood	149	133	126
ditto	133	119	112
ditto	119	105	98
ditto	105	91	84
ditto	91	77	70

STOLEN out of the stable of the subscriber, at his quarter near the city of Annapolis, on the night of the twentieth day of February last, a chestnut sorrel **MARE,** about thirteen hands three inches high, eight or nine years old this spring, flaxen mane and tail, one hind foot white, branded on the near buttock C D, paces and gallops, and carries her head when rode very low. Any person who will give information, or secure the said mare so that the owner may have her again, shall receive one hundred dollars, and if brought home one hundred and fifty dollars, and any person securing the thief, so as he may be brought to justice, shall receive a reward of one hundred dollars, paid by
WILLIAM WATSON.

TAKEN up some time in January last, between the Bodkin and Mountain bars, three Hogheads of tobacco, the hogheads almost without heading, and part of the tobacco lost. The owner, upon proving property and paying all charges, may have the tobacco by applying to John Tradgall, on the Seven Mountains, near the mouth of Magothy. Also at same time and near the same place, were taken up, two hogheads, much hurt, and a great part of the tobacco lost. The owner, upon proving property as above, may have the tobacco by applying to William Trowell, near the Bodkin.

At Whitehall, on the north side of severn, **YOUNG TRAVELLER** will cover mares this season, at two guineas each, to be paid before covering, or as much continental currency as will at the time purchase two guineas; eight dollars to the groom. He is a bright bay horse, fifteen hands high, was got by colonel Lloyd's Traveller, which was got by Morton's Traveller, whose dam was called Jenny Cameron, imported by colonel Taylor into Virginia. Young Traveller's dam was got by Gorge's Juniper, his grand dam by Morton's Traveller, and his great grand dam by the Godolphin Arabian.
 Good pasturage for mares, at six dollars a week, but I will not be answerable for any that may be lost.
WILLIAM YEDELLE.

PETITION will be offered to the first session of the general assembly after this notice shall have been published eight weeks, for an act admitting to record and giving effect from the date to a deed executed in Prince-George's county, by Mary Athey to John Webster, for part of a tract of land called Athey's Choice.
JOHN WEBSTER.

CASH given for clean Lincn and Cotton **RAGS.**

THE HORSE SWEEPER, which last year at Belair, in Prince-George county, will be there again this season, from the 30th day of April till the 30 day of July, and will cover at two guineas each mare, and ten dollars continental currency to the groom; the money to be paid before the horse be led out of the stable, and if it should not suit all the persons who may bring mares to pay the guinea, such continental currency as will at the time purchase them will be taken in lieu thereof. Sweeper is fifteen hands two inches and half high, was got by Dr. Hamilton's Figure; his dam was got by Othello, which was bred by Othello's sker, his grand dam by Morton's Traveller, and his great grand dam was colonel Taylor's Selima, got by the Godolphin Arabian.
 There will be good pasturage (well fenced) for mares, at six dollars a week, but I will not be answerable for any that may be lost.

Office for stating and settling the public accounts. Annapolis, February 15, 1780.

THE commissioners having desired the law to be printed in the Maryland Gazette, think it necessary to give further notice, that they intend to continue letting every day in the said Gazette, Sundays excepted.

And as there appear many large sums due to the public for money advanced upon contracts (and for other purposes) which have been in many instances disregarded, the commissioners take this method to inform all persons concerned, that they are determined to pursue the direction of the legislature, as far as in their power, that they shall require a specific compliance with every public contract, as far as it is possible and equitable, and as they wish to prevent every unnecessary expence and delay, so they hope that who are interested will see the propriety and the solute necessity there is for them to render their accounts, and make satisfaction to the public as speedily as possible. Those clerks of counties who have omitted to transmit lists of ordinary licences and fines, since the year 1775, are requested to forward them; the sheriffs indebted on thole or any other accounts to perfect their payments; the supervisors of roads, who have had money advanced from the year 1774, the committees of the counties, and in general all persons who have public money or effects accounted for, will be pleased to take notice and comply with the requisitions of the legislature.
 Signed per order of the commissioners,
THO. GASSAWAY, clerk.

WHEREAS, colonel Edward Sprigg, of Prince-George's county, deceased, having, by his last will and testament, directed his executrix to sell and dispose of part of a tract of land, lying in Frederick county, called, Addition to Piles's Delight, before the first day of June after his decease, for the payment of his debts; and whereas his executrix, through sickness and inability of body, could not attend to as to make sale thereof by the time limited in the said will, she hereby gives this public notice, that after a continuance of this advertisement eight weeks in the public papers, she intends to petition the general assembly for an act empowering her to dispose of the said land, in order to enable her to make a final settlement of the estate of the said testator.
MARY PINDELL, executrix.

ONE HUNDRED DOLLARS REWARD.
 January 6, 1780.

RAN away from the subscriber's plantation, about seven miles from Annapolis, on Monday the 21st day of December last, a likely young **NEGRO** man, named **TOM,** about five feet eight inches high, a stout well set fellow with thick lips, and his legs rather large; he is now when he went away, a light coloured country made cloth jacket, with a red short waistcoat under it, a pair of light coloured country cloth breeches, and also took with him a pair of leather breeches, dark coloured yarn stockings, and two pair of shoes. It is apprehended that he may have endeavoured to get over into Virginia, from whence he was brought when a small boy and was then the property of John Morton Jordan, Esq; deceased. Whoever will apprehend the said negro, and bring him to the subscriber, shall receive the above reward if taken in Maryland, and if out of Maryland a further reward of one hundred dollars, besides all reasonable charges, paid by
ELIZABETH SCOTT.

[XXXVth Year.]

THE

[No. 1735.]

MARYLAND GAZETTE.

F R I D A Y, APRIL 14, 1780.

To the PEOPLE of MARYLAND.
NUMBER III.

THE power of punishing offences, are prohibited by the laws of society, in the state of Maryland, is founded on the contract contained in the declaration of rights and the form of government. To this government is also transferred the right of punishing offences against the law of nature, which every individual, in a state of nature, would possess, and which is clearly derived from the principle of self-preservation. It is this alone which can justify capital punishment. Wherever the necessity of enforcing a law by the death of the transgressor, is not dictated by this ruling principle, I make no scruple of denying the right of a legislature to take away the life of a human creature.

That it is not vested in them by the consent of individuals, in the original compact, is evident, since man, having, by the law of nature, no power over his own life, cannot vest that power in others; it is therefore worthy of consideration, how far a legislature may incur the guilt of murder, by inflicting capital punishment, for the breach of a positive law.

An excessive severity is moreover so repugnant to common sense, that, in a government like ours, the transgressor frequently escapes with impunity; for this reason, the penalties denounced carry not half the terrors of a much milder, but certain, punishment.

That the criminal law is every where more imperfect than the civil, may be ascribed to several causes.

The establishment of civil rights, and the regulations of property, are matters which deeply interest every member of the community; when a defect therein is discovered, and generally acknowledged, the remedy is applied. The civil law, therefore, in all free governments, approaches nearest to a state of perfection.

Penal laws are frequently enacted, when the passions are inflamed by a recent transaction; a perpetual law is sometimes applied to remedy a temporary evil; but the grand cause of the imperfection in the penal laws is this, they are framed by the rich and powerful, and contrived principally for their own security; most of the offences are of such a nature, that they conceive themselves exempt from a possibility of incurring the penalty; a man can seldom judge with propriety, unless he can bring the case home, and examine it by the touchstone of his feelings; if a law were proposed, to punish simple fornication by death, there is not a man who would not reject it with anger and disdain; but appeal to a wealthy citizen for his sentiments, with respect to the punishment of a nocturnal thief, and he will tell you at once, that property can never be secure, unless such invaders are cut off from the face of the earth. Hence it is, that truth and justice, the feelings of humanity, and the indelible rights of nature, are so often violated by sanguinary laws.

The intention of human punishment is not to revenge the injury which an individual sustains, or to oblige the offender to expiate the public wrong; it is to caution him against future crimes, and to deter others, by the dread of an example.

From what has been said, may be collected this rule, that every punishment should be justifiable by the law of nature, and the original contract; that it should be proportionate to the offence, and be the most likely to produce the end proposed; which is the safety of the community, and of every individual.

By this standard, I purpose to examine some parts of our penal law.

For the crimes of murder, and high treason, the penalty of death is denounced; and, I think, in these cases the legislature has not exceeded its warrant. He that sheds man's blood, upon cool, deliberate malice, is guilty of a crime, which strikes at the very being of society. High treason, as defined by our treason act, is an offence tending to introduce every evil which society was instituted to guard against; it is a crime of deeper malignity than simple murder. Counterfeiting bills of credit, and other paper currency, has an evident tendency to weaken or destroy the means

of carrying on the war; this crime, and the offences against the "act to punish certain crimes," passed in October 1777, partake largely of the nature of treason; the punishment in all these cases is dictated by the same principles in the law of nature.

The secret and malicious burning of dwelling houses, or vessels in which a human creature may probably be in danger of perishing, requires the utmost depravity to perpetrate, and calls for as signal a punishment as murder itself. The burning or destroying of court houses, churches, magazines, and other public buildings, implies a diabolical malice against the whole community; it is nearly allied to treason, and should be punished with equal severity.

As to what is called the *crime against nature*, I will not shock the reader's delicacy, by dwelling a moment upon the subject; the voice of reason determines the punishment to be capital.

In the disgusting catalogue of capital offences, the crimes I have mentioned scarcely constitute a tenth; but in none, except these, do I think the penalty of death conformable to the rule before laid down.

If my *memory* does not deceive me, the marquis Beccaria denies the right of capital punishment; because it is not fairly derived from the original compact. He also contends, that the execution of a criminal does not operate so powerfully by way of example as some other punishments, which might in another view contribute to the benefit of the public.

With due submission to an authority, so much revered by every humane, intelligent, mind, the right, as I before remarked, is derived from a higher source, from the universal principle of self-preservation, which directs us to secure our safety, by the death of that transgressor, who manifests a disposition, beyond the power of human correction, or the probability of amendment. His perversity of soul must be imputed to a murderer, and the general sense of mankind, when it is not hardened by scenes of blood and slaughter, condemns him; in whatever situation you might place him, unless he were totally deprived of the exercise of his will, you might dread a repetition of his crime; to reduce him to that condition, would be far crueler than the loss of life; it is therefore necessary for society, and better for himself, that he be dismissed from a world, in which he no longer deserves to remain.

With respect to examples of superior efficacy, notwithstanding the ingenuity of the amiable author, who sets down the secret reasonings of a man, when about to perpetrate the blackest of crimes, I must freely declare my opinion, that no human sanctions will restrain him who can argue down the fear of death.

These reflections have, with difficulty, reconciled me to the idea of capital punishment. I am still shocked at the manner, directed by the terrible sentence in high treason; it may be milder than the wheel, or other infernal engines, invented in some countries in Europe, but every enlightened mind considers these as a disgrace among civilised nations.

That this sentence of the law has been so often mitigated by the dispensing power, is an argument for confining it to the single part of *suspension*; which is the only mode of capital punishment I wish to be known by our laws; it is the most simple, the easiest, and the most conspicuous.

Corruption of blood, and forfeiture, by the common law of England, which is the law of Maryland, wherever it has not been altered by *statute*, are consequences of treason and felony; they are perhaps intended to restrain a man by his passions and affections. The reflection, that his conduct may involve his beloved offspring in misery and disgrace, in the moments of cool deliberations, may operate almost as powerfully as the fear of death; but is that species of punishment, which falls not upon the criminal, but his innocent dependents, consistent with the ideas of justice and humanity? To say, that they should be interested in keeping him within the bounds of his duty, is too pitiful a sophistry to convince a rational enquirer.

If the forfeiture of property ought to be added to the capital punishment in *treason* and *mur-*

der, I conceive, it should be with this restriction, that it shall not take place to the prejudice of a guiltless wife or children.

The distinction between a fine and forfeiture is obvious. I would not be understood to deny the propriety of fines, on the same principle of their affecting innocent persons; they are well adapted to the nature of some interior offences; injurious consequences to the family of the delinquent are unavoidable in every kind of punishment.

Corruption of blood is so replete with absurdity, that I am persuaded it was owing to an oversight, that the doctrine was not exploded by the 24th article of the declaration.

In this place, I solicit the readers attention to the third article in the declaration: "the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first migration, and which by experience have been found applicable to their local and other circumstances, and of such others as have been since made in England or Great-Britain, and have been introduced, used, and practised, by the courts of law or equity," &c.

If at any time I am guilty of a mistake in matters of law, the candid reader will be inclined to pardon, when he reflects how difficult it is for any one man, or even the whole fraternity of lawyers, to ascertain how much of the common law, and what English statutes, or parts of statutes, have been extended to this state by the practice of the courts.

The matter rests at the discretion of the judges, but to what record, or memorial, must they resort, for a guide to their decisions? In this respect we labour under the deplorable disadvantage of a vague and uncertain law.

Is it not therefore the indispensable duty of the legislature, unless they mean to institute an entire new code of penal law, to declare the law, otherwise than by general, unmeaning terms? Such an act would relieve the judges from a miserable perplexity; would prevent suits and contentions; and, in every case, destroy the plea of unavoidable ignorance, which, in a court of conscience, might frequently be urged with success.

If in so great and national a concern, the emoluments of lawyers should be thought worthy of attention, I would cheerfully consent, that the same act should make each of them a *compensation*, to be estimated by his age, his reputation, the extent of his practice, and other circumstances.

A REPUBLICAN.

For the MARYLAND GAZETTE.
NUMBER V.

IT is the language of the king of Great Britain, that "trusting in divine Providence, and in the justice of his cause, he is firmly resolved to prosecute the war with vigour, and to make every exertion, in order to compel his enemies to listen to equitable terms of peace, and accommodation." It is to be considered what are those terms of peace and accommodation which he will call equitable: Not certainly, that France shall continue in alliance with these states; or that these states shall retain their independence; but, that France shall withdraw, and leave them to their fate as before the alliance; that they shall fall back under the dominion of Great-Britain, and be subject to her laws. These are the terms which, in the judgment of his mind, he will call equitable. Driven from these, he will probably descend, and admitting the independence of some states, insist for a dominion over the remaining. From a paragraph of a very extraordinary nature, in the Baltimore journal, it would appear, that proposals of this kind have already originated in the British cabinet; and that "relaxing gradually, they will propose independence to eleven colonies" (as they still affect to stile them) excepting "Georgia and Carolina on the south."

This proposal will be inadmissible with the Americans. The whig inhabitants of Georgia, Carolina, and New-Hampshire, have a claim to liberty from nature, and from these

states, who have pledged "faith and sacred honour" to support them. The whig inhabitants of the extreme states, have a double claim to liberty, from their birthright as men, and from their spirit in entering into the confederacy, and the valour with which they have contended in the war.

It was but a common ground of praise, that the inhabitants of the middle states, strong by the assistance of each other, and bound up in the center, have braved the enemy. The praise of the extreme states is singular, who, though far removed from the main force of the confederacy, have acceded, and still adhered to it; nay, who have evinced a spirit both in sustaining danger, and in repelling the enemy; that has outdone the best exertions of the middle states. The inhabitants of Georgia have been ever foremost in devising measures, against the enemies of their country; not a single nonjuror has been left amongst them, but obliged to depart, and remain with their friends the British. The whig mind of these states is of the best quality; it boasts a superior metal, and is to be mentioned first, when we reckon up the merit of distinguished virtue.

Shall we relinquish these states, and leave them to fall back under the dominion of Great-Britain? Shall we leave the brave inhabitants to suffer the indignity of a subjection to the tyrant? Shall we leave them to bear the injuries of the insulting fox, gibbets elevated on the plains where they have fought, or scaffolds, not far distant, streaming with blood? Let not the enemy flatter themselves with this expectation; for sooner shall the whole perish, than one state shall be diminished from it.

The interest of the whole opposes the idea; for the enemy possessing Georgia, Carolina, or New-Hampshire, and adding these to the Florida, Nova-Scotia, and Canada, which they will fill with emigrants from their own and from other countries, where despotism reigns, and to the enslaved minds of whole inhabitants it is agreeable, would have it in their power to invade these states, and exciting insurrections of our negroes and forming a league with the savages, their natural allies, might exist, like the Jesuites among the Hebrews, a "thorn in our side," and give perpetual uneasiness perhaps with the assistance of the disaffected amongst ourselves, might entertain the hope, in opening time, to reduce other states from the union, and by open, or by covert means, to subvert our liberty. These circumstances render it advisable, not to much to reject the idea of a dismemberment, as to act with that firmness and vigour, the ensuing campaign, that the enemy, expelled from these states, shall not have the opportunity even to propose it.

That the enemy, possessing Georgia and the Carolinas with what they will call the loyal colonies of the two Floridas, may have it in their view to make war upon the Spaniards, and indirectly themselves, at their expence, for the losses, which, through the means of France and Spain, they have sustained in North-America, is not impossible; but that these states, even on condition of immediate peace, could take any part in that war, say, that they could be neutral, as in the paragraph of foreign intelligence* to which we have had a reference, is suggested to be the expectation of the enemy, is impossible. The body of a free people, though oftentimes mistaken in their judgment of men and particular measures, yet in the great outlines of right and wrong, cannot be so mistaken; and meaning what is right, they will, on matters of great and visible magnitude, determine justly. What I shall these states assist Great-Britain to make war upon the Spaniards, who, indirectly, by their connection with the monarchy of France, are in alliance with us, and have, directly, contributed to our independence, by making war upon our enemies? It is equally probable that we shall assist Great-Britain to make war upon the planet Mercury, or that, in conjunction with her, we shall invade Saturn. These states, bound in a confederacy, will eternally be strong, and capable to resist impressions; but are not of a nature to extend empire. Britain will have nothing to hope from our assistance against Spain; she will have every thing to dread from our friendship to that nation. Delivered from oppression, in some part, by her means, shall we co-operate with the resentment of our enemies against that branch of the house of Bourbon, which, on this very account, is rendered obnoxious? Shall we hesitate to afford assistance, should our enemies, on that account, quitting the soil of the states, carry the war into the territories of Spain in North-America? It is not to be supposed; and the minds of the people of this country will revolt from the proposition.

AN ANTI-ANGELICAN.

* Paragraph in the Baltimore journal.

For the MARYLAND GAZETTE.

MANY things have been said, in the public papers, in answer to certain publications, under the signature of a senator; some supposing that he might be a Senator, others thinking that he was not; some replying to him as in earnest, others considering him as in jest and as having it in view, only to burlesque the reasonings in use against the confiscation bill; others, of opinion, that though unconvinced himself, he might be willing to convince others; and, to shew his ingenuity, had set forth paradoxes, more still, and amongst these, a writer, under the signature of an Independent Whig, and another under that of a Caper, believing that he might be some unfortunate gentleman deprived of reason, or, in other words, stark-mad. The like difference of opinion has divided the common people, who, during a great part of the winter, have been at loggerheads, in conversation, to determine whether he meant by Calves case, to prove them British subjects, or, by his reasonings against confiscation, to make them really such. But a still greater evil occasioned to the world, is the scraping of certain writers of the rat tribe, in the Maryland journal, who mistaking the common law and law of nations for Chevre case, and preying on Calves case, the reasonings from which have been a thousand times parodied, burlesqued, ridiculed, refuted, reprobated; and exploded, have kept the whole country awake, thirty miles round, for several months past; gnawing bits, not in the least degree applicable, from several authors, growing over what they had stolen from these, and making as much noise as a dozen score of rats in the ciewing of an old vessel.

These sorry animals would do well to lie quiet, otherwise rats-bane will be laid for them, and they will be made to swell and burst by the digestion of their own productions. Were it not that a man would scorn to turn rat-catcher, but upon the most extreme necessity, they would have been put to death before this time. If rats-bane should fail, a thousand cats may be got; who are enemies to rats, and will never suffer this generation to infest the earth, as they did the island of Samos, before Apollo commissioned certain of the tabby breed amongst them.

But to silence this scraping effectually, and at the same time, to put an end to all that betting which has taken place, and to all that jarring of opinion, both in conversation, and in writing, relative to the author, and intention of these publications, or, what is a more cogent reason, to relieve the honourable the senate from the imputation of having had a member of their body, who could write in that manner; and, what may be also requisite, to take away any bad impressions which these publications, however inconsistent and absurd, may have made upon the minds of weak persons, it is proper that we pull off the mask, or, to use a phrase known to the common people, let the cat out of the bag, that is, to relate, in plain language, in what manner, and from what hands, these publications came into the world.

The truth then is, that they have been written neither by a Senator, nor by one who was not a Senator, a mirchful man, a paradoxical man, a mad man, nor any man, nor even an hermaphrodite, nor a female, but by a set of men in this city who constitute a FOX-HUNTING club.

These men, returning from the chase, and appointing a president, a prosecutor, a secretary for private, and a secretary for foreign affairs, a master of ceremonies, a knight champaign, and poet laureat, indulge loud and unfettered mirth, and having drank freely, spend the evening in the manner that fox-hunters are wont to do. On one of these occasions it was, that the subject of the confiscation bill, to use their own language, was trailed; and several of the club having attended in the gallery, while it was debated, during the last session, in the house of delegates, and having heard of the message of the senate, giving their reasons for rejecting it, which had happened, indeed, but a few weeks before, were willing to shew their knowledge of the question, and unkenning the argument, and following on the part of the senate the opinion which had broke cover, that it was unjust, impolitic, and unnecessary, they bark to him, and in tailybo of the de-

A piece, under the signature of Caius, consists entirely of small scraps from Montesquieu, Eden's penal laws, and other writers, resembling dean Swift's critical essay on the faculties of the human mind.

Necessity has been called the tyrant's plea, which is an evinced that it is oftentimes a just ground of action, otherwise the tyrant would not plead or make a pretence of it. In the present case it has been justly pleaded; for though we might have

hate, canvass every objection in full, until coming in at the death of the traitor argument, it was agreed to commit their thoughts to writing. Accordingly they club each his part, and putting down these on scraps of paper, they are thrown into a hat, by way of ballot. The president invented all the questions which relate to the law of nature and nations; the prosecutor clubbed Calves case; the secretary for private affairs produced invectives against the tender law; the secretary for foreign affairs objected all those matters which relate to Britain's making it a preliminary to restore the confiscated property, or to France and Spain, labouring in the same effect, in a peace to be negotiated; the master of ceremonies offered all those apologetic notions, as, though my knowledge of the law be but small, and the like, the knight champaign claims all those sentences of a threatening aspect, which respect the consequences of the delegates persisting in the measure; the poet laureat threw in several ends of verse, but these being mixed with the prose, are not to be distinguished from it, for the hat being shook, and the scraps of paper huddled together, like black and blue peas in a Roman urn, it was sent to the printer, who being a merry fellow, printed the contents as they came to hand, drawing them out like names and characters on a Valentines day, or like tickets from the wheels of a lottery, until the whole was produced, not, I confess, in excellent order, as the world formed by Epicurus's atoms, but in confusion, like the original chaos, the dry elements contending with the moist, and the light with darkness. It was thought proper to affix to it the signature of a Senator, not supposing (I presume) that, in this disordered state, any resemblance could be traced between it and the last message of the house of Senators, but because it seemed to be in support of their opinion.

It is not to be supposed that even in the original scraps, taken individually, there could be much to the purpose, if we consider that fox-hunters are a class of men, not usually much burthened with understanding, nor having their intercourse chiefly with hounds, hawks, horses, and foxes, what opportunities have they to be improved? If we consider the original materials, and the first formation of these publications, we shall not wonder at that obscurity, inconsistency, and contradiction, which appears through the whole: we shall rather transfer our admiration to the circumstance, that several things, such as Caius, Candour, Veritas, A Planter, Agrarius, and others, in the Maryland journal, could think it reasoning, and step in to support it. It will be also ground of amazement, that so many writers of greater weight and dignity have drawn their pens against it, as heavy supposing that it was by a senator, and intended for a serious argument. These have drawn themselves up in advanced party, flying army, wings, &c. while the main battle and the corps de reserve, do not seem yet to have appeared. The Sentry, the Soldier, the North-Bruton, the Indian, the Watchmaker, the Well-intentioned Reader, Publicola, the Plebeian, an Independent Whig, a Delegate, Pym, Cujus, Philo-senator, &c. might have ipared themselves the trouble of all those strictures, either serious or ironical, had they known the origin of these performances. The members of the club have been the only persons who, in the mean time, have been well entertained, hearing the debates of every kind, and seeing the writings in the papers which their pole stratagem had occasioned. But this matter being now explained, and the bill passed by the senate (which, by the bye, is an evinced; that no member of the senate ever wrote against it) it is expected there will be an end to all controversy on this head, and the world will talk, as well from those who have appeared in favour of the bill, as from the Smythian race, in the

been clement to our enemies, if we could convince by Davis afforded it, yet not having it in our power to preserve our own liberty, and restore to them their property, it became necessary to confiscate it.

The only thing remaining to complain the argument on the part of the advocates for the bill, was the laying down more fully the principles on which it is founded, from the law of nature, the law of nations, and the practice of civilized states in Europe, and the states on this continent, (the greater part of which, contrary to what has been asserted, have confiscated the property of their enemies in the same predicament with that in this state); and at the same time to consider the policy of this measure, and the necessity of it, as being a proper resource for carrying on the war. There is reason to believe that a series of papers of this nature had been intended by the Delegates, which the passing of the bill has rendered unnecessary.

It is called by the Greeks from the town of Smyrna, which they imported.

more journal have not ev... which have sufficien... napolis. Though, in or... an ungenerou... people, in t... at the same t... minds of per... reason; it has... some severity... an idea of th... tak your ability... of the cause... other principl... into absurd... covering part... they have supp... are of a natu... we have no... so intended... these acknow... at an end, e... gentlemen wou... power to ser... aged in their r... to them citiz... unity among s... country, is a... oped that this... be no more j... give to meanj... vertheless, wic... mal, we still c... torjism, and... beneath regard... the MAR... N... H ARME... ministry of... ming the aff... they may pro... paragraph fro... The terms... erica shall be... land, by the l... nt, and a gen... which are... the appoint... forts, to be... Ireland, once... aning unde... tion, may th... e to aspire to... this country... dawn, throw... ch it shall be... Ireland, in th... y think herse... the least li... country, wh... rhood, may... severance, th... y be in a situ... she cannot... g, which it... more potent... erica accept... tain them... necessity of... has already... accept offer... ther from a... nt of modera... with blood... the space of... need of the in... ry, and belie... dent, to disg... ea to impos... inhabitants... sed to subm... lge so impro... able, as to... the first glance... it is not... ated by the... ae say, will... it will be ou... nquements... er five years... e American... could have ne... bate? The... ourselves; a... der the can... the British... This w... spot, who...

more journal, who, in the noise they have
have not equalled the disjointed scraps of
which they have affected to support,
have sufficiently disgraced, by their torri-

F I N I S .

Though, in order to chastise these performances,
account of insinuations against particular men,
an ungenerous address to the prejudices of the
people, in the present case wholly groundless,
at the same time, to prevent their bad impression
of minds of persons, who might laugh, but could
reason; it has been thought proper to treat them
with some severity of ridicule, yet we do not enter
an idea of them wholly unfavourable. They
possess ability, both in the stile, and matter of
writing; and their insinuations arise more from the
of the cause which they advocate; than from
other principle. The greatest men have been
led into absurdities, when, from being placed in
certain part of the prospect, or from other cau-
they have supported error. That these publica-
are of a nature to serve the cause of our ene-
we have no doubt, but do not believe that they
are so intended. We are induced from candour to
these acknowledgments, that, as the debate is
at an end, every character may stand fair;
gentlemen who, in future time, may have it in
power to serve the state, may not be essentially
aged in their reputation, by remarks unfavoura-
ble to them either as whigs, or men of ability.
similarity amongst all who profess a friendship for
country, is at this time necessary, and it is to
be hoped that this matter being now settled, there
will be no more jarring between our public bodies
towards measures in question. Those writers,
whom we have mentioned, which have appeared in the Baltimore
and we still consider as vermin, and both from
their insinuations, and weakness, they have discovered;
beneath regard.

the MARYLAND GAZETTE.
NUMBER VI.

HARMED with the success which the
ministry of England may have had in com-
mising the affairs of Ireland, it is not impossi-
they may propose the same terms to America.
paragraph from a London paper announces
The terms proposed are said to be, "that
America shall be put on the same footing as
land, by the late concession; to have a parlia-
ment, and a general governor, with a house of
peers, which are not to exceed a limited num-
ber; the appointment of governors of provinces,
and forts, to be in the crown."
Ireland, once a conquered kingdom, and
under a heavy bondage of op-
pression, may think herself fortunate in being
to aspire to the least dawn of liberty; but
this country, who is already in possession of
dawn, throw herself back to a situation from
which it shall be her greatest merit to aspire to
Ireland, in the region of a burning kingdom,
think herself fortunate in being able to ob-
tain the least libration of the cool stream; but
a country, who has no Hecla in her neigh-
bourhood, may promise to herself, with a little
severance, the full tide of freedom. Ireland
is in a situation tolerable for the present;
she cannot hope to enjoy those privileges
which it will eternally be the interest of
a more potent kingdom to destroy. Shall
America accept the like privileges, when, to
obtain them, she will also, one day, be under
necessity of fighting that ground over which
she has already gained in the present war? Shall
she accept offers, which are made by England,
either from a spirit of equity, nor by a senti-
ment of moderation; but because, having stain-
ed with blood, unsuccessfully, the continent,
the space of five years, she is, at last, con-
vinced of the impossibility of reducing it to slav-
ery, and believes it more expedient, for the
present, to disguise the chains, which she medi-
ates to impose upon it, in the expectation, that
the inhabitants, weary of the war, will be dis-
posed to submit? But is it possible, she can
be so improperly of a people, virtuous and
able, as to imagine they will not discover, at
the first glance, a snare so ill laid; and perceive,
that it is nothing more than "governors ap-
pointed by the crown," and troops which, may
be ordered to protect these states;
it will be our protectors, as jailors to those in
confinement. England, can she believe, that
after five years of an honourable and happy war,
the Americans will accept conditions, they
would have rejected at the commencement of the
war? They will have the privilege to tax
themselves; and this privilege will be exercised
under the cannon of the citadels, and in the face
of the British governors, and mercenary Hemi-
scipos. This will be in the manner of an African
scipos, who would say to his slaves, "I give

you authority to bring your contributions to my
coffer; but if they are not sufficient, my life-
guards have their sabres fixed over you, and will
find means to excite your generosity."

If our enemies have really formed this inten-
tion with regard to the Americans, it is not be-
cause they flatter themselves, in any degree,
that they will succeed. Intestine divisions
would be the inevitable consequence; America
would be the theatre of a bloody war between
the friends of liberty on the one part, and the
partizans of the British government on the other.
The only object which the administration could
possibly have in view, in making these proposals
to the thirteen states, is the expectation of being
able to support the still balancing affections of
their adherents; of deceiving their credulity,
proclaiming the evils which have befallen us
past year, and of rendering, as without shame
they have declared, this fine country one entire
desert, convinced of the impossibility of being
able any longer to monopolise its advantages.
This conduct brings to my mind the horrid
practice of the Bramins and priests of India,
whose jealousy for their wives extends beyond
the tomb; and when they die, these unfortunate
victims are burnt alive, or thrown into the same
earth, with their barbarous husbands.

AN ANTI-ANGLICAN.

L O N D O N , Dec. 14.

THE Dutch ambassador has given notice to
all persons in the naval or military line,
subjects of the republic, to return home imme-
diately, to resume their employments in the ser-
vice of their own country.

Summons are issued for a council to be held
at St. James's on Wednesday next, said to be on
the consideration of the propositions of terms of
conciliation with America.

The terms proposed are said to be, that Ame-
rica shall be put on the same footing as Ireland
is by the late concessions; to have a parliament,
and a general governor, with a house of peers,
which are not to exceed a limited number; the
appointment of governors of provinces and forts
to be in the crown.

The first business on the meeting of parlia-
ment, it is said, will be to enter on the foregoing,
which is said to be in a state of more forwardness
than most people think of.

The late concessions of Great-Britain in fa-
vour of Ireland will be attended with the most
happy consequences to both countries, and like-
ly to be productive, in a great measure, to a
reconciliation with the colonies; at least it must
help to forward the great work of uniting all
parties.

Jan. 4 Yesterday about noon, captain Mar-
shall, of the navy, arrived at the admiralty, with
dispatches from commodore Fielding, the con-
tents of which are as follow:

That on the afternoon of the 31st of December
last, one of his squadron, then on a cruise in the
Chanhel, made the signal for spying a fleet,
which he immediately ordered to be chased by
his whole squadron; and that in a few hours he
came within hail of it, and found it to be a fleet
of 17 sail of Dutch and American merchantmen,
under convoy of the Dutch admiral Bylan, with
two ships of the line and two frigates. Commo-
dore Fielding immediately ordered a barge out,
and sent his captain on board the Dutch admiral,
with his compliments, and begged to know
where that fleet was bound; at the same time
requesting permission to search the merchantmen,
agreeable to his instructions.—The admiral sent
his captain back with a very respectful answer,
informing the commodore, that the Dutch men
of war were bound to different stations in the
West-Indies, and the merchantmen for various
ports of France; most of which he acknowledged
were laden with hemp and iron, but none with
timber or cordage; but that he must beg to be
excused from permitting their being searched, as
his orders were equally positive to the contrary.
Commodore Fielding returned for answer, that
he hoped the admiral would think better of it
the next morning, when he should be under the
necessity of renewing the application. The two
fleets passed the night in company, and at day-
break next morning (Jan. 1.) the commodore
sent his captain again with a more pressing mes-
sage, adding, at the same time, that search the
vessels he must at all hazards. The Dutch ad-
miral's reply was, That he was sorry matters
were likely to be brought to such extremity, for
that on boats attempting to board any of his ves-
sels, he should not fulfil his duty without firing
upon them.—About ten o'clock therefore the
English commodore ordered a boat from every
ship to be manned, and to row down to them
with colours flying, which was instantly compli-
ed with; but no sooner did the Dutch admiral
perceive the boats bearing down, than he fired a

shot at them: commodore Fielding immediately
fired a shot a-head of the Dutch admiral from
the Namur, which the latter returned with a
broad-side; on this the Namur and Vigilant
fired each a broad-side at the Dutch flag-ship
from their upper and middle tiers, when the
Dutch admiral struck his flag, as did the rest of
his squadron and fleet. Fortunately, no lives
were lost on either side.

Commodore Fielding immediately sent an offi-
cer on board the admiral, requesting him to
hoist his flag again and pursue his voyage; since
he (the commodore) had fulfilled his duty in
capturing the merchant vessels, which he must
carry into port.

The admiral returned for answer, That he
thought himself bound to share the same fate
with them; but if the commodore would make
his request in writing, that he should hoist his
colours, he would certainly comply with it: this
being immediately done, the Dutch admiral and
his squadron displayed their colours, and saluted
the English flag with thirteen guns, which was
returned by commodore Fielding; who immedi-
ately after proceeded with the merchantmen, and
four Dutch ships of war, for Spithead.

The fleet consisted of 27 sail of merchantmen,
but ten of them parted company the night before
they were seen by the English squadron.

Another account says, that by the broad-side
fired in return for the Dutch one received, 16
or 17 Dutchmen were killed.

Paul Jones was not in company with the
above fleet, as is reported, but sailed out of the
Texel in a foggy night about a fortnight ago in
a single ship (the Alliance;) and from the Dutch
admiral's account went north about, to avoid
the frigates that were cruising for him.

Another account says, Paul Jones sailed from
the Texel with the above, but is put into Lun-
kirk.

As soon as the above intelligence was received
at the admiralty, a copy of the dispatches were
sent to count Welderen, the Dutch ambassador.

The king of Prussia has lately granted permis-
sion to some British officers to raise companies in the
ports of his dominions, for the service of the
court of London.

They write from Cadix, that the Serieux and
the Lion Philip, two Spanish frigates, which had
on board 4000 fire arms and ammunition, bound
from Monti Christi, are lost at sea in a gale of
wind, and all on board perished.

Last night it was reported the Komney, com-
modore Johnstone, fell in on the 28th ultimo, in
latitude 47 north, with a register ship, laden
with buillon; which, after a broad-side from the
commodore, struck. Touching at Fyal, she
took in the ore which had been unladen from
the Spanish frigate, taken some time ago by
captain Sailer of the Huslar.

Jan. 11. Admiral Rodney has taken an
American and a French privateer in the chops
of the Channel in consort.

It is said, that the Dutch received full pay-
ment for all the stores that were shipped under
the convoy of admiral Byland before they sailed.
The French agent at the Hague, Mr. Henniker,
came under obligation to indemnify the Dutch
for all possible loss.

Monday some dispatches were received by go-
vernment from Holland, on which account a
privy council is to meet by summons after the
leave at St. James's to-morrow.

Orders were on Saturday sent down to Ports-
mouth not to unload the Dutch ships taken by
captain Fielding, and brought in there, until
further orders; and also that the crews of the
said ships be provided with necessary provisions,
so long as they stay there.

P H I L A D E L P H I A , April 5.

Extract of a letter from Edenston, North-Carolina,
March 19.

"The last accounts from Charles-Town say,
That a body of the enemy were on James's
Island, and that Sir Harry had demanded a sur-
render of the town, which was refused. The
general opinion is, that he will neither scare nor
flatter them out of it."

Edenston, March 23, 1780.

"By a gentleman in 15 days from Charles-
Town we learn, the enemy had erected a battery
upon James's Island, and had tried their guns
(which were supposed to be 18 pounders) but
their balls fell very short of the town. After-
wards our frigates went and destroyed their
works.—He also says, the enemy's numbers do
not exceed 5000, and ours amount to 7000.
The people in Charles-Town are under no ap-
prehension of losing it."

Sunday last arrived here the brig Holker,
captain Lawler, in thirteen days from St.
Eustatia.

ANNAPOLIS, April 24.

On Friday last, the 7th inst. departed this life, in the thirty-second year of her age, justly lamented by all who knew her, Mrs. SARAH CRAUFORD, the worthy consort of David Crauford, Esq; member of the house of assembly, from Prince-George's county, Maryland.

To every social virtue, which adorns woman-kind, were superadded, the endearing accomplishments of an affectionate wife, a tender mother, a steadfast friend, and indulgent mistress. These happy endowments, which characterised her during life, shone forth with redoubled lustre, in her last stage, and enabled her to sustain a painful, and lingering illness, with a degree of fortitude and resignation, known to few; and which could only emanate from her future expectations of a "better life" due to her christian virtues. Of her may be truly said, that during her mortal period, she never gave an affectionate husband, "pain, but when she died," nor had one thought beyond the power of diffusing goodness around her. But alas! she's now no more!

Her remains were interred on Sunday evening, accompanied by a numerous collection of unfeigned mourners.

In every stage of life, her virtues shone, beloved, respected, but how sudden gone! Ah, why did heaven, deny a longer stay, Muil worth, he barely shewn, and snatch away! Yet let my muse, her aching sorrows speak, Much for her own, but more her family's sake. Now in those nappy mansions, deign to throw A pitying eye, upon your friends below: And take these tears, "mortality's relief" 'Tis all an husband, child, or friend can give.

By his EXCELLENCY THOMAS SIM LEE, Esquire, GOVERNOR OF MARYLAND, A PROCLAMATION.

THEREBY appoint Wednesday the 26th day of April next, to be observed throughout this state, as a day of fasting, humiliation, and prayer, agreeably to the annexed recommendation of congress.

GIVEN at Annapolis, this 17th day of April, in the year of our lord one thousand seven hundred and eighty.

THO. SIM LEE. By his EXCELLENCY's command, T. JOHNSON, junior, sec. GOD SAVE THE STATE.

"IT having pleased the righteous governor of the world, for the punishment of our manifold offences, to permit the sword of war still to harrow our country, it becomes us to endeavour, by humbling ourselves before him, and turning from every evil way, to avert his anger and obtain his favour and blessing: it is therefore hereby recommended to the several states,

That WEDNESDAY the twenty-sixth day of April next, be set apart and observed as a day of Fasting, HUMILIATION and PRAYER, that we may with one heart and one voice implore the sovereign lord of heaven and earth to remember mercy in his judgments;—to make us sincerely penitent for our transgressions;—to prepare us for deliverance, and to remove the evils with which he hath been pleased to visit us;—to banish vice and irreligion from among us, and establish virtue and piety by his divine grace;—to bless all public councils throughout the United States, giving them wisdom, firmness and unanimity, and directing them to the best measures for the public good;—to bless the magistrates and people of every rank, and animate and unite the hearts of all to promote the interest of their country;—to bless the public defence, inspiring all commanders and soldiers with magnanimity and perseverance, and giving vigour and success to the military operations by sea and land;—to bless the illustrious sovereign, and the nation in alliance with these states, and all who interest themselves in the support of our rights and liberties;—to make that alliance perpetual and extensive usefulness to those immediately concerned, and mankind in general; to grant fruitful seasons, and to bless our industry, trade and manufactures;—to bless all schools and seminaries of learning, and every means of instruction and education;—to cause wars to cease, and to establish peace among the nations.

"And it is further recommended, That servile labour and recreations be forbidden on the said day.

"DONE in CONGRESS the eleventh day of March, in the year of our lord one

thousand seven hundred and eighty, and in the fourth year of our independence.

SAMUEL HUNTINGTON, President. CHARLES THOMSON, Secretary.

To be SOLD by the subscriber, at his dwelling plantation, on the 17th day of April, 1780.

ALL the stock of horses, hogs, sheep, and cattle, together with the plantation utensils, for ready money only. As I intend leaving this state very soon, those who have any demands against me will bring in their accounts for settlements, and likewise those who are indebted to him will immediately discharge theirs, as very little indulgence will be granted by, ANDREW LEIPER.

Prince-George's county, St. Paul's parish, March 30, 1780.

WANTED a clergyman of the church of England. Any gentleman who will apply and approved by the vestry, they will engage to give annually twenty thousand pounds of tobacco, and the use of a small glebe.

Signed per order, LEONARD WARRING, register.

THERE is at the plantation of Stephen Rawlings, taken up as a stray, a bright bay mare, about seven years old, is neither docked, nor has any perceptible brand or ear mark, about 15 hands high. The owner may have her again on proving property and paying charges.

Somerset county, April 4, 1780.

NOTICE is hereby given, that I intend to petition the next general assembly, for a road to lead from the main road leading from Princess-Anne to the lower ferry, to the plantation whereon David Megrath formerly lived, and now in the possession of MARY WAGGAMAN.

Caroline county, Maryland, March 12, 1780.

THIS day was committed to my custody a negro man named BEN; he formerly belonged to a certain Philip Wilson, of Philadelphia. His present master is desired to come, pay charges, and take him away.

HENRY DOWNES, sheriff.

WHEREAS, colonel Edward Sprigg, late of Prince-George's county, deceased, having, by his last will and testament, directed his executrix to sell and dispose of part of a tract of land, lying in Frederick county, called, Addition to Piles's Delight, before the first day of June after his decease, for the payment of his debts; and whereas his executrix, through sickness and inability of body, could not attend to as to make sale thereof by the time limited in the said will, she hereby gives this public notice, that after a continuance of this advertisement eight weeks in the public papers, she intends to petition the general assembly for an act empowering her now to dispose of the said land, in order to enable her to make a final settlement of the estate of the said testator.

MARY PINDELL, executrix.

LAWs of MARYLAND, passed November session, 1779, may be had at the printing-office.

ONE HUNDRED DOLLARS REWARD.

RAN away from the subscriber's plantation, about seven miles from Annapolis, on the main road leading from thence to Baltimore, on Monday the 21st day of December last, a likely young NEGRO man, named TOM, about five feet eight inches high, a stout well set fellow with thick lips, and his legs rather large; had on when he went away, a light coloured country made cloth jacket, with a red short waistcoat under it, a pair of light coloured country cloth breeches, and also took with him a pair of leather breeches, dark coloured yarn stockings, and two pair of shoes. It is apprehended that he may have endeavoured to get over into Virginia, from whence he was brought when a small boy and was then the property of John Morton Jordan, Esq; deceased. Whoever will apprehend the said negro, and bring him to the subscriber, shall receive the above reward if taken in Maryland, and if out of Maryland a further reward of one hundred dollars, besides all reasonable charges, paid by

ELIZABETH SCOTT.

WANTED IMMEDIATELY in the city of Annapolis.

A PERSON properly qualified to take the tuition of youth, in Latin, arithmetic, and to read and write English. It is proposed to create a fund for his support, intended to be very liberal, and every way adequate to the times; the expences of his board will be defrayed, and a school-house furnished. The number of pupils not to exceed twenty.

A proficient in the classics is most desirable, yet should no such one offer himself in a short time, any person of a good character, qualified in the other branches above enumerated, will be accepted. Apply to

ELIE VALLETTE

March 4, 1780.

STOLEN out of the stable of the subscriber, at his quarter near the city of Annapolis, the night of the twentieth day of February, a chefnut sorrel MARE, about thirteen hands high, eight or nine years old, spring, flaxen mane and tail, one hind white, branded on the near buttock C D, and gallops, and carries her head when very low. Any person who will give information, or secure the said mare so that the owner may have her again, shall receive one hundred dollars, and if brought home one hundred and fifty dollars, and any person securing the mare so as he may be brought to justice, shall receive a reward of one hundred dollars, paid by

WILLIAM WATSON

TAKEN up some time in January last, between the Bodkin and Mountain three Hogheads of tobacco, the hogheads without heading, and part of the tobacco. The owner, upon proving property and paying all charges, may have the tobacco by applying to John Tradgall, on the Seven Mountains near the mouth of Magothy. Also at same time and near the same place, were taken up, two hogheads, much hurt, and a great part of tobacco lost. The owner, upon proving property as above, may have the tobacco by applying to William Trowell, near the Bodkin.

At Whitehall, on the north side of level, YOUNG TRAVELLER will cover mares this season, at two guineas each, to be paid before covering, or as much continental currency as will at the time purchase two guineas; eight dollars to the groom. He is a bay horse, fifteen hands high, was got by Colonel Lloyd's Traveller, which was got by Mr. Cameron's imported horse Wildair, in Virginia. Young Traveller's dam was got by Gorge's Juniper, his grand dam by Mortimer Traveller, and his great grand dam by the dolphin Arabian.

Good pasturage for mares, at six dollars a week, but I will not be answerable for any loss.

WILLIAM YEDELLE

Annapolis, March 30, 1780.

THE COMMITTEE of GRIEVANCES and COURTS of JUSTICE will sit to do business in the committee room, every day, from eleven in the forenoon till four in the afternoon, during the present session of the general assembly.

Signed by order of the committee, A. GOLDER, clk. com.

WILD AIR

STANDS this season at the head of Wellver, and will cover mares at three hundred dollars each, and ten dollars to the groom. The money to be paid before the horse is put out of the stable. He is a dark bay, upwards of fifteen hands and an half high, he was got by Mr. Delancey's imported horse Wildair, his dam by Ariel, his grandam by Othello, his grandam a barb, his sire was got by Old Cal his grand sire by the Godolphin Arabian.

N. B. Pasturage at ten dollars a week, but will not be answerable for any that may be lost.

JOHN JOHNS

A PETITION will be offered to the session of the general assembly after notice shall have been published eight weeks, an act to empower the subscriber (now a minister) to make a good and sufficient deed of conveyance, for certain tracts of land lying in Charles county, which he inclines to make sale of.

HARRISON MUGGRAVE

MARYLAND GAZETTE.

F R I D A Y, APRIL 21, 1780.

the PEOPLE of MARYLAND. NUMBER IV.

FOR crimes, which are denominated felonies within the benefit of clergy.

At times is burning in the hand, and, at most, a discretionary imprisonment, not exceeding one year. After this, the offender is discharged from all other offences of the kind before committed; he is restored to all capacities and credits; and it would even be reasonable to call him a felon. The slightest action will demonstrate, that this punishment is much gentler than that of many inferior crimes. Here then is a violation of proportion; either the clergyable offences must be guarded against, by severer penalties, or the punishment of inferior crimes must be mitigated.

would be foreign to my purpose to examine the origin of this benefit of clergy; in all felonies, whether new created, or by common law, must be allowed, unless taken away by the express words of a statute. It extends to bigamy, manslaughter, and simple larceny.

The benefit of clergy, if it were only for the utility of its name, and its principle should be abolished; burning the hand of a layman was probably intended, in the beginning, as a mark which the offender might be known upon arraignment, as a punishment, it is by no means adequate to the crime of bigamy.

He is guilty of this offence, disturbs the order which is wisely established in every christian country; and if he has used deception, as is usually the case, with the second wife, the crime cannot be thought inferior to a rape; but he was cohabitant of the prior marriage, I should only punish him with a little more severity than I would a common adulterer. The injury which the first or the second husband sustains by an offence, committed by a woman, is not so considerable; she should therefore be viewed in a somewhat worse light than an adulteress.

In all cases it should be left to the discretion of the first husband, or wife, to dissolve the bond of marriage.

The penalty for a rape, and for the seduction of a woman by the solemnity of a marriage, should be nearly the same; in the latter case it seems equitable, that the offender should be liable to an infamous corporal punishment; I mean a part of that punishment which was inflicted by William the conqueror; he should be totally divested of his property, one half to be given to the injured wife, provided she consents to dissolve the marriage, and the other to the woman upon whom he has practised so villainous an imposition.

The same corporal punishment might be proper for a rape, and the execution might be safely trusted to the discretion of the judges, upon a consideration of all the circumstances of the evidence.

The killing of a man is sometimes the consequence of duelling.

There is no occasion for an elaborate argument, to expose the custom, which obliges a man to revenge his insult, by inviting the offender to a fair and equal combat; but notwithstanding its manifest absurdity, and the violation of divine and human laws, there is still a strong bias in favour of the man who is insulted, and he is often obliged to fight.

It is not that diabolical malice, which renders a man unfit to remain in society, that calls the combat into the field; he goes to preserve the opinion of the world, and wishes that fate should add the ball he wins at his antagonist, from whom his resentment has subsided.

I do not therefore rank him with a murderer; the severity of the law, instead of repressing the inclination to the man, who is injured, has evidently increased it, by furnishing an additional incentive to the man, who is injured, by the high value of honour, which is attached to the high office of duelling.

It is nothing to wonder, that the legislature can do nothing to abolish a custom which goes to the best of men, and every where prevails, in the most civilized and christianized nations.

All this salutary provision can be discovered, if we are willing to consider the killing of a man, as a fair and equal combat, and a species of

manslaughter, which is defined, "the unlawful killing another, without malice express or implied."

The essential difference between voluntary manslaughter and murder is this; the latter is committed during the heat of resentment; and, in the punishment, the law respects the frailty of human nature. It is not as reasonable to grant some indulgence to a mistaken notion of honour, which is the frailty of men but noble minds, as to that petulance and irascibility, which we inherit in common with the brute creation.

The degrees of guilt are different in almost every homicide which amounts to manslaughter; it therefore seems expedient, that the law should determine the nature of the punishment, and leave it to the judges to adjust the measure. On this account, the use of imprisonment is certainly more suitable than burning in the hand, or any other definite punishment, of which a slight transgressor could not fail of procuring a remission, upon application to the dispensing power.

If a due proportion between the crime and the penalty were observed, this power would be rarely exerted. Although I am not an advocate for the severity, I most strenuously contend for the certainty of penalties; I am fully convinced, that, without it, many of our laws will be despised and trampled upon.

We have an act of assembly, which punishes simple larceny, where the theft does not amount to 1000 lb. of tobacco, by whipping, pillorying, and an obligation to pay four shillings to the party upon whom the depredation has been committed; this law is wise and equitable, and therefore the penalty is never remitted.

If the legislature would extend it, with some improvements, to every species of larceny, and to every secret destruction of property, not amounting to arson, or tending to endanger the life of a human creature.

The purloining of bonds, bills, notes, and other writings, should be put upon the same footing as stealing the money they are meant to secure; the stealing of any writings relating to a real estate, except wills, is not punished as a crime; but these distinctions between goods that are immovable, or those which are not, are very ridiculous; it is not less injurious or immoral to invade a garden, an orchard, or a corn field, in a secret manner, and to take away the produce, than to steal a moveable chattel.

I am sensible that I argue against the prejudices of mankind, when I contend for a mitigation of the punishment for horse stealing, and robbery of the highway; I may probably be honoured with the epithet of liberal, weak, and visionary; but they will give me little pain, provided I can convey some useful hint to those who have power and inclination to improve it.

Of robberies, the instances are very rare; horse stealing is practised every day; and the experience we have had of the inefficacy of the law made to prevent it sufficiently evinces the truth of this observation, that criminals are more effectually prevented by the certainty than the severity of punishment.

The penalty, being an outrage on the feelings of humanity, is never inflicted but upon the most notorious offenders; it has therefore lost its terrors, and that wretch, who is rigidly sentenced to suffer, may deem himself peculiarly unfortunate; he would have the penal law upon such a footing, that an injured party may not be restrained, by a venial tenderness to the life of the offender, from prosecuting that justice, from the same motive, may not incline to misconstrue the evidence; and that pardon, after a full conviction, may not be granted, almost indiscriminately, to every offender.

The proposition therefore is, that for every species of larceny, and for every secret destruction of property, not amounting to arson, or tending to endanger the life of a human creature, the benefit of clergy, and the pains of death, should be exchanged for discretionary imprisonment, whipping, pillorying, and an obligation to repair the private wrong by service of works of the most salutary kind.

This mode of punishment is equally adapted to every kind of forgery, and to the embezzlement of deeds or other writings. I believe the courts have never thought themselves authorized to extend any of the English penal statutes, enacted since our first migration; but, unless some of these statutes have been introduced, the law does not punish one tenth of the offences of this class, and must therefore be acknowledged to be extremely defective.

If I did not think myself better qualified for suggesting short hints, than proposing regular schemes, I would delineate a plan for employing delinquents, till the sentence for reparation should be fulfilled; besides suspension is so expeditious a mode of ridding the community of a troublesome member, and the erroneous opinion of its efficacy, by way of example, is so obstinately rooted, that I despair of seeing mankind inspired by sentiments of justice and moderation.

Burglary, or the offence of breaking and entering a mansion house in the night, with an intention to commit felony, may tend to produce murder, but does not discover a depravity of heart beyond the hope or probability of amendment; the putting the inhabitants into fear, and the probable consequences, constitute the offence, which is properly cognizable by an earthly tribunal. It is extremely odd, that this should be almost the only case in which the law of England punishes the bare intent, which can only be collected from presumptive evidence. I would punish the "breaking and entering," in the same manner as larceny and destruction.

I may be suspected of wanting a zeal for true religion, by attempting to extenuate the guilt of blasphemy. After denouncing severe penalties for the first and second offence, our act of assembly has decreed death for the third; but has this law, which was dictated by the genuine spirit of persecution, been executed in a single instance? How much wiser, and more effectual would it be, to bind a blasphemer to his good behaviour, upon information of the first offence, and to make the recognizance forfeitable upon a conviction of the second.

Adultery is a subject, which, in these days, must be handled with caution. I will not even undertake to determine, whether it should be considered as an indictable offence; our sentimental lawgivers of 1715 ordained, that an adulterer should be fined £. 3. If the penalty is proportionate to the crime, there is no necessity for an alteration of the law.

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THE facility with which the ministry of England have conceded to the remonstrances of Ireland, and admitted the idea of an equal trade, is an evidence of their determined purpose to carry on the war against America. It is usual for those who have some main point in view, to sacrifice lesser matters, in order to carry those where their passion, or their interest, is more engaged. In the present case, it seems to be the policy of the enemy, to strike away every ground of difference amongst themselves, to sacrifice every interest at home and abroad, in order to prosecute the war against this country.

The policy of lord North, in proposing a repeal of every law restrictive of the trade of Ireland, and giving her an equal trade, is of this nature. Taught by experience of the bad effect of the counsils, with regard to America, he has been willing to satisfy, in some degree, the demands of Ireland, in order that he may obtain the hearty concurrence of that kingdom in the war.

Whether this kingdom may be fully satisfied with these terms, short of independence, I cannot tell; but if satisfied, there is danger that, according to the expectation of the ministry, they may concur in the views against America; if so, there is a wide difference between a cold and averse mind, and that which he may now discover. It is natural for persons, who have found men in their opinion, reasonable with respect to them, to believe that they are, and ever have been so, with regard to others. I find it is the language of the London papers, that "a comparison of the differences with Ireland may bring about a reconciliation with the colonies."

A REPUBLICAN.

For the MARYLAND GAZETTE. NUMBER VII.

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and I take notice of the toast drank in Limerick, at the rejoicing on the occasion of the news of lord North's propositions, "peace with America, and war with all the world."

That Ireland may be satisfied with the proposals of lord North is possible, if we consider that she has been long depressed, and accustomed to a worse condition; it is natural for men to estimate advantages, not so much from their intrinsic value, as by a contrast with disadvantages under which they may have laboured. Take off the irons of a prisoner, and he will be happy for a while, though you still confine him. If Ireland should be satisfied, it will be possible that our enemies, in this hour of her good humour, may draw great assistance of men and money, from her voluntary concurrence in the war.

When we survey these circumstances, which bespeak determined enmity on the part of Britain, shall we still consider the principle of temporary provisions, for the war, which, in our opinion, the ensuing campaign may terminate? I am persuaded the ensuing campaign will not terminate it. Let us, then, reject the idea and the language too often used, that if we can make a shift this summer, a negotiation will take place, and all matters will be settled. It is time that we quit the rocks and the shoals of this dangerous coast; that we furnish ourselves with a compass, and attempt the wide ocean, for there only shall we be safe, and have it in our power to make the port, the end of our navigation.

AN ANTI-ANGLICAN.

NUMBER VIII.

Addressed to the INHABITANTS of IRELAND.

CITIZENS,

IT cannot so well be said that the fire of liberty, on this continent, has kindled up the fire on your island, as that originating thence, it has spread to these borders. For we are many of us your dependants; and some of the best officers and soldiers of our army, are of your nation. The Irish Americans, in this contest, have manifested an excellent spirit, and few, very few, of that origin have joined the enemy. The politeness of your nation to our prisoners, which have been taken by the enemy, and carried into your ports, is an evidence that you do not disdain to be called our ancestors, or think that our actions disgrace you.

We were happy to find, from the commencement of this debate, that in all our measures, we had your most cordial approbation. This was declared to us by volunteers who have left your soil, and have fought with us in the war. It was farther manifested by the opinions of writers, and the speeches of your representatives in parliament, and of those of your nation who had a seat in the parliament of Britain. We were no less happy to perceive, that seizing the opportunity which our resistance afforded, you had remonstrated to that nation who had so long laid restraints upon your commerce, and oppressed you in your privileges, as an independent people. We marked the early progress of your patriotism, and saw it rise to a noble height, with that pleasure, which a sense, that it was laudable in itself, congenial with our own, and directly for our deliverance, could alone give. We rejoice that you have so far succeeded, that the enemy, humbled in their minds, are willing to concede to you what they have called an equal trade, though that must be still cramped with restraints on your commerce to these states; and a lord lieutenant presides over you, who has a negative on all your laws, and is appointed by the crown. For we consider these concessions of the enemy, as an evidence, that you have it in your power to assert your independence.

That you have been heretofore subdued by England, and still in some measure under the dominion of that power, has been owing not to your want of native spirit, but to the unhappy divisions, which, from the many sovereigns, that existed early on your island, and the difference of religion which has subsisted since, have prevented you from making one united and entire resistance. Your climate is favourable to the growth of valour; your inhabitants, according to the account of all writers, have evinced the most heroic fortitude, in your several struggles for liberty. Every nation of Europe is witness of their gallantry abroad, and to know that a man is brave, it is sufficient to say that he is an Irishman. Is it then consistent with your honour, that you should remain in any degree subordinate to that kingdom; the satellite of a larger planet, that you should encrease her glory, who has oppressed you while she had it in her power? Is it consistent with your interest, to suffer a restraint of trade, and that a governor, by a negative on all laws for the public good, shall have it in his power to screw you up to what grants of money he shall please? Is it consistent with your safety to place confidence in

her promises, who will not hesitate to withdraw every privilege, and execute her resentment at a future period, for the trouble you have given in this moment of the perplexity of her affairs? It must be more your honour, your interest, and your safety, to form an alliance with the house of Bourbon, and with these states; to shine the center of your own system, and be no longer the attendant of the hated kingdom. Though Britain grants you an equal trade, for the present, she will deny this; recover her courage with the absence of danger, she will repent of her approach to equity, and step back to destruction once more. It is eternally unsafe to live connected with a neighbouring people of the same manners, the same language, and of superior strength. The propinquity of situation will give opportunities, and the influence arising from the sameness of language and similarity of manners, will infallibly prevail, and cherish an interest in the smaller kingdom.

Should it so happen, that for reasons known to yourselves, for indeed we do not know of any, you should be willing for the present to rest satisfied with concessions of the enemy; yet we are persuaded, you will continue sensible of the justice of our cause, and that it is not in the power of these states to accept of any terms short of independence. You will form no weight against us, by contributing one shilling to carry on the war, or by sending any of your gallant spirits for the purpose of reducing us. It would be hard if the fire whose glory we have beheld with admiration, should flash, in lighting on ourselves. Rather let your spirit check the hostility of Britain; use the ascendant you have obtained by your prowess to divert her from the vain and impious thought of subduing this country.

It is necessary for your safety that America should be independent. If in any shape we should, again, become connected with that island, by means of the influence which she may establish here, having already many friends, she may have it in her power to triumph over both you and us. While we continue independent, we shall form a check on her councils, awe her designs against your kingdom, and, if in some unguarded moment, she may take advantage of your situation, it will be the glory of America to preserve the liberty of Ireland.

AN ANTI-ANGLICAN.

Montesquieu.

For the MARYLAND GAZETTE.

IT was an observation of Cato the elder to the Romans, "that they either set little value on their offices, or that no man of character and abilities would serve them." I congratulate my countrymen that this observation of the old censor is not applicable to them, or their offices. I sincerely congratulate them that they have men of character and abilities, whose zeal, and attachment to their country, are now so well established on the credit of their services, and their alacrity to accept of, and discharge the duties of public employments, that a reasonable doubt cannot be entertained of their sincerity and patriotism. A late choice of a most celebrated character in this state, to fill one of the most important trusts, has occasioned these remarks. It is at once a strong proof of the wisdom, and steadiness of that body, which appointed him, and of the approved virtue and public spirit of the gentleman, who has been so honourably distinguished. It would be a matter of curious and useful speculation, to enquire into the principles upon which that appointment was founded, and into the preceding conduct, and sentiments of the gentleman himself. The writer of this has every reason in the world to believe, that such an enquiry would be perfectly agreeable to both parties, as it would inevitably place that transaction, and his character, in so open and fair a point of view, that the most malevolent mind must despair of fixing the slightest imputation of blame on either, and the most weak and prejudiced escape the mischievous effects of delusion. Inquisitive men, unacquainted with affairs, and those of weak intellect, and little penetration, will be apt to suspect that this choice proceeded rather from thoughtlessness and inattention, than from mature deliberation, and design. This will lead them to enquire into the reasons that have wrought a change so unexpected in our public councils; and from what principle it could flow that one discarded from the public service, on pretence of his wanting that attachment to the established government, which every person employed in its service ought to possess; I say such men will busy themselves to discover what motives could influence an appointment of the same person, at no very distant period of time from his discharge, without any

intervening proofs, or, they will add, any reasonable suspicion that he has, indeed, can any sentiments. Others, who are dissatisfied with the present administration of affairs, whose tempers are soured by disappointment, and a desire to those measures they are not allowed, or not capacity to conduct, will vent their rage in idle reports, and groundless assertions. They will endeavour to disturb and confuse, because they cannot assist, or are not suffered to do so. The present instance is a strong confirmation of these remarks; for what but ignorance, or doubt of, or malice arraign, the wisdom and propriety of that appointment? Men of sense and judgment, and actuated by other principles, cheerfully acquiesce in a measure, calculated to answer all the valuable purposes, that can be derived from an able and prudent choice. They will readily discern the justice of a measure that have been raised against it. The gentleman that gentleman cannot accuse him of an unbecoming his character or station. His conduct under the old, as well as present government, have ever manifested the most pure and disinterested regard to his native land. His character of a courtier, and the emolument which he ever despised. I am confident his inveterate adversaries can only object a few guarded expressions to him, which can have no weight with the generous and candid; and when it is considered that the sentiments they were expressed at a most critical period, a period when his fortitude and resolution naturally forsook him, amidst the perplexity and confusion that are unavoidable occasions by the uncertainty of events. An obscure prospect necessarily affects the mind with gloomy ideas; and he must have more than the fortitude of a man, who can, on very trying occasions, withstand their rude assault. Such considerations as these will determine the opinions of the worthy and judicious. They will make every just and favourable allowance for the infirmities of nature, and will patronise a man whose only fault, if it may be deemed so, is weakness of nerves, and not a deficiency of patriotic resolution. Calumny, when artfully directed, may injure the best established character; the means that are used for this purpose are calculated to prevail on inconsiderate, and violent tempers; with these they seldom fail of success, and we have too much reason to lament that there is computed too great a proportion of such kind. I mean not to write a panegyric on the above gentleman at the expense of such men; those who know him as well as I do, will be suspected of it, they are sensible that his reputation requires not such a support. My intention is to vindicate, in a few words, an injured character, and to justify those principles, upon which it has been restored to credit and confidence. It is not my purpose to enter into minute detail of this subject. What I have said is sufficient to satisfy those, who are disposed to be convinced by fair and obvious reasons, that he who have not that disposition are unworthy the attention of

CENSORS

BOSTON, March 20.

CAPTAIN Adams, who arrived here on Saturday, brings the following intelligence:

That he sailed from Martinico the 22d of February; two days before he sailed, count de Grasse and admiral Picquet arrived from a cruise with nine sail of the line, and joined six more which lay at Martinico: the day before he sailed, a ship arrived from Bordeaux, in 45 days passage, and brought advice, that admiral Boscawen lay at the isle of Rhé, with 16 sail of the line, a fleet of merchantment and transports, with 10,000 troops on board, destined for Martinico. That admiral Arbuthnot, with part of his fleet were blown off the coast of Carolina, and he arrived at St. Christophers. The fleet from France were daily expected when he left Martinico.

March 20. Saturday last arrived at New-London a letter of marque sloop, of 20 guns, from St. Kitts bound to New-York, with eighty heads of rum, prize to the privateer ship captain Smedley, from New-London.

Friday last arrived at Marblehead a prize sloop of about 250 tons burthen, laden with 1600 barrels of flour and 1400 barrels of beef and pork. She was one of a fleet of victuallers bound for Europe to New-York, and taken by the Americans belonging to Newbury-Port.

By this prize we learn, that a motion has been made in the house of commons of Great Britain, for declaring the American colonies independent, but was carried in the negative by a majority of 32. And that after this motion was made, that as his excellency

... had arrived (by appointment) to a party of 54... at the ad... which w...

We hear that... of black... is tal... late arrived...
W O R
By several... a vessel... after a p...
... not w...
... to give...
... brought by this...
... that we are inf...
... in an America...
... into Engl...
... as to be ap...
... well before...
... New-York, w...
... for the B...
... from the other...
... way for Bost...
... that the Britis...
... an account of...
... Spanish and E...
... the former b...
... belonging to...
... had quite...
... and the Engl...
... that great p...
... several parts...
... quence was...
... spring; that...
... ance from fo...
... pected it; an...
... carried on fo...
... America.

P R O V
The master... days from... transports w... which failed... ber, have been... also... St. Christoph... form that ha... York.

P H I L
Extra of a

"I have ju... ing of the Bri... day morning... seven brig... regiment, on... spach regim... 400's foot, an... There is not... are convoyed... the Swift bri... met with at... gates, which... packet. It is... vy baggage i...
The Dean... ship, with 40... for New-Yo...
Extra of a
"We are... dent has hap... who cruised... from some... twenty-one... The Spanis... ed to get a... determined... most desper... the afterno... We have b... we hear tha... die, one, th... two or thre... should the... inform you... happened o... fleet of twe... of the En... daily expect... successful... Spanish me... English fle... The engag... nation, as... The All... Corunna, ... aim.

...a member of the American com-
...had arrived in France, with full power to
... (by approbation of our illustrious allies)
...ative to a peace, a vote was carried, by a ma-
...ity of 54, to choose a committee to make a
...ort of what might be judged proper to be
... at the adjournment of the British parlia-
...ent, which was to meet on the 18th of January

We hear that a prize ship, laden with 15,000
... of black oats, bound from England for
... Georgia, is taken by a New-London privateer,
... and safe arrived at Newport.

WORCESTER, March 23.

By several gentlemen from Boston, we learn
... that a vessel has lately arrived there from Eng-
... and, after a passage of about six weeks. As the

... to give our readers all the intelligence
... brought by this vessel; and shall only observe,
... that we are informed, that the master was taken
... in an American bottom some time ago, and car-
... ried into England; that he there got favour so
... far as to be appointed to the command of the
... vessel before mentioned, which was bound to
... New-York, with a number of others, with kores,
... &c. for the British army, but being separated
... from the other vessels in a gale of wind, he bore
... away for Boston, where he arrived; it is said
... that the British papers, brought by him, contain
... an account of a warm engagement between the
... Spanish and English fleets off Gibraltar, wherein
... the former had four frigates taken, and four
... belonging to the latter blew up; that the Spani-
... ards had quitted their attack upon that place,
... and the English had reinforced the garrison;
... that great preparations were making for war in
... several parts of Europe; that no force of conse-
... quence was like to be sent to America this
... spring; that Great-Britain had not got any assist-
... ance from foreign powers, but that they ex-
... pected it; and that a defensive war would be
... carried on for the present by Great-Britain in
... America.

PROVIDENCE, March 25.

The master of a vessel arrived at Newport in
... at days from Guadaloupe, reports, that two
... transports with troops, being part of the fleet
... which sailed from New-York the 26th of Decem-
... ber, have been captured and carried into that
... island; also that 35 sail of them had arrived at
... St. Christophers, much damaged by the severe
... storm that happened soon after they left New-
... York.

PHILADELPHIA, April 12.

Extract of a letter from Elizabeth-town, dated
... April 6.

"I have just received intelligence of the fail-
... ing of the British fleet out at Sandy Hook yester-
... day morning. They consisted of ten ships and
... seven brigs. The troops on board are the 42d
... regiment, one battalion of the guards, the An-
... spach regiment, lord Rawden's brigade and Sim-
... son's foot, amounting in the whole to about 2000.
... There is not one horse gone on board. They
... are conveyed by the Rainbow, the Delight and
... the Swift brig, and it is said they expect to be
... met with at sea by the Galatea and Thames fri-
... gates, which left New-York last week with the
... packet. It is reported that Sir H. Clinton's hea-
... vy baggage is gone in the fleet."

The Dean frigate has sent into Boston a prize
... ship, with 400 hogheads of Jamaica spirit, bound
... for New-York.

Extract of a letter from Bilbao, dated February 1.

"We are sorry to say that an unlucky acci-
... dent has happened to eight sail of Spanish line,
... who cruised off Gibraltar; they, being separated
... from some others, fell in with Rodney's fleet of
... twenty-one of the line, and a number of frigates.
... The Spanish admiral, Mr. Langara, endeavoured
... to get away, but finding it impracticable, he
... determined to engage; and there followed a
... most desperate engagement from two o'clock in
... the afternoon, until four the next morning.
... We have but an imperfect account as yet, but
... we hear that four of the Spaniards got into Ca-
... diz, one, the St. Domingo, was blown up, and
... two or three were taken, quite unfit for service;
... should the bearer be detained till next post, will
... inform your excellency at foot. This affair
... happened on the 10th ult. and on the 13th, a
... fleet of twenty-four sail of the line sailed in quest
... of the English, so that some farther event is
... daily expected, and with sincerely may prove
... successful to the allies of the states. Six of the
... Spanish men of war were engaged with all the
... English fleet, and there are but three missing.
... The engagement does the greatest honour to this
... nation, as they disabled half the enemy's."

The Alliance, captain Paul Jones, is safe at
... Corunna, and captain Cunningham along with
... him.

For the MARYLAND GAZETTE.

THE house of delegates originated a bill, by
... which it was enacted, that all the property
... (debts excepted) of British subjects, within this
... state, should be confiscated, and vested in the
... state, to be disposed of as the general assembly
... should direct. I attended the debates in the
... senate, on this very important subject, and send
... you the substance, to be inserted, for the perusal
... and information of the public.

A BYSTANDER.

DEBATES on the bill for seizure and confiscation
... of British property, in the senate, April 14,
... 1780.

C. CARROLL OF CAR. The refugees ought
... to have a choice to stay in Great-Britain, or to
... return to this state; a bare residence there may
... not be of necessity, but choice; and it is conclu-
... sive testimony that the legislature of this state did
... not consider them as British subjects, by impos-
... ing a treble tax on them, by the act for the bet-
... ter security of government. The declaration of
... rights secured all property acquired under the
... old government, which was not dissolved at the
... revolution, so as to return to a state of nature,
... and the property so secured cannot be taken from
... the proprietors, without a breach of our declara-
... tion of rights. We have heard of the omnipotence
... of parliament and know the abuse of it, but
... we are a legislature limited, and have no
... power to exceed the bounds prescribed by the
... constitution and bill of rights, and it was happy
... for this state, that the government was limited.
... Where it not the case, popular, ambitious men,
... of great abilities, taking the advantage of those
... talents, would overthrow and destroy the free-
... dom, rights, and liberties, of the government
... and people. Every country produces a Cata-
... line, but few a Cato or a Brutus. On the
... establishment of the commonwealth of England
... (a case similar to ours) the royalists were not
... considered as aliens, and that age was inventive
... and fertile in expedients, for raising money;
... they heaped composition on composition, but
... did not confiscate the property of their oppo-
... nents. If British subjects have done any act,
... such as bearing arms, &c. you may deprive them
... of their property: if our subjects have done any
... such act, you may punish them as traitors.

At the revolution in England, what was done
... with the absentees, at that time in Holland and
... other parts of Europe, and even with the inha-
... bitants of these states? They were not consid-
... ered as aliens.

It may be said, that it would be absurd that a
... British subject should inherit here, because of
... two allegiances; but there is a local and natural
... allegiance, and there is no absurdity in the po-
... sition, when this distinction is set up and attended
... to. When the French provinces were disannex-
... ed from England, in king John's reign, the na-
... tives inherited in England. He quoted Bracton,
... in support of this doctrine, but referred to no
... particular part. Blackstone on alienage and al-
... legiance was also quoted. And supposing them
... British subjects, they acquired their property le-
... gally and constitutionally; and therefore ought to
... hold it.

It would be impolitic to confiscate British
... property, because he was satisfied, that in the
... treaty of peace Great-Britain would stipulate for
... the restoration of the property confiscated, or a
... compensation for it. That a gentleman was
... appointed by congress to enter into a treaty of
... commerce with Great-Britain and it would be
... extraordinary indeed to open the treaty with a
... confiscation of their property. He then alluded
... to a letter from one of the delegates, in which
... it was said, that France and Spain might think
... it reasonable; and concluded, that he would
... give up the policy of the measure but would not
... give up the constitution, and that no arguments
... used on the other side of the question, (and much
... had been said and published on that subject) had
... convinced him of his being in an error, but the
... senate might strike out new lights on the sub-
... ject.

BAR. CARROLL then rose and observed, that
... all laws ought to be founded in justice, and
... that it would be the highest injustice to confiscate
... the property of those in Great-Britain, for the
... want of the spirit of divination. They were ig-
... norant of the declaration of independence, or
... that their rights would be affected by it. No
... time was given them to come in. The house of
... delegates did not consider the proprietor as an
... alien, nor his estate as forfeited, or they would
... not, in a bill originated upon the principle of making
... a purchase from him of his estate, or making a
... compensation in lieu of it. The bill failed, be-
... cause they could not agree about the division
... of the spoils; some were for making it a fund for
... the support of the judges; others for sinking it
... in the pockets of the land-holders. They did not

consider British subjects as aliens in the case of
... Pellet and Long, or they would not have contin-
... ued the suit on the docket.

The bill for confiscation of British property in
... the whole of it is unnecessary, or unconstitu-
... tional; if British subjects are aliens, they can't
... hold property in this state; if they are not aliens,
... it would be a breach of the constitution, to take
... their property from them. This assembly are
... not *dicere legem*, but the question, who are
... aliens and who not, ought to be left to the courts
... of justice. The bill of rights declares, that the
... legislative and judicial powers should be kept
... separate and distinct. The bill declares British
... subjects aliens, which would be an usurpation of
... the judicial power. He then observed, that he
... had sworn allegiance to this state, which was not
... the earth, air, or elements, but the constitution,
... which would not permit him to be a judge and
... lawmaker.

Mr. THOMAS STONE then rose; and ob-
... served; that the bill for the seizure and confis-
... cation of British property, proposed by the house
... of delegates, was against the principles of reason
... and justice, and if considered as founded on the
... declaration of independence, and that by conse-
... quence thereof, British subjects became aliens,
... the bill must fall, because no such inference can
... be drawn from that act, nor does the declara-
... tion say, that such consequences should flow
... from it.

The consequences are big with iniquity,
... and injustice, the characters concerned in it
... would have revolted at the idea, and the breast
... of every honest man would have rejected it with
... indignation. What were the true principles of
... independence? We were subjects of Great-Bri-
... tain. The tyrant of that kingdom and the par-
... liament thereof declared us rebels and out of
... their protection; to secure ourselves against their
... arbitrary and oppressive measures, and to secure
... right, property, and liberty, were the true
... principles of the declaration of independence,
... and not to take property acquired before it. The
... subjects of Great-Britain were not informed of
... the declaration of independence; no notice was
... given them of it. They were never heard or tried,
... and justice reprobates the punishment of persons
... neither heard or tried. The justice and propriety
... of a position is to be determined by the conse-
... quences that flow from it, and if by a construction
... of the declaration of independence every man in
... Great-Britain, became an alien, some good men,
... and those our friends, would be deprived of in-
... heritable blood. I don't understand the doctrine
... of election; what gives an election, but the hav-
... ing property in the state? In what time must the
... election be made, and who is to determine it?
... If left to the courts of justice, some would be of
... one opinion, and some of another; some would be
... of opinion that two months, others that 6
... months, and others that 18 months, would be
... sufficient to make an election. Justice requires
... that men having property in this state should
... have notice to come in. It is time to interpose,
... not to steal a march on them, but to give them
... notice to come and possess their property, or it
... should be considered as derelict. If any of the
... inhabitants of this state have received pensions,
... or assisted in the war, such men would not come
... in, and stand a trial. That he would agree to
... take all the profits of British property, and ap-
... propriate them as a fund, and would sell it abso-
... lutely, if they do not come agreeable to notice,
... and become subjects. If we can destroy rights,
... acquired before independence, we can also take
... away rights acquired under the act for extending
... privileges to subjects of the king of France,
... passed a day or two ago; and the sensible and
... discerning subjects of that nation will discover,
... that no confidence is to be placed in the act of
... the legislature, extending privileges to them, if a
... war should unfortunately break out between
... these states and that nation. They will say, that
... if the legislature can divest the subjects of Great-
... Britain of property fairly acquired, merely be-
... cause of a war between the two nations, that
... they must expect to share the same fate.

He then concluded, by observing, that quit-
... rents ought to be abolished, because it was an
... odious badge of slavery inconsistent with our free
... situation, independence, and safety, and that it
... always wounded his feelings as a freeman to pay
... them under the old government, and that he
... would concur in any measures founded upon the
... principles of morality and justice, but the bill
... sent by the house of delegates was incompatible
... with these principles, and that it contained a
... contradiction, in calling the property which was
... the object of it British property.

R. GOLDSBOROUGH observed, that the
... bill was defective, conceived in general terms,
... and that we were left to guess who are British
... subjects. Does it include those who left this
... state before the 19th of April, 1775, the 14th of
... August, 1775, or the declaration of independence

on the 4th of July, 1776? The convention, that framed the government, are silent on this head. The legislature have declared, that those who left this state are subjects of this state. If by the declaration of independence British subjects became aliens, where did the state vest between the declaration of independence and the 14th of August, 1776, when the constitution was framed? The principles laid down by the writers on the law of nature and nations, do not apply in the present instance. The subjects of an independent nation know the terms on which they purchased and acquired property; they purchased subject to the events of war; but British subjects, who acquired property here, did it agreeable to the constitution and laws under which they lived. For what cause will you take away the property of absentees? Did they, by going away, infringe any law? Their property was acquired legally; if they infringed no law, when they went away, it would be an *ex post facto* law, and is contrary to the declaration of rights, to take their property away for that which was not an infringement of any law. The bill, therefore, establishes an *ex post facto* law, and consequently is contrary to the declaration of rights. It infringes the constitution in another instance, which declares, that the legislative, executive, and judicial power, should be kept separate and distinct. The courts of law are to determine who are British subjects. If we undertake it, we violate the constitution, which I am sworn not to violate.

If we cannot carry on the war without British property, our enemies will know it and continue the war, and we must soon yield. The delegates say, that a tax of 4, 100 continental, on every hundred pounds of actual property, will sink the old money in circulation, and debase the current expenses of the year. This is but 40¢ gold, a mere trifle. He would give 1, one half, say the whole of his property, sooner than fall in the present contest. There is no necessity for British property as a fund; it cannot give credit to the money emitted on it, because a man may say, it will be given up at the treaty of peace, and is therefore precarious; or a tax will be laid to make a compensation to the value. We have funds enough; taxes on luxuries would be an ample fund to support the new bills of credit.

THE subscribers being appointed by Prince George's county court to examine the records of the said county, give notice, that they will attend at the court-house in Upper Marlborough, on every Wednesday, till the 10th of August next, in order to examine all such debts, &c. as may be offered them.

DAVID CRAWFORD,
SAMUEL REPBURN.

TAKEN up adrift, last Easter, in South river, a large pine canoe, 27 feet long, 51 feet in the clear, with 4 row-locks, and a large locker in her stern, she has been cracked, and has eight knees in her sides and one in her head, with a rope painter. The owner may have her again on proving his property and paying charges of 30 dollars.

FRANCIS WAYMAN.

LAWs of MARYLAND, passed November session, 1779, may be had at the printing-office.

NOTICE is hereby given, that I intend to petition the next general assembly, for a road to lead from the main road leading from Prince's Anne to the lower ferry, to the plantation whereon David McGrath formerly lived, and now in the possession of

MARY WAGGAMAN.

PETITION will be offered to the first session of the general assembly after this notice shall have been published eight weeks, for an act to empower the subscriber (now a minor) to make a good and sufficient deed of conveyance, for certain tracts of land lying in Charles county, which he inclines to make sale of.

HARRISON M.D. GRAVE.

HIS day was committed to my custody a negro man named BEN; he formerly belonged to a certain Philip Wilson, of Philadelphia. His present master is desired to come, pay charges, and take him away.

HENRY DOWNES, Sheriff.

W I L L I A M C O U R T S,
Annapolis, March 30, 1780.

THE COMMITTEE of GRIEVANCES and COURTS of JUSTICE will sit to do business in the committee room, every day, from eleven in the forenoon till four in the afternoon, during the present session of the general assembly.

signed by order of the committee,
A. GOLDER, clk. com.

WANTED IMMEDIATELY,
in the city of Annapolis.

A PERSON properly qualified to undertake the tuition of youth, in Latin, Arithmetic, and to read and write English. It is proposed to create a fund for his support, which is intended to be very liberal, and every way adequate to the times; the expenses of his board will be defrayed, and a school-house found. The number of pupils not to exceed twenty.

A proficient in the classics is most desirable; yet should no such one offer himself in some short time, any person of a good character, well qualified in the other branches above enumerated, will be accepted. Apply to

ELIE VALLETTE.

STOLEN out of the stable of the subscriber, at his quarter near the city of Annapolis, on the night of the twentieth day of February last, a chestnut sorrel MARE, about thirteen hands three inches high, eight or nine years old this spring, flaxen mane and tail, one hind foot white, branded on the near buttock C.D. paces and gallops, and carries her head when rode very low. Any person who will give information, or secure the said mare so that the owner may have her again, shall receive one hundred dollars, and if brought home one hundred and fifty dollars, and any person securing the thief, so as he may be brought to justice, shall receive a reward of one hundred dollars, paid by

WILLIAM WATSON.

Office for stating and settling the public accounts, Annapolis, February 15, 1780.

THE commissioners having desired the law for stating and settling the public accounts to be printed in the Maryland Gazette, think it necessary to give further notice, that they intend to continue settling every day in the said office, Sundays excepted.

And as there appear many large sums due to the public for money advanced upon contracts (and for other purposes) which have been in many instances disregarded, the commissioners take this method to inform all persons concerned, that they are determined to pursue the directions of the legislature, as far as in their power; that they shall require a specific compliance with every public contract, as far as it is possible and equitable, and as they wish to prevent every unnecessary expense and delay, so they hope those who are interested will see the propriety, and absolute necessity there is for them to render their accounts, and make satisfaction to the public as speedily as possible. Those clerks of counties who have omitted to transmit lists of ordinary licences and fines, since the year 1775, are requested to forward them; the sheriffs indebted on those or any other accounts to perfect their payments; the supervisors of roads, who have had money advanced from the year 1775; the committees of the counties, and in general all persons who have public money or effects unaccounted for, will be pleased to take notice and comply with the requisitions of the legislature.

signed per order of the commissioners,
D.H. GASSAWAY, clerk.

NOTICE is hereby given, that by an act of assembly made and passed at a session of assembly of the state of Maryland, begun and held at the city of Annapolis, on the 14th day of November, 1779, the bills of credit, dated January 1, 1780, emitted and made current by an act of assembly, passed November session, 1779, are directed to be brought in and deposited with the western store treasurer, on or before the 1st of June next, or the sooner if practicable; in which the holders of said bills of credit, may, at their option, receive either bills of 50 cents drawn on the treasury of said state at London, or state loan office certificates, bearing an interest of six per cent. But if the bills of charge, or any of them, to be drawn in pursuance of said act, shall not be paid, the law shall be reasonable, but neither the drawer, or any other person, shall be answerable for, or liable to pay, any damages thereon, other than the charges of protest.

TO be SOLD by the subscriber, at his dwelling plantation, on the 27th day of August, 1780.

A L L the stock of horses, hogs, sheep, and cattle, together with the plantation, and all the tools, for ready money only. As I intend leaving this state very soon, those who have any demands against me will bring in their accounts for moneys, and likewise those who are indebted to him will immediately discharge theirs, as my little indulgence will be granted by,

ANDREW LEIPER.

WHEREAS, colonel Edward Sprigg, of Prince-George's county, deceased, leaving by his last will and testament, directed his executrix to sell and dispose of part of a tract of land, lying in Frederick county, called, Addition to Piles's Delight, before the first day of August next, and whereas his executrix, through sickness and inability of body, could not attend to the sale thereof by the time limited in the said will, she hereby gives this public notice, that after the continuance of this advertisement eight weeks in the public papers, she intends to petition the general assembly for an act empowering her to dispose of the said land, in order to make her to make a final settlement of the estate of the said testator.

MARY PINDELL, executrix.

WANTED a clergyman of the church of England. Any gentleman who will comply and approved by the vestry, they will give annually twenty thousand pounds of tobacco, and the use of a small glebe.

LEONARD WARING, register.

COVERS at Mr. Ogle's plantation, near Annapolis, at two hundred pounds the season and eight dollars the groom. He is fifteen hands one inch high, a dark gray, allowed by judges to be a fine horse. He was got by governor Eden's Badger, his dam by Samuel Galloway, Esquire's Stepm, his granddam by Cartouche, his great great granddam by Traveller, his great great great granddam by Sedbury, his great great great great granddam by Childers, out of a barb mare.

Governor Eden's Badger was got by Lord Chedworth's Bosphorus, who won seven King plates, his dam by Othello, commonly called Black and all Black, who beat Lord Marston Bajazet over the Carrack of Kildare, his granddam by the duke of Devonshire's Flying Childers. Badger won the city at Guilford, and got least at Epsom, the only times he started.

Good pasturage for mares at five pounds a week, but I will not be answerable for any other may be lost.

No mare will be received, unless the money is sent with her.

G. WATKINS.

COMMITTED to my custody as a runaway, a negro woman named Monica, appears to be about eighteen years of age, five inches high, who says she belongs to James Perry, of Montgomery county. Her master desired to take her away, and pay charges in

GEORGE GALEY, Sheriff.

NOTICE is hereby given, that by an act of assembly made and passed at a session of assembly of the state of Maryland, begun and held at the city of Annapolis, on the 14th day of November, 1779, the bills of credit, dated January 1, 1780, emitted and made current by an act of assembly, passed November session, 1779, are directed to be brought in and deposited with the western store treasurer, on or before the 1st of June next, or the sooner if practicable; in which the holders of said bills of credit, may, at their option, receive either bills of 50 cents drawn on the treasury of said state at London, or state loan office certificates, bearing an interest of six per cent. But if the bills of charge, or any of them, to be drawn in pursuance of said act, shall not be paid, the law shall be reasonable, but neither the drawer, or any other person, shall be answerable for, or liable to pay, any damages thereon, other than the charges of protest.

Printed by FREDERICK and SAMUEL GREEN, at the Post-Office in Charles County.

MARYLAND GAZETTE.

F R I D A Y, APRIL 28, 1780.

the PEOPLE of MARYLAND. NUMBER V.

WE HAVE very briefly and imperfectly commented on most of the principal penal laws which can affect a white person; in this paper I shall descend from the dignity of complexion, and take some notice of the ordinances framed only against those, whose misfortune it is to be black.

It is tempting to exult in the excellence our constitution should reflect, that slavery is a portion of one third of its subjects; I am far enough gone in the quixotism of power, to attempt the setting them at liberty; every heart, that is not dead to the social feelings, would join with me in protecting them some few of the rights of nature.

Can the want of education, or the having "no probation of future rewards and punishments," enhance the guilt of an action? or can these circumstances, render the bare attempt by negro as criminal as the actual perpetration by white man? If they do, an equal share of guilt must be imputed to his master, whose duty would oblige him to instruct his slaves in the ruling principles of morality and religion.

The humane reader would be shocked, by rusing the acts of 1759, ch. 4, and 1751, ch. 5. As our ancestors were inspired by sentiments like these, it is amazing that the penalty of killing a negro was not commuted for a fine, and a satisfaction to the owner.

The punishment of whites and blacks, for the same offence, I contend should, if possible, be equal, though good reasons might be adduced for taxing the former with greater severity. The obligation upon a slave to repair a deprecation of labour, would, I confess, be a punishment to his master; branding, sitting, cropping, &c. have a considerable effect by way of example; instead of inspiring the offender with a resolution of amendment, they harden him for the perpetration of the most atrocious crimes. If there is an insuperable difficulty in the case, if the gordian knot must be cut, the guilt of blood must lie principally at their doors, who introduced the state of slavery, with all its concomitant horrors.

In looking over the acts of assembly, I find no law for restraining a master, that would transgress the bounds of a moderate correction, by whipping and torturing his slaves. Does not the voice of reason and nature call upon us to prevent these inhuman practices? The act of 1715, ch. 44, sect. 21, which relates to master and servant, should have been extended to master and negro; and, if faithfully executed by the courts, would, in a great measure, have shielded these unhappy creatures from oppression. A tyrannical overseer will pretend, that, without a strict and, his negroes cannot be kept in obedience; but it is notorious, that the mildest master has generally the best governed slaves.

Almost all our penal acts of assembly place principals and accessories on the same footing; and the general rule of the common law is, that they shall suffer the same punishment. The rule is certainly just, with respect to accessories before the fact, between whom, and accessories after the fact, there is a most material difference. It is the weakness of compassion, an almost amiable quality of human nature, which induces a person who knows a felony to have been committed, to receive, relieve, comfort, or assist, the felon. He undoubtedly offends against public justice, but the greatest punishment he deserves is a discretionary fine and imprisonment.

In treating of penal law, it may not be improper to consider the equity of subjecting the body of a debtor to execution.

Whether the man who is unhappy enough to be beyond his ability to pay, was viewed by the ancient legislators of England in the light of a criminal, I cannot determine; This part of the law is evidently contrived to favour the rich, without the least consideration for the poor.

I was told by an ingenious Dutchman; that, upon his arrival at New-York, he was struck with an inconceivable horror, upon seeing a debtor carried to prison; he was apprehensive that he had got among a people totally void of

humanity. In Germany and Holland there is no execution of the body for debt. The consequence is, that every prudent man considers, how far the person who applies for credit is entitled to it by his circumstances; and the folly of a creditor there would at least equal that of his debtor.

In the times of reputable commerce, an abolition of this part of the law would have effectually prevented long, and precarious credit, which always blunts the edge of the debtor's industry, and is extremely detrimental to trade, by obliging the merchant to fail in his remittances, or to exact an higher advance from those who are punctual in payment. If it had been a subject of discussion, at the time of entering into the general compact, the framers of a government, "instituted solely for the good of the whole," would never have permitted the existence of a law, which confers no benefit on the creditor, which deprives the community of the service of its subjects, distresses families, and infringes the dearest right of nature.

Under the former constitution, it was usual for the legislature, upon the petition of an honest debtor, to grant relief; that is, they obliged him to give up his estate, and, if a single man, to enter into bondage for five years. Of the great numbers who accepted relief upon such rigorous terms, one half perhaps had been reduced by the imprudence of youth, or the imposing arts of designing men.

Before the dissolution of that government, more liberal and humane sentiments began to prevail; their last act was, "for the relief of insolvent debtors." I wish, the relief provided by that law were as general as the title. It is confined to cases where the whole debts amount not to £. 200 ster. Without the interposition of the assembly, the law will expire at the end of this session. If it is continued, I beg leave to propose the following amendment: from the word, "aforesaid," in the 25th line of the first section of the printed law, strike out to the word "such," in the 30th line of the same section.

There is one part of the penal law, which it would be an insult upon common sense to attempt to defend. A man is committed upon suspicion, and, for want of bail, he submits, for several months, to the loss of liberty; he wants many of the necessaries of life, and is exposed to the merciless treatment of a brutal gaoler. He is brought forth to undergo the disgrace, and terrors of a prosecution; and, at length is acquitted, by the verdict of an impartial jury; but he must not be dismissed, before a satisfaction for fees, and his property being insufficient, he must discharge them by servitude.

There is another most intolerable grievance. A man, who was never suspected of infringing the law, has the misfortune to know something relative to a criminal transaction; a justice of the peace may demand sureties for his appearance at court, and if he is unable to find them, may commit him. To remedy this evil, and to prevent a defect in justice, I propose, that the witness shall alone enter into a recognizance, and, if the magistrate has reason to apprehend his sudden death, or removal, let him take his deposition, in presence of the party accused, to be made use of at the trial in case the witness cannot, at that time, be procured.

It was the opinion of a judge, who was an ornament to his profession, that "it were better that ninety-nine criminals should escape, than one innocent man should suffer." Here an innocent person unavoidably suffers, that a criminal may not have the remote chance of eluding. The relief, given by the act of 1753, ch. 13, is little better than a mockery. It must therefore be imputed to an unpardonable inattention in the legislature, under the former government, who had nothing to do but amend the law, that the two evils, I last mentioned, have so long existed.

I here close my remarks. The reader, who has perused them with candour and attention, will accept my unfeigned thanks. The love of truth, and the nature of my undertaking, required, that I should deliver my opinions with confidence; however, I have suppressed many observations, which might possibly admit of an ill-natured application; it never was my inten-

tion to offend; repentment and revenge were never harboured in my breast; they are sensations, I always endeavour to be free from; but, if at any time, I should be inclined to follow their suggestions, I shall adopt a more manly method, than that of injuring a character by dark hints and subtle allusions; I thank God that I am little versed in the speaking mystery of intriguing politics.

On the various subjects I have touched, I cannot pretend to have advanced many new things; they have, notwithstanding employed, for a long time, the most intense meditation; I would not hazard a proposal to the public, before I had carefully examined all its consequences, and viewed it in every light. Perhaps the self-love, which is natural to every man, will not permit me to feel the full force of the objections, which may be urged against every one of my propositions.

If vanity had any share in prompting me to the undertaking, this single reflection might humble me to the dust. If the virtuous Sir Thomas More, the immortal Montesquieu, the amiable Beccaria, the ingenious Blackstone, have all submitted to the mortification of seeing their benevolent schemes, for the reformation of penal law, at once admired and neglected, the mildest fate I can expect is a total disregard; however, I shall enjoy one consolation in common with these illustrious persons, I have done my duty, and laboured for the general good.

A REPUBLICAN.

For the MARYLAND GAZETTE.

THE honourable the senate, having rejected the bill proposed by the house of delegates, for the confiscation of British property; originated and sent to the house of delegates a bill of which the enclosed is a full abstract. I doubt not it will attract the attention of the public, as the object of it is evidently to preserve the property of our enemies. It was rejected by the delegates without any debate, five members voting for it.

C R I T I O.

ABSTRACT of the ACT for the security of the state and the subjects thereof, and for other purposes.

P R E A M B L E.

KING and parliament of Great-Britain prosecute a cruel and unjust war, upon pretence of rebellion.

This state and subjects thereof have considerable property in Great-Britain.

Sundry persons, in Great-Britain, claim property, or considerable value, within this state, and it is right and proper that every reasonable security for the claims of this state, and the subjects thereof, be taken and retained, and also that the subjects of and residents in Great-Britain (who claim property in this state) make their election, within a reasonable time, after notice, and become subjects of this state, and amenable to its laws, or, by neglecting to make such election, relinquish all claims of right to property within this state.

E N A C T I N G C L A U S E S.

1st. Real and personal property (debts excepted) of British subjects, residents of Great-Britain, and of inhabitants of Maryland, who since August 14, 1775, withdrew from, and deserted the defence of this country, who shall not come into the state, on or before the first of May, 1781, and within 20 days thereafter, take oath of fidelity &c. shall from and immediately after said 20 days, be taken, vested in, and possessed by commissioners, to be appointed by the legislature, and held and possessed by them as a pledge and security, that justice be done by the king of Great-Britain, and his subjects, towards this state, and the subjects thereof.

2d. Commissioners to pay annually the profits of such estates into the treasury, to be applied to sink and pay such part of the new bills of credit, to be issued under resolve of congress, of the 18th of March, 1780, as may be the just proportion of this state.

3d. Such estates and property to be kept by commissioners, and the profits thereof applied, as aforesaid, until the end of the war, or until the expiration of six years, from the 18th of March,

1786, and if war shall not end in six years, then said estates and property to be sold, and the product thereof applied to the discharge and payment of all debts, and demands (according to the true sterling value thereof) due and owing by the king of Great-Britain, and his subjects, to this state, or the subjects thereof, and the surpluses to be applied to the payment of such of the said bills of credit aforesaid, as may be then in circulation, and to such other purposes as the legislature shall direct.

Proviso.—British subjects, or residents of Great-Britain, if an infant, under 18 years, female covert, or non compos, allowed within six years from the 18th of March, 1780, nine months after disability removed, to come into the state, and to take oath of fidelity, &c. Widow to have her share of the estate and property for life, to be assigned them at the time of taking such property.

4th. Commissioners to sell perishable articles, found upon, or belonging to, or of the produce of such articles, at the time of taking the same, and to render accounts thereof, and pay product thereof, into the treasury, to be applied to the purposes aforesaid, and accounts to be evidence of the value of such perishable articles.

5th. No alienation, or transfer, hereafter made, by any British subject, or resident of Great-Britain, or by any persons above described (absentees or refugees) shall be void in law, unless such British subjects, &c. come to this state, and take the oath of fidelity, &c. within the time aforesaid.

Proviso.—Not to effect or damage, 1st. any person, who hath since the 19th of April, 1775, been, or may be employed by United States, or any of them, and manifested his attachment to United States or any of them. 2d. Or any person who hath withdrawn from Great-Britain, with design to partake in the present revolution, and shall be certified by any minister of the United States, in Europe, to be a friend to America. 3d. Or to supercede, act to punish crimes, &c. (See summary session, 1777, cap. 20) 4th. Or to prevent a man of subjects of the state, who have committed treason, or any other crime, against this or any of the United States. 5th. Or to receive persons liable to the tax impost, by act for better security of government, (October session, 1777 cap. 20) 6th. Or to confer on any person coming into the state, in consequence thereof, a right to hold any office of profit or trust, under this state, or to vote at any election, but such persons shall be forever incapable of holding or exercising the said privileges.

6th. Whereas, since the late happy revolution, quit-rents have ceased throughout the states, and it is inconsistent with the safety, liberty and independence of this state, to acknowledge any superior or lord paramount, by continuing, reviving, or permitting quit-rent, to exist therein: Be it declared, that quit-rents have ceased, and of right ought to cease, and be forever abolished.

7th. Governor and council to transmit copies of act to the commander in chief, to be by him sent to commander of British army at New-York, and also to our delegates in congress, to be by them sent to the minister of the United States, in France, that he may transmit the same to Great Britain, to the end that all, who may be thereby affected, may have notice thereof.

For the MARYLAND GAZETTE.

I HAD occasion, some time past, to collect together, for the amusement of the public, a number of paradoxical positions, which were scattered here and there in the different numbers of the *Senator*, and which seemed to have been intended by the author to amuse and divert the public, and to shew his wit and ingenuity. The *Detector*, in the last Baltimore paper, appears to have copied after the *Senator*, and, in truth, to have improved upon the original, being more rich and profuse in his paradoxes, considering the brevity of his performance. For the entertainment of the curious, I have selected some of them, which may be found in the *Detector*, either in express words or by direct inference.

1. Although the *Independent Whig* should prove the property of British subjects in general, liable to confiscation, if he cannot prove that the property of absentees is also liable, he might as well have saved himself the trouble.—And yet the far greater part of the property, in dispute, was not formerly owned by absentees, nor was the opposition of the senate, at their last session, or the *Senator's* arguments, against confiscation, confined to the case of absentees, but to British subjects in general.

2. To vindicate truth and detect the errors of the *Senator*, is *vanit of candor*.

3. Admitting that the operation of the common law, upon the declaration of independence,

actually did vest, in the state of Maryland, a right to the estates of the absentees, yet that operation was suspended, by the delay of the state, and its neglect to take immediate possession.—That is, the delay of doing a subsequent act, suspended an operation, which had actually taken place, and which, in the nature of things, must have actually taken place, before the subsequent act could justly be done.

4. A delay or neglect to exercise a right, suspends the right itself, or, in other words, an omission for a time, to perform a lawful act, suspends the lawfulness of performing that act.

5. Property must be taken possession of at the same individual moment, in which the right to it accrues, or the right ceases and is extinguished.

6. An act of assembly, the intent and design of which were to impute disadvantages, greater than those which the persons were subject to before, shall, by implication, take away those very disadvantages to which they were before subject, and bestow upon them privileges, from which, by the common law, they were precluded.—But this construction is to be confined only to those cases where our enemies are interested.

7. Estates may be granted by implication, but this is also confined to estates granted to our enemies.

8. Those rights which are actually vested in the state by common law, an act of assembly may take away, without any express words for that purpose, but merely by implication:—provided always, that such interpretation may injure the public and benefit our enemies.

9. Admitting the legislature thought the absentees subjects of this state, their erroneous opinion made them subjects, ipso facto, without any enacting law for the purpose;—and this is perfectly agreeable to the old maxim, "*crede quod habes, et habes*."

10. Admitting the legislature, through ignorance or inattention, supposed aliens entitled to the rights of subjects, until September last, this mistake superceded the common law, and actually gave them the rights of subjects.

11. The ignorance and error of a legislative body have the same validity and authority as an act of assembly, and are sufficient to alter the common law, but this only in favour of our enemies.

12. The rights of subjects may be granted to aliens by implication.

13. The legislature, by implication conceiving aliens to be subjects of this state, have made them such in reality.

14. If the absentees were aliens before the "treble tax law," they were naturalized by that law; or, in other words, naturalization consists in imposing a treble tax and other disabilities.

15. A declaration of the terms upon which aliens may be naturalized, and become subjects of this state, doth actually naturalize, and render them subjects, before they comply with those terms.

16. Aliens may be made subjects of this state without their consent, and contrary to their inclination, although by being made subjects, they would be bound in allegiance to the state, and liable to the punishment of treason for a breach of that allegiance.

17. Although the property of the innocent subjects of Great-Britain may justly be confiscated, as far as necessary to compensate the damages and expenses of the war, yet it would be unjust to confiscate the property of absentees, who are criminal subjects of that nation, having made themselves a party in her guilt.

18. An act of assembly appointing persons to seize upon property for the use of the state, to which property, by the common law, a right is already vested in the state, is an *ex post facto* law.—Or in other words, an act of assembly, which renders nothing criminal, nor inflicts any punishment, doth notwithstanding both render criminal, and punish, that which was not criminal before.

19. To expose the pernicious doctrines maintained by the *Senator*, to burlesque his arguments, and to ridicule his folly and ignorance, is called by the *Detector*, arrogance, buffoonery, and a brow-beating of that gentleman.

I doubt not the public will join with me in admiring the ingenuity of this writer. I think he bids fair in a little time, if he meets with proper encouragement, to be fit for a *Senator*; yet it were to be wished that he would choose out some other subject, when he is in a witty mood, for the display of his paradoxical abilities. "*He nuce in seria ducunt*." This trifling may be attended with serious consequences: weak mind may possibly suppose him in earnest, and make the foundation of their conduct those whimsical positions, which he can only intend as a specimen of his wit.

PUBLICOLA.

Baltimore town, April 18.

To the PRINTER of the MARYLAND GAZETTE. SIR,

I AM unacquainted with the art of writing a news paper, though I believe there are few who take so much pleasure, or are more contented in reading them, than I am. This propensity in me is owing to a most violent turn I have towards politics, which you will perhaps say, is not a little extraordinary in one of my kind; but a proof of this, I can with truth assure you, that not one of those performances, of which your paper of late has furnished such abundance, has escaped my diligent perusal. I hope I shall be understood to mean any reflection on those productions, when I make this assertion; as I intended to hint; that it requires a strong motive for those matters to induce a person to undertake and perform such a task. On the contrary, it is my opinion that much entertainment and instruction may be drawn from them, if read with attention, and viewed in their true and proper light. Indeed I should have but a poor opinion of that man's patriotism, as well as taste, who would not seize with alacrity, such an opportunity to get a thorough insight into the science of politics, and to improve his zeal for the interest and welfare of his country.

I mean not to impute myself on the world for a great patriot. The senator, and Independent Whig, are equally indifferent to me. My spirit hath always prompted me to place my chief dependence on my own nose, and not merely to bark to the cry of others; this is well known to every member of the pack, with which I am connected. I should not have informed you, Sir, of this circumstance, but that I have observed it is the general practice of authors, at their first appearance in the news-papers. I suppose it is done, lest their principles and opinions might be mistaken from some fancied obscurity in their performance, or a misconstruction of what they advance.

I must now acquaint you Sir, that I was compelled to adventure on this arduous undertaking, by some illiberal reflections, cast on a set of gentlemen, with whom I have the honour to be closely connected, by an author in your paper, who uses the signature of Finis. I should not trouble myself to enquire who that writer is, his performance evidently discovers what he is. I can assure him that the gentlemen whom he has made a feeble effort to vilify, are out of the reach of his abusive pen, and that their frequent visits to the *wasads*, have freed their minds from any alarm, at the appearance of an *evil*.

I cannot forbear giving him due credit, for his brilliant display of wit, in his account of that elegant and instructive performance, titled the senator. I have always thought that the means, by which it was produced, were out of the common way of effecting such matters; and were I not excluded by nature from the privilege of laughing, I am confident his humorous account of that uncommon production would have had a most forcible effect upon my risible faculties. For it may truly be said of it; in the words of a vulgar phrase "it is enough to make a dog laugh."

My reading, in books, hath been very confined, particularly in the classics. Apollo's commission to the *tabby breed* I was totally unacquainted with till now; in truth, my researches have been otherwise directed, as *rais* are a kind of game, I never pursued; but if we may believe that gentleman's assertion, his command over that breed, is as extensive, and absolute, as ever the god of wisdom possessed. He threatens to turn thousands loose upon the poor devoted rats, so that we may expect our country will in a short time, like the island of Samos, be entirely depopulated of that pernicious animal, to the insupportable satisfaction of every good housewife in the land.

Ye fitches, jowls, and bacon-hams, rejoice, To mighty Finis raise your grateful voice; And you, ye cheefes, join the happy throng, Join fitches, jowls, and hams, in joyful song.

I observed to you in the beginning of this, that my mind had a strong bias to politics, and anxious concern for the welfare and happiness of my native land is the cause of it; to a temper thus disposed, whatever has the appearance of effecting her good, must afford sincere pleasure. I assure you, Mr. Printer, that I have met with nothing either in, or out of your paper, which hath given me so much real satisfaction, as the promised exertions of this great political Nimrod; for by his means, I earnestly hope our country will be freed from the destructive *evil*, which at present infest it.

OLD PORTIUS.

From the kennel in Annapolis, April 21, 1780.

To the PRINTER of the MARYLAND GAZETTE. SIR, FROM the publication, in it, I think your defence of you shew him, who indicate, if I am meant to have a laugh you may have a laugh which you can assure me of political may be supported in record; but instances in mode unrecorded, and able, and impartial, whom the precedent composition of the law character may not be of common shall leave you to

To the PRINTER of the MARYLAND GAZETTE. SIR, CONSIDERATION of the great importance of the question was not the late resolution rendering sufficient to the new bills, proposed of still greater which, I contend independence and government, vest possession, and a state fund, abundance bills, and state currency, tion; and contents of Mar and grievous imposed upon due to heaven, viding ample power; and it our grief, if benefit should result of a few appearing wards what public, or to faithful subject have the proper a single circum favour or come spark of to be kindled of America her day of disaster in the h voluntary ch added to the and, as far as them, have at the inhabitant that the absent America shall may return be estates, derid eating their to pass under the brave soldier safe and se worn out his in the defense advocate of ed and ze preferred th consideration for all their eyes be blast of our ene whom of the endeavour does not glo Yet such, human pro unless you which you in the most the myfter the seizure the senate not only th our cruel and bribed able body, * The subjects the judged by Charles R

TO CENSOR.

FROM the general complexion of your publication, and some remarkable expressions in it, I think I can discover your drift. Your defence of the celebrated gentleman, as you stile him, whose character you undertake to indicate, if I am not very much mistaken, is meant to have a contrary effect; but, Sir, though you may deride those principles and notions which you have adduced in his justification, I can assure you, from my moderate knowledge of political characters, that his conduct may be supported by many eminent authorities in record; but more effectually by numerous instances in modern practice, which still remain unrecorded, and only await the leisure of some able, and impartial hand, to display their merits, and assign them their proper weight. Custom and precedent compose the chief, and most valuable part of the law of the land, and why a man's character may not as securely be held under the title of common usage, as his other possessions, I shall leave you to determine.

VINDEX.

TO THE PUBLIC.

CONSIDERED the seizure and confiscation of British property as a matter of very great importance to the state, at the time when the question was first agitated by our legislature; but the late resolution of congress (March 13th) rendering necessary an immediate specific fund, sufficient to give credit to our share of the new bills, proposed to be emitted, have made it of still greater moment. The British property which, I contend, upon the declaration of independence and the formation of our new government, vested in this state) if taken into possession, and appropriated, would be an immediate fund, abundantly adequate for sinking of those bills, and also, for the redemption of the state currency, which we have already in circulation; and consequently would relieve the inhabitants of Maryland, from those burthensome and grievous taxes, which otherwise must be imposed upon them. Our grateful thanks are due to heaven, for having put the means of providing ample funds for our new emissions, in our power; and it is a matter which ought to excite our grief, if not our resentment, that all this benefit should be entirely lost to us, by the conduct of a few individuals, whom, notwithstanding appearances, I cannot suspect to be totally regardless what calamities they bring upon the public, or to what distresses they reduce the faithful subjects of this state; provided they can have the property of a set of men, who have not a single circumstance to recommend them to our favour or compassion; wretches, who had not one spark of the love of liberty in their bosoms to be kindled into a flame by the united exertions of America! who basely abandoned her in her day of distress; who turned their backs upon her in the hour of her danger! who of their voluntary choice, withdrew to our enemies, added to them all their weight and influence, and, as far as their cowardly fears would permit them, have actually waged war against us! Shall the inhabitants of this state be loaded with taxes, that the *absentees*, after the contest is over, after America shall have established her independence, may return back, take possession of their former estates, deride our sufferings, and, by disseminating their slavish principles, prepare us again to pass under the yoke of British bondage! Shall the brave soldier, who has sacrificed his domestic ease and felicity, who has ventured his life, worn out his health, and exhausted his fortune, in the defence of his country; shall the virtuous advocate of the rights of mankind, the disinterested and zealous assertor of liberty, who has preferred the good of the community, to every consideration of private interest; as a reward for all their sufferings and services, shall their eyes be blasted with the sight of the most worthless of our enemies, invited and received into the bosom of the state, which, serpent like, they endeavoured to destroy! Is there a breast which does not glow with indignation at the thought! Yet such, ye whigs of Maryland, such, in all human probability, will one day be the case, unless you rouse yourselves from that lethargy in which you seem to be sunk, and unite yourselves in the most vigorous exertions to prevent it; for the mystery is at length revealed; the bill for the seizure of British property was rejected by the senate to screen the *estates of the absentees*, and not only the *absentees*, but all other British subjects, our cruel and inexorable enemies, were invited and bribed, by the bill proposed by that honourable body, to come and live amongst us.

* The bill for the security of this state and the subjects thereof, &c. proposed by the senate and rejected by our delegates, five members only, to wit, Charles Ridgely, James Jordan, Benjamin Hall,

In the course of these papers I have endeavoured to prove, that the property of British subjects, although personally unoffending, may, consistent with every principle of the law of nature, of nations, and of the common law, be seized and appropriated for reparation of the damages and expences of the war; I will now examine the case of the *absentees*; and in doing this shall of course indulge the *Detester* in an immediate and unequivocal answer to the queries he has addressed to me, the result of which, I flatter myself, will be, that the candour of the Independent Whig will stand fair and unimpeached, and the *Detester* himself be detected of gross ignorance, or a wilful design to deceive and impose upon the public.

The *absentees*, as well as the other inhabitants of the late colonies, were, before the declaration of independence, and the subsequent formation of our new governments, subjects of Great-Britain, as I have already had occasion to observe. The Senator has laboured to establish, that he, who was once a subject, must ever remain so, notwithstanding any events which might afterwards happen; I may venture to assert, without fear of contradiction, that all those, who were once subjects of any kingdom, continue to be subjects of the same, until by some subsequent act they divest themselves of that relation; I will also lay it down, as a position uncontrovertible, that upon the institution of a new state, no person can be a subject thereof, unless he is born therein after its institution, or by some act of his own, has become a subject, as by joining in the formation of the same; continuing or coming to reside therein when formed; entering into its service, or some other such act. The *absentees* were not born subjects of this state, but of the British empire. They had no share in the formation of our new governments, or in those acts by which Maryland became a free and independent state; on the contrary, they basely withdrew from us, or yet more basely impeded all our measures, and laboured to prevent our separation from Great-Britain. They have not allented to our government by continuing to reside in it, when formed; for they fled from us, either before, or upon its formation. They have not entered into the service or employment of this, or any of the United States; on the contrary, they have joined themselves to our enemies, they have added their weight and influence, such as it is, to the government of Britain. They were born subjects of the British empire, they have not, by any act of their own, divested themselves of that relation. They were here on the spot; there is not one single circumstance to extenuate their conduct; it was their deliberate choice to forsake their virtuous brethren, who were exerting themselves in the defence of every thing, which ought to be dear to men; nay, many of them, before they departed, had used every artifice to render unsuccessful those our exertions; many of them had been instrumental in bringing our misfortunes upon us. By thus withdrawing to our enemies, they, in the most explicit manner, declared their approbation of all the arbitrary, tyrannical measures of the British government; they thereby assented to its iniquitous acts, and made themselves a party in its guilt. They chose to risque those estates, which they left behind, rather than to countenance our resistance, by staying among us; for they had no hopes of enjoying them in future, but what originated from their expectation and desire, that the British arms would be crowned with success, and America prostrated at the feet of oppression. They never could have entertained the most remote idea, that there would be one single whig in this state, who would ever give his voice to strip the public of its just rights to bestow them on our bitterest and most implacable enemies, who openly avowed their attachment and affection to Britain, and their animosity and hatred to us.

No doctrine can be better established, nor can any truth be more clear and self-evident, than

Benjamin Bradford Norris, and Matthew Driver, giving their voice in favour of it.

† In my former numbers I confined myself to prove that the property of British subjects in general, although personally unoffending, was liable to be seized by the state. If I established that point, I had no idea that any doubt would be made; among whigs at least, of the propriety of seizing the property of those British subjects who are called *absentees*, who may with the strictest justice, be considered among the guilty and criminal subjects of that nation; but as I find the arguments in the senate turned in a great measure upon the case of the *absentees*, and as that honourable body seems to have given them a very warm place in their affections, I have been induced to enter into an investigation of the subject, as it relates to the *absentees* in particular.

|| A writer under that signature, in the Baltimore advertiser of April 18.

that the *absentees* are subjects of Great-Britain, and not subjects of this state; subjects of Great-Britain, because they were born such, and so far have they been from divesting themselves of that relation, that they have expressly and positively elected to continue it; not subjects of this state, because they were not born subjects of it, and by no act of their own have become such; and if they are not subjects of this state, they are aliens, and, in consequence of the present war, alien enemies, as has been before sufficiently proved. Hence then it necessarily follows, that every principle, I have already established, with respect to British subjects in general, is equally applicable to the *absentees* in particular, and that this state has an undoubted right to seize upon all their property, whether real or personal; their personal property for compensation of the damages and expences of the war; their real property for the same reason, and also because aliens are incapable to hold or inherit real property here, even in time of peace.

I contend that, by the operation of the common law, the *absentees*, immediately upon the declaration of independence, and the formation of our new government, were disabled to hold property in this state, and that, upon those events, the right to all their property vested in this state; but that this operation of the common law was suspended by the delay of the state to take immediate possession of the property in question, is a conceit too ridiculously absurd to be seriously entertained. The operation of the common law was complete immediately upon our forming our new government; the operation of the common law was to give the state a right to the property of the *absentees*, and other British subjects. This property must have been veiled in the state before it could have justified the seizure and appropriation of it; the operation of the common law was completed, by vesting this right. The state might suspend the exercise of the right, to wit, the actual seizure and appropriation of the property, as long as it should think proper, but this delay of the exercise, would not be either a suspension or extinguishment of the right itself; the right would still remain in full force, of which the state might avail itself whenever its circumstances should make it eligible, or its exigences render it necessary.

AN INDEPENDENT WHIG.

Baltimore-town, April 19.

LONDON, Jan. 18.

THE Dutch are exceedingly enraged at our taking and detaining their shipping; various letters by the last mail make no secret of announcing the certainty of an open rupture with that republic: however, politicians here know the Mynheers dare not show their teeth, unless supported and protected by the Prussian monarch.

Feb. 7. Advice is just received that two French men of war, one of 60 and the other of 54 guns, are totally lost in a gale of wind off the Canary islands.

We are assured that a new treaty of alliance and friendship is now negotiating, and nearly concluded between the court of Berlin and the states general.

The ministry are absolutely determined no longer to keep measures with the Dutch, should they persist in furnishing our enemies with war-like stores.

PHILADELPHIA, April 18.

Extract of a letter from a gentleman at St. Eustatia, dated March 22. 1780.

"You I suppose know long ere this, of a free trade having been demanded, and obtained, by the people of Ireland, but with this it seems they are not fully satisfied, and now talk loudly of a free constitution, which it is possible, however insolent such language may now appear, they may one day or other be gratified in."

"The English fleet under admiral Rodney, bound to the relief of Gibraltar, have had great success, as you will find by the enclosed list of Spanish ships taken and destroyed, the 8th and 16th of January, the account of the latter had not reached England when the last packet sailed, she happened on her passage to fall in with Rodney, from whom the account is taken, who was then making the best of his way for Barbados with a few ships, having sent Digby forward to Gibraltar with part of his squadron, and Sir Lockhart Rois to England with the prizes.—A fleet of 25 sail of the line, with a number of transports, have undoubtedly sailed from Ereit, and the greatest part of them are supposed to be bound for Martinico, and I hope are arrived, so that the enemy, instead of recovering any of the islands they have lost the last campaign, will have sufficient employment in protecting those they possess."

ANNAPOLIS, April 28.

The general court for the western shore, which was to have been held on the second Tuesday in May, is adjourned by an act of assembly for that purpose, to Monday the twenty-second of the same month.

A letter from Charles-town of the 23d ult. advises, that the enemy are still on the islands, and have entrenched themselves strongly upon James's island, and made several batteries along the river side towards Charles-town; that 12 ships are come over, a 64, a 50, a 44, 4 frigates, and 15 other armed vessels; that they are every hour in expectation of an attack, which it is supposed will be as desperate as the defence. That a Spanish fleet upon their passage there is said to be composed of 2 ships of the line, 3 frigates, and 6000 land forces.

This Gazette, No. 1737, terminates the year with all subscribers to it. The printers are under the necessity of informing their customers, that the uncertain value of the paper currency obliges them to demand, from this date, 12/6 hard money the year, or paper at the exchange; those persons, therefore, who do not think proper to continue subscribers, will give them early notice.

SILVER-TAIL

WILL cover this season at Philip-Hill for three guineas. Country produce or continental currency will be received for the value at the time paid. Silver-Tail was got by Old Tanner, his dam by Selim, his grand dam by Pantons Arabian, his great grand dam by the Godolphin Arabian, his great great grand dam was Mr. Pantons famous Witherington mare; he is a fine bay, fifteen and a half hands high, with great bone strength and beauty. Good pasturage for mares at five pounds per week, and care will be taken of them.

LEONIDAS

A most beautiful blood bay, full fifteen and a half hands high, of a remarkable stout and handsome form.

WILL stand the ensuing season at Abingdon, near Alexandria in Virginia, and will cover mares at four pounds Virginia currency the season, to be paid in specie, or four hundred weight of tobacco, or an equivalent to either in continental currency. The money is expected when the mares are brought to the horse, otherwise they will not be covered.

Leonidas is six years old this year, in perfect health, and has never received the smallest injury. He was got by colonel Lloyd's Traveller, who was got by Morton's Traveller, his dam the thorough bred imported mare Jenny Cameron. Leonidas's dam was got by Morton's Traveller, his grand dam Selima by the Godolphin Arabian.

Good pasturage will be found only for those mares which may come from a distance, and particular care taken of them, but will not be answerable for escapes.

1050 Dollars I. P. CUSTIS.

Saint Mary's county, April 7, 1780.

A PETITION will be offered to the first session of assembly after this notice has been published eight weeks, for an act to admit the recording and to give effect from the date to a deed executed in this county, by Phillip Read and Anne his wife, to George Medley, for a tract of land lying in Medley's Neck, in the county aforesaid.

1000 Dollars GEORGE MEDLEY.

Plum-point, Calvert county, April 15, 1780.

THE subscriber has taken a boat up in the bay, about 14 or 15 feet keel, much wreck'd. The owner may have her on proving property and paying charges.

1050 Dollars HARRIS SAACKE.

Kent-Island, April 30, 1780.

TAKEN up a drift this day in Chesapeake bay, a large lighter, forty feet long and about twelve feet wide; she appears to be old, but seemingly found and clear from any perceivable leak, had nothing in her, only the appearance of brick dust, as if she had been lately used in carrying bricks. The owner is requested to apply for further particulars to

1050 Dollars AQUILA BROWN.

WHEREAS, colonel Edward Sprigg, late of Prince-George's county, deceased, having, by his last will and testament, directed his executrix to sell and dispose of part of a tract of land, lying in Frederick county, called, Addition to Piles's Delight, before the first day of June after his decease, for the payment of his debts; and whereas his executrix, through sickness and inability of body, could not attend to as to make sale thereof by the time limited in the said will, she hereby gives this public notice, that after a continuance of this advertisement eight weeks in the public papers, she intends to petition the general assembly for an act empowering her now to dispose of the said land, in order to enable her to make a final settlement of the estate of the said testator.

MARY BINDELL, executrix.

A PETITION will be offered to the first session of the general assembly after this notice shall have been published eight weeks, for an act to empower the subscriber (now a minor) to make a good and sufficient deed of conveyance, for certain tracts of land lying in Charles county, which he inclines to make sale of.

8w HARRISON MUSGRAVE.

Somerset county, April 4, 1780.

NOTICE is hereby given, that I intend to petition the next general assembly, for a road to lead from the main road leading from Princess-Anne to the lower ferry, to the plantation whereon David Megrath formerly lived, and now in the possession of

8w MARY WAGGAMAN.

Annapolis, March 30, 1780.

THE COMMITTEE of GRIEVANCES and COURTS of JUSTICE will sit to do business in the committee room, every day, from eleven in the forenoon till four in the afternoon, during the present session of the general assembly.

5 Signed by order of the committee, A. GOLDBER, clk. com.

April 19, 1780.

THE subscribers being appointed by Prince-George's county court to examine the records of the said county, give notice, that they will attend at the court-house in Upper-Marlborough, on every Wednesday, till the 30th of August next, in order to examine all such deeds, &c. as may be offered them.

2w X DAVID CRAUFURD, SAMUEL NEPBURN.

OVID

A beautiful, high formed well bred horse, sixteen hands high, raised by William Fitzhugh, Esq; (of Marston) and from whom he was lately purchased,

STANDS this season at my plantation near Piccawaxen church, and will cover mares at one hundred pounds the season, it paid by the first of August, it not 30lb. tobacco must be paid in lieu thereof by the first of January. Ovid was got by Aristotle, as high a bred horse as any in America, his dam by colonel Walker's old Othello, his grand dam by the famed and high bred imported horse Monkey, well known for his activity and goodness on the turf, his great grand dam by the late secretary Carter's imported horse Pompy. I have good pasturage gratis for those who live at a distance, and great care shall be taken of all mares left, but will not be answerable for escapes or other accidents.

3w WILLIAM COURTS.

FIFTY POUNDS REWARD.

Head of Severn, Jan. 17, 1780.

STOLEN from the subscriber, on Thursday morning the 14th instant, a coat, jacket and breeches, a pair of mittens, a comb, an ax, some powder in an osnabrig bag, and shot in a leather one. They were stolen by one PATRICK RILEY, an Irishman, about 5 feet 10 inches high, has yellow hair, a dark brown country cloth coat and breeches, and a whitish jacket, the breeches have a hole torn in the thigh; he has a cast in his eyes, a full red face, and very large limbs. He has a pals, which mentions his having had one from the governor of Virginia, which he lost, and that he is a deserter from the British army; he had with him a white bitch, with yellow spots, short ears and tail. Whoever will secure the said Riley so that he be brought to justice, shall receive one hundred dollars if taken in the county, and if out of the county the above reward, paid by

10w JOHN MCOY.

Prince-George's county, St. Paul's parish, March 30, 1780.

WANTED a clergyman of the church of England. Any gentleman who will apply and approved by the vestry, they will give annually twenty thousand pounds of tobacco, and the use of a small glebe.

3 (ow) signed per order, LEONARD WARING, register.

April 18, 1780.

TAKEN up a drift, last Easter, in South river, a large pine canoe 27 feet long, 2 1/2 feet in the clear, with 4 row-locks, and a large locker in her stern; she has been cracked and has eight knees in her sides and one in her head, with a rope painter. The owner may have her again on proving his ownership and paying charges.

2 w3 FRANCIS WAYMAN.

BADGER

COVERS at Mr. Ogle's plantation, near Annapolis, at two hundred pounds the season and eight dollars the groom. He is full fifteen hands one inch high, a dark gray, and allowed by judges to be a fine horse. He was got by governor Eden's Badger, his dam by Samuel Galloway, Esquire's Selim, his granddam by Cartouchie, his great granddam by Old Traveller, his great great granddam by Sedbury, his great great great granddam by Childers, out of a barb mare.

Governor Eden's Badger was got by lord Chedworth's Bosphorus, who won seven king's plates, his dam by Othello, commonly called black and all Black, who beat lord March's Bajazet over the Currah of Kildare, his granddam by the duke of Devonshire's Flying Childers. Badger won the fifty at Guilford, and got lame at Epioni, the only times he started.

Good pasturage for mares at five pounds a week, but I will not be answerable for any that may be lost.

No mare will be received, unless the money is sent with her.

6w 4 G. WATKINS.

NOTICE is hereby given, that by an act of assembly made and pass'd at a session of assembly of the state of Maryland, begun and held at the city of Annapolis, on the 31st day of November, 1779, the bills of credit, dated January 1, 1767, emitted and made current by an act of assembly, pass'd November session, 1764, are directed to be brought in and deposited with the western shore treasurer, on or before the first of June next, or thereafter irredemable; for which the holders of said bills of credit may, at their option, receive either bills of exchange drawn on the trustees of said state at London, or state loan office certificates, bearing an annual interest of six per cent. But if the bills of exchange, or any of them, to be drawn in virtue of said act, shall not be paid, the same shall be renewable, but neither the drawer, or any endorser thereof, shall be answerable for, or liable to pay, any damages thereon, other than the charges of protest.

N.B. The printers in the adjacent states are requested to insert the above in their respective papers.

WANTED IMMEDIATELY, in the city of Annapolis.

A PERSON properly qualified to undertake the tuition of youth, in Latin, Arithmetic, and to read and write English. It is proposed to create a fund for his support, which is intended to be very liberal, and every way adequate to the times; the expences of his board will be defrayed, and a school-house founded. The number of pupils not to exceed twenty.

A proficient in the classics is most desirable; yet should no such one offer himself in so short time, any person of a good character, well qualified in the other branches above enumerated, will be accepted. Apply to

5w ELIE VALLETTE.

THERE is at the plantation of Stephen Rawlings, taken up as a stray, a bright bay mare, about seven years old, is neither docked, nor has any perceptible brand or mark, about 13 hands high. The owner may have her again on proving property and paying charges.

2 w3

LAWs of MARYLAND, passed November session, 1779, may be had at the printing-office.