

# MARYLAND GAZETTE.

THURSDAY, MAY 9, 1771.

CLARK County, March 26, 1771.  
To be SOLD, at the House of Mr. Timothy Bower, in Leonard-Town, St. Mary's County, on Friday the Seventh Day of May next, for Sterling Cash, Current Money, or Bills of Exchange,

THE following Tracts of Land, all lying in St. Mary's County, and very convenient to St. Mary's River, viz.

Denby, containing 250 Acres  
Maiden's Lot, 100  
Aberdeen, 128½  
more or less. Also a Grist-Mill, lying in said County, convenient to the River Patuxent.

For Title and Terms, apply to Mr. Archibald Campbell, Merchant in Leonard-Town, or to the Subscriber at Benedict.  
ROBERT YOUNG.

NOTICE is hereby given to the Creditors of the Rev. John Macpherson, that the Subscribers have a Sum of Money in their Hands, and have appointed to meet at Port Tobacco, on the First Day of May next, to distribute the same amongst the said Creditors.

JOSIAS HAWKINS,  
GEORGE DENT, } Trustees.  
SAMUEL LOVE,

To be sold, or leased for a Term of Years not less than Seven, and to be entered on either next Fall or next Spring.

THE Place whereon the Subscriber now dwells, situated on and near the Head of Hungre River, in the most publick and best Place for a Store and purchasing Lumber in those Parts. It contains 29 Acres, including 7 Acres of Marsh Pasture; it has the following Improvements on it, viz. A dwelling House framed, 48 by 28; Six Rooms below with Five Fire-places, 3 Rooms above, a Kitchen, Quarter, Warehouse, Stable, &c. &c. A Brick Store House 18 by 16 Feet, with a Cellar underneath, a Garden, containing near an Acre, well laid out, paved, railed, &c. an Orchard containing about 160 Fruit-Trees 5 Years planted, a rich Meadow Ground 4 or 5 Acres, filling fast with Clover and other Grasses, and about 4 Acres high Ground, sowed down with Clover last Fall, the whole in good Order and Repair, it being but 6 Years since first settled; for Terms, &c. apply to

JOHN BENNETT.  
N. B. Time will be given for Payment, on paying Interest and giving Security, if required.

St. Mary's County, March 1, 1771.  
A GREENABLE to an Advertisement published in this Paper on Dec. the 5th last, and continued down to Feb. the 14th following, the Subscriber met on the Premises, with design to put up the several Tracts of Land as advertised to publick Sale, but was prevented from so doing by the badness of the Weather, which was such, as would not permit those to come who had a Design of bidding for the same; being therefore desirous that every One may have a fair Opportunity who has Inclination to purchase, have put off the Sale, to Monday May the 13th next, if fair, or otherwise the next fair Day. When will be sold on the Premises, at publick Vendue, all the real Estate of Richard Heard, late of the said County, deceased, agreeable to an Act of Assembly, in that Case provided, for the Payment of the Debts of the said Richard Heard, that is to say, one Tract called *Thompson's Purchase*, formerly called *Mary Taylor's Plantation*, lying in the said County, containing 180 Acres; one other Tract or Parcel of Land, in the same County, being Part of the *Cross Manor*, containing 100 Acres. Also one other Tract or Parcel of Land, called *Cross Manor*, lying in the County aforesaid, containing 3 Acres, all adjoining; On the Tract called *Thompson's Purchase*, formerly called *Mary Taylor's Plantation*, is a large well built House, almost new, having 4 Rooms on a Floor, with a Fireplace in each Room, with a good Quarter, and several other Improvements thereon. Also Part of a Tract of Land, now called *Heard's Lot*, formerly called the *Cross*, lying in the said County, containing 1 Acre, on which is a good Storehouse, and is excellently well situated for Trade. A Copy of the Act of Assembly for the Sale of the above Lands, properly authenticated, will be shown by the Subscriber at the Time of Sale, (or before) if required, for the Information and Satisfaction of any Person inclinable to purchase. (10) JOHN HEARD.

N. B. All the above Lands are extremely good and level, are convenient for fishing and oystering, lying at the Head of a Creek, well known by the Name of *Smith's*.

E GREEN, at the PRINTING- at 12½ 6d. a Year, ADVERTISEMENTS, each Week's Continuance. Long Ones ready Printed, most kinds of BLANKS, several Sorts, with their proper BONDS, Manner of PRINTING-WORK performed

L O N D O N, Feb. 7.



Correspondent at Berlin informs us, that the King held the other Day a most particular Council of War; above 50 General Officers, many from distant Parts, appeared at the Palace of Potsdam the same Day, unknown to each other. They were all ordered to adjourn to different Chambers, and like your Jurymen, had not for that Purpose. The King in Person then gave them a written Question, which they were to answer to him. When the King had recovered all these Answers, they were escorted out of Town by secret Roads, and were not allowed to converse together.

On Tuesday last the following Questions were moved by Lord Chatham, in the Upper Assembly, to be put to the House: Whether in Consideration of Law, the Imperial Crown of this Realm can hold any Territories, Possessions thereunto belonging, otherwise than in Fee Simple?

Whether the Declaration, or Instrument of Restitution of the Port and Fort called Egmont, made by the Catholic King to his Majesty, under a Reservation of disputed Right of Sovereignty, stipulated in the Declaration, or Instrument, stipulated in the Declaration, can be accepted, or carried into Execution, without derogating from the Maxim of the Dignity of the Crown of Great-Britain? After an interesting Debate, in which Lord Rochford, the Dukes of Richmond and Manchester, and Lord Chatham spoke, it was carried in the Negative, by 22. Most of the Judges attended, hearing a Question of Law was to be moved by Lord Chatham, being curious to know its Purport.

From a LONDON PAPER of February 23.  
The LORDS PROTEST,  
Against presenting an Address to his Majesty on the Accommodation with Spain.

Disfident.

I. BECAUSE it is highly unsuitable to the Wisdom and Gravity of this House, and to the Respect which we owe to his Majesty and ourselves, to carry into the Throne an Address, approving the Acceptance of an imperfect Instrument, which has neither been previously authorized by any special full Powers produced by the Spanish Minister, nor been as yet ratified by the King of Spain. If the Ratification on the Part of Spain should be refused, the Address of this House will appear no better than an Act of preposterous Adulation to Ministers; which will justly expose the Honour of the Kingdom to the Indignation of their Country, and to the Derision of all Europe.

II. Because it is a direct Insult on the Feeling and Understanding of the People of Great-Britain, to approve this Declaration and Acceptance, as a Means of securing our own and the general Tranquillity, whilst the greatest Preparations for War are making both by Sea and Land, and whilst the Practice of preffing is continued, as in Times of the most urgent Necessity, to the extreme Inconvenience of Trade and Commerce, and with the greatest Hardships to one of the most peridious and useful Orders of his Majesty's Subjects.

III. Because the refusing to put the Question to the Judges upon Points of Law, very essentially affecting the great Question, and the refusing to address his Majesty to give Orders for laying before this House the Instructions relating to Falkland's Island, given to the Commanders of his Majesty's Ships employed there, is depriving us of such Lights as seemed highly proper for us on this Occasion.

IV. Because, from the Declaration and Correspondence laid before us, we are of Opinion that the Ministers merit the Censure of this House, rather than any Degree of Commendation, on Account of several improper Acts, and equally improper Omissions, from the Beginning to the Close of this Transaction.

For it is asserted by the Spanish Minister, and stands uncontradicted by ours, that several Discussions had passed between the Ministers of the Two Courts, upon the Subject of Falkland's Islands, which might give the British Ministers Reason to foresee the Attack upon that Settlement that was afterwards made by the Forces of Spain. Capt. Hunt also arriving from thence so early as the Third of June last, did advertise the Ministers of repeated Warnings and Menaces made by Spanish Governors and Commanders of Ships of War; yet to obstinately negligent and supine were his Majesty's Ministers, and so far from the Vigilance and Activity required by the Trust and Duty of their Office, that they did not even so much as make a single Representation to the Court of Madrid, which, if they had done, the Injury itself might have been prevented, or at least so speedily repaired, as to render unnecessary

the enormous Expences to which this Nation has been compelled, by waiting until the Blow had been actually struck, and the News of so signal an Insult to the Crown of Great-Britain had arrived in Europe. To this wilful, and therefore culpable, Neglect of Representation to the Court of Spain, was added another Neglect; a Neglect of such timely Preparation for putting this Nation in such a State of Defence, as the menacing Appearance on the Part of Spain, and the critical Condition of Europe required. These Preparations, had they been undertaken early, would have been executed with more Effect, and less Expence; would have been far less distressing to our Trade, and to our Seamen; would have authorized us in the Beginning to have demanded, and would in all Probability have induced Spain to consent to an immediate, perfect, and equitable Settlement of all the Points in Discussion between the Two Crowns; but all Preparations having been neglected, the national Safety was left depending rather upon accidental Alterations in the internal Circumstances of our Neighbours, than in the proper and natural Strength of the Kingdom; and this Negligence was highly aggravated by the Refusal of Administration to consent to an Address proposed by a noble Lord, in this House, last Session, for a moderate and gradual Augmentation of our naval Forces.

V. Because the Negotiation, entered into much too late, was, from the Commencement, conducted upon Principles as disadvantageous to the Wisdom of our publick Councils, as it was finally concluded, in a Manner disgraceful to the Honour of the Crown of Great-Britain; for it appears, that the Court of Madrid did disavow the Act of Hostility, as proceeding from particular Instructions, but justified it under her general Instructions to her Governors; under the Oath by them taken, and under the established Laws of America. This general Order was never disavowed nor explained; nor was any Disavowal or Explanation thereof ever demanded by our Ministers; and we apprehend, that this Justification of an Act of Violence under general Orders, and established Laws of Office, to be far more dangerous and injurious to this Kingdom, than the particular Enterprize which has been disavowed, as it evidently supposes, that the Governors of the Spanish American Provinces, are not only authorized, but required, without any particular Instructions, to raise great Forces by Sea and Land, and to invade his Majesty's Possessions in that Part of the World, in the midst of profound Peace.

VI. Because this Power, so unprecedented and alarming, under which the Spanish Governor was justified by his Court, rendered it the Duty of our Ministers, to insist upon some Censure or Punishment upon that Governor, in order to demonstrate the Severity of the Court of Madrid, and her desire to preserve Peace, by putting at least some Check upon those exorbitant Powers, after ed by the Court of Spain, to be given to her Governors. But although our Ministers were authorized, not only by the acknowledged Principles of the Law of Nations, to call for such Censure or Punishment, but also by the express Provision of the 17th Article of the Treaty of Utrecht, yet they have thought fit to observe a profound Silence on this necessary Article of publick Reparation. If it were thought, that any Circumstances appeared in the particular Case of the Governor, to make an Abatement or Pardon of the Punishment advisable, that Abatement or Pardon ought to have been the Effect of his Majesty's Clemency, and not an Impunity to him, arising from the Ignorance of our Ministers in the first Principles of publick Law, or their Negligence or Possessiveness in asserting them.

VII. Because nothing has been had or demanded as a Reparation in Damage, for the enormous Expence and other Inconveniences arising from the confessed and unprovoked Violence of the Spanish Forces, in the Enterprize against Falkland's Islands, and the long subsequent Delay of Justice; it was not necessary to this Demand, that it should be made in any improper or offensive Language, but in that Stile of Accommodation which has ever been used by able Negotiators.

VIII. Because an unparalleled and most audacious Insult has been offered to the Honour of the British Flag, by the Detention of a Ship of War of his Majesty, for 20 Days after the Surrender of Port Egmont, and by the Indignity of forcibly taking away her Rudder; this Act could not be supported upon any Idea of being necessary to the Reduction of the Fort, nor was any such Necessity pretended. No Reparation in Honour has been demanded for this wanton Insult, by which his Majesty's Reign is rendered the unhappy Era, in which the Honour of the British Flag has suffered the first Stain with entire Impunity.

IX. Because the Spanish Declaration, which our Ministers have advised his Majesty to accept, does, in general Words, imply his Majesty's Disavowal of some Acts on his Part, tending to disturb the good Correspondence of the Two Courts; when it is notorious, that no Act of Violence whatsoever had been committed on the Part of Great-Britain. By this Disavowal of some implied Aggression in the very Declaration, pretended to be made for Reparation of Great-Britain,

his Majesty is made to admit a Supposition contrary to Truth, and injurious to the Justice and Honour of his Crown.

X. Because in the said Declaration, the Restitution is confined to Port Egmont, when Spain herself originally offered to cede Falkland's Island; it is known that she made her forcible Attack on Pretence of Title to the whole, and the Restitution ought, therefore, not to have been confined to a Part only, nor can any Reason be assigned, why the Restitution ought to have been made in narrower or more ambiguous Words than the Claims of Spain, on which her Act of Violence was grounded, and her Offers of Restitution originally made.

XI. Because the Declaration, by which his Majesty is to obtain Possession of Port Egmont, contains a Reservation, or Condition of the Question of a Claim of prior Right of Sovereignty in the Catholic King, to the whole of Falkland's Island, being the first Time such a Claim has ever authentically appeared in any publick Instrument, jointly concluded on by the Two Courts. No Explanation of the Principles of the Claim has been required, although there is just Reason to believe, that these Principles will equally extend to restrain the Liberty, and confine the Extent of British Navigation. No counter Claim has been made, on the Part of his Majesty, to the Right of Sovereignty, in any Part of the said Island ceded to him; any Assertion whatsoever of his Majesty's Right of Sovereignty has been studiously avoided, from the Beginning to the Accomplishment of this unhappy Transaction; which, after the Expence of Millions, settles no Contest, asserts no Rights, exacts no Reparation, affords no Security, but stands as a Monument of Reproach to the Wisdom of the national Councils, of Dishonour to the essential Dignity of his Majesty's Crown, and of Disgrace to the hitherto untainted Honour of the British Flag.

After having given these Reasons, founded on the Facts which appeared from the Papers, we think it necessary here to disclaim an invidious and injurious Imputation, substituted in the Place of fair Argument, that they, who will not approve of this Convention, are for precipitating their Country into the Calamities of War; we are as far from the Design, and we trust much farther from the Act of kindling the Flame of War, than those who have advised his Majesty to accept of the Declaration of the Spanish Ambassador.

We have never entertained the least Thought of invalidating this publick Act; but if Ministers may not be censured, or even punished, for Treaties which, though valid, are injurious to the national Interest and Honour, without a Supposition of the Breach of publick Faith in this House, that should censure or punish, or of a Breach of the Laws of Humanity, in those who propose such Censure or Punishment; the Use of the Peers, as a Controll on Ministers, and as the best as well as highest Council of the Crown, will be rendered of no Avail. We have no Doubt, but a Declaration more adequate to our just Pretensions, and to the Dignity of the Crown, might have been obtained without the Effusion of Blood, not only from the favourable Circumstances of the Conjunction, but because our just Demands were no more than any foreign Power, who had injured another, through Inadvertence or Mistake, ought, even from Regard to its own Honour, to have granted; and we are satisfied, that the obtaining such Terms would have been the only sure Means of establishing a lasting and honourable Peace.

Richmond, Bolton, Manchester, Tankerville, Chatham, Wycombe, Craven, Boyle, Devonshire, Audley, King, Torrington, Milton, Abergavenny, Fitzwilliam, Ponsonby, Scarborough, Archer.

Disfident,  
Because, though the Disavowal may be considered as humiliating to the Court of Spain, the Declaration and Acceptance, under the Reservation of the Question of prior Right, do not, in my Opinion, after the heavy Expences incurred, either convey a Satisfaction adequate to the Insult on the Honour of Great-Britain, or afford any reasonable Grounds to believe, that Peace, on Terms of Honour, can be lasting.

RADNOR.

An Account of what passed in a great Assembly on the Spanish Papers.

THE Papers relative to the Negotiation being, notwithstanding some Opposition from the Minority, read at the Instance of the Ministry, it appeared from the Correspondence of the Spanish and British Officers in South-America, that the former did not act without express Orders from the Catholic King. It is, indeed, true, that in the Correspondence between Mr. Harris and Grimaldi, Spain disavowed the Act, and owned, from the first, that Great-Britain had been injured. But this proceeded from the distracted State of France, which found itself in no Condition to execute the original Plan concerted between the Two Crowns, and therefore obliged Spain, at present, to relax, and to preserve her Claim of Right for a future and more favourable Opportunity.