

O. N., Dec. 23.
... have pointed out; yet, by the established rules and or-
... of this house, it is now too late to make any mo-
... for altering or amending any of the clauses of the
... bill.
... Lord Shelburne. The indulgence your lordships shew-
... ed me on a former occasion, would have prevented me
... from again troubling you on the subject, had not one
... or two very strong reasons, I should have thought my-
... self precluded from opposing it in this stage, after hav-
... ing so fully expressed my sentiments on the second read-
... ing, if I had not looked upon myself called to inform
... your lordships of a particular circumstance, which has
... come to my own knowledge, as well as to state an ob-
... jection or objection to the bill, which did not occur to me
... when I spoke my sentiments on this subject.
... The objection I am to inform your lordships is, that
... a merchant, whom I never saw, applied to me, and
... told me, that a great number of vessels were now load-
... ing, under the express provisions of the restraining act
... of last year; that the persons, owners, and proprietors
... of those vessels and cargoes, would be liable to have
... them seized and confiscated; this he represented as a
... grievous hardship, as the merchants in America, Great
... Britain, and the West-Indies, were brought into this
... very predicament, by the reliance and confidence of a
... British act of parliament. I thought this gentleman
... would have acted much more properly, to have applied
... to your lordships for redress; but I nevertheless thought
... it my duty to mention it, as a matter well deserving
... your lordships consideration.
... On a former occasion, I spoke very fully to this bill,
... but I cannot avoid mentioning one part of it, the con-
... cluding clause, which authorizes the crown to delegate
... to others the power of pardoning; and I understand,
... since I last delivered my thoughts on this subject, an
... amendment has been made to the bill, to prevent any
... doubt which might hereafter arise by the penning of the
... clause, of such a right being inherent in the crown.
... I have, my lords, consulted several very able and re-
... spectable lawyers on the subject, and not one of them
... has acceded to the doctrine in its full extent. I have
... looked into several great authorities; as they lie scatter-
... ed in books, concerning this doctrine, and not one of
... them come up to the language of this bill. One of
... them in particular lays great stress on the statute passed
... in the reign of Henry the VIIIth, which takes away
... this delegated power from the lords marchers, and vests
... it for ever solely in the crown. In short, after the best
... enquiries I have been able to make, I am not satisfied
... that this claim of delegating the power of pardoning in
... the lump is at all inherent in the crown. Some
... are of opinion, that this power may be given by
... his majesty to individuals, others in the lump, others in
... America only; but not one, that it is inherent in the
... crown generally and unconditionally. Informed as I
... am, I speak with all possible deference to the
... judgment of the noble and learned lords present, who
... declared, when this subject was last under discussion,
... clearly in support of this power; but yet, after all, I
... trust the noble lords will excuse me for expressing a
... wish, that a point of such magnitude, a legal question
... involving in it such important consequences, were not
... hurried till an opportunity were given to consider this
... matter more fully, at which time a noble lord, whose
... present state of health will not permit him at present to
... attend, (lord Batham) may probably be able to deli-
... ver his opinion; and this house and the nation at large
... be satisfied that an improper power is not vested in the
... crown by this bill. The Greeks and Romans had some
... wars of the kind that is now carrying on against Ame-
... rica by this country. They never gave them the name
... of rebellions, nor acted against them as alien enemies.
... The latter, in one of a similar nature, called it the so-
... cial war. I call this a constitutional war. I say this
... war is fraught with innumerable mischiefs. Instead of
... exacting obedience, it declares nothing but a wish for
... separation; it meditates open destruction, not coercion.
... It goes not to the punishment of rebels; and the protec-
... tion of the innocent. It is made contrary to every rule
... observed in commotions of this kind. Instead of being
... directed against individuals, who are the proposed au-
... thors of this rebellion; it is carried on as if against a
... foreign enemy; war is made on the community at large.
... In fine, the principle of the bill is to punish the in-
... nocent, as well as the guilty. But if the principle of the
... bill be bad, the provisions of it are still worse. To
... carry it into execution, what are you to do? The fram-
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... aversion the people in general entertain for the service,
... have provided, that the plunder shall be shared among
... the captors, by way of encouragement. What is this
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... glaring cruelty and injustice of such a procedure, have
... induced the friends of the bill to admit some clauses, in
... order to soften the unexampled rigour of the hardships
... complained of. Thus, on the other hand, the seaman
... in turn is sacrificed to the merchant. In such a state
... of uncertainty, what are we to conclude from this he-
... terogeneous mixture of indulgence and severity, by
... which the merchant is neither sure of his property, nor
... the seaman of the produce of his capture, when all will
... be law, litigation, and confusion? It directly calls to
... my memory, the story relative to Sir Charles Wager,
... alluded to by a noble and learned lord near the table
... (lord Mansfield) who, after taking a very valuable
... prize, and having her condemned, when the balance
... came to be struck, he found himself a considerable loser.
... On the whole, I think the principle of the bill wrong,
... the provisions absurd, oppressive, cruel, and contradicto-
... ry, and the measure taken together to the last degree,
... hasty, rash, unjust, and ruinous.
... Lord Mansfield. I did not come prepared the last day
... this bill was under consideration to speak to it, though
... I delivered my sentiments upon some matters which
... happened, then, to come into discussion; nor should I
... now trouble your lordships, did not I think myself called
... upon to assign my reasons for assenting to it. The
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... unjust. I shall beg the patience of the house, while I
... endeavour to exculpate myself from that part of the
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... of its utter necessity in the present state of things. Be-
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... mentioned. It has been observed, that one of the clauses
... of this bill has a retrospective view, as it legalizes all
... seizures made before the passing of this bill. This, my
... lord, is not unusual; it has, indeed, been the constant

uniform practice in such cases. It is founded in jus-
... tice; because if such seizures were made wantonly, or
... without cause, and not upon the only ground on which
... they can be fairly defended, that of manifestly advanc-
... ing the public service, the clause in this bill will not
... protect or indemnify any act of that kind. Besides,
... what is the true legal construction of this clause?—not
... surely, to seize the property, and confiscate it. No, on-
... ly to defend the actors against personal actions; the per-
... sons complaining being still left at full liberty to pursue
... their remedy at law, in order to recover their property,
... or the value of it. It would, indeed, were it otherwise,
... be impossible for officers in high command to act, if for
... measures taken for the good of the state, they should be
... liable afterwards to be ruined by the almost infinity of
... suits that might be instituted against them; when the
... commotions were over, and every thing returned into its
... former tranquil state. The noble lord seems to doubt
... of the right of delegating the power of pardoning to be
... inherent in the crown; for my part, I perfectly clear
... it has from the first establishment of the monarchy; Gen.
... Gen. Gage exercised it on a late occasion, where, by
... proclamation, he promised pardons to every man in A-
... merica, but one or two individuals. It has been always
... the practice. Every general of an army, acting against
... rebels, is vested with this power. Indeed, I believe,
... there never was a rebellion in this country, or its domi-
... nions, in which this power was not actually exercised.
... The rebels taken in 1714 at Preston, claimed it as an
... agreement as the terms of capitulation; it was not
... granted; but the power was never disputed. A night
... or two ago I was reading the Register, a book of the
... first law authority extant. It is full of original writs.
... So early as the reign of Edward I. I find this doc-
... trine of pardoning in the lump fully confirmed. I
... found there a *dedimus pro statem*, directed by that king
... to certain persons therein mentioned, to pardon all the
... people of Galloway? Was not this pardoning in the
... lump? Was not this pardoning a whole community?
... As to the original matter that gave rise to this bill, I
... always was of opinion that the people of America were
... as much bound to obey the acts of the British parlia-
... ment, as the inhabitants of London and Middlesex. I
... always thought that, ever since the peace of Paris, the
... northern colonies were meditating a state of independency
... on this country. They have told you as much in one of
... the publications of the continental congress, wherein
... they thank Providence, in inspiring their enemies with
... the resolution of attempting to carry their schemes of
... dominion and usurpation, till they had arrived at a growth
... and strength sufficient to resist them. I have no doubt
... on my mind but this was their intention from the period
... I allude to. Whatever might be their wishes before
... that time, their situation rendered it impracticable, be-
... cause it was this country that could alone protect them
... against the power of France, to which their whole fron-
... tier lay exposed. But allowing that all their professions
... were genuine, that their inclinations were those of duty
... and respect towards this country; that they entered into
... the present insurrection at the instigation of a few factious
... and ambitious men, or those who ultimately directed
... them; that the stamp-act was wrong; that the decla-
... ratory law should assert the supremacy over that coun-
... try, but should amount to no more than such a power as
... his present majesty exercises over the kingdom of France;
... that no troops should be sent into the country, even to
... defend them, without their own permission; that the
... admiralty courts should never be made to extend there,
... though by the trial by jury the parties would be judges;
... that offenders against the laws and authority of this
... country, should be tried for offences by persons who
... themselves were ready to declare they did not think the
... charges criminal; that no restraints should be laid upon
... their commerce, though that great bulwark of the riches
... and commerce of this country, the act of navigation,
... depended on such restraints; that every measure hitherto
... taken to compel submission to the parliamentary autho-
... rity of this country was cruel and unjust; and that every
... ministry in this country were tyrannical and oppressive;
... and that the last was the worst of all. Yet, admitting
... all this to be true, my lords, what are we to do? Are
... we to rest inactive, till they shall think proper to begin
... the attack, and gain strength to do it with effect? We
... are now in such a situation, that we must either fight or
... be pursued. What a Swedish general said to his men,
... in the reign of Gustavus Adolphus, is extremely applic-
... able to us at present, just at the eve of a battle. Point-
... ing to the enemy who were marching down to engage
... them, says he, "My lads, you see those men, yonder;
... if you do not kill them, they will kill you!" If we do
... not, my lords, get the better of America; America will
... get the better of us. We do not fear, at present, what
... they will attack us at home; but consider, on the other
... hand, what will be the fate of the sugar islands; what
... will be the fate of our trade to that country? That, my
... lords, is a most valuable and important consideration;
... it is the best feather in the wing of this country. They
... are preparing to raise a navy; they have begun in part;
... trade will beget opulence, and by that means they will
... be enabled to hire ships from foreign powers. It is said
... the present war is only defensive on the part of America.
... Is that the case? Is the attack on Canada, or the attempt
... on Halifax, a defensive war? Is the prohibiting all trade
... and commerce with every other part of the British em-
... pire, with Ireland, for whom they express such friendly
... sentiments? Is starving the sugar islands acting on the
... defensive? No, though those people never offended nor
... oppressed us, we will distress them (say they) because
... that will be distressing of Great-Britain. Are we in
... the midst of all the outrages of hostility; of seizing our
... ships; entering our provinces at the head of numerous
... armies; seizing our forts, to stand idle, because we are
... told this is an unjust war, till they have brought their
... arms to our doors. The last Dutch war was gene-
... rally understood to be unjust; yet that did not pre-
... vent us from repelling the invaders, when they came
... up to burn our navy at Charham; the causes of the
... late war much condemned, but that did not prevent us
... from pursuing it with vigour. Indeed, the nature of all
... war is such, it ought to be carried on with vigour, till
... the objects which caused it are either obtained, or aban-
... doned as unattainable; or not worth pursuing. Neither,
... I trust, is the case in the present instance; I do not,
... therefore, consider who was originally in the wrong;
... we are now only to consider where we are. The jus-
... tice of the cause now give way to our present situa-
... tion; and the consequences which must ensue, should
... we recede, at that point of view, I am satisfied that it can-
... not be properly called either hasty, rash, ruinous, or
... unjust.

PROVIDENCE, April 15.
Capt. Cook, from Belfast, informs, that recruiting
parties had been bearing up there from September till
January, to reinforce the ministerial army in America,
but that they had only enlisted ten men. He further
informs, that the ministry's plan of sending commis-
sioners to America is dropt.
W A T E R T O W N, April 15.
We hear, that on Wednesday last, the rev. presi-
dent, fellows and overseers of Harvard college, waited
on his excellency general Washington, with an address,
conferring on him the degree of doctor of laws.
Last Thursday, three boats with 25 hands, took a
snow bound from Grenada to Boston; James Tur,
master, and carried her into Cohasset. Her cargo con-
sists of 154 puncheons of rum, 49 barrels of sugar, 10
barrels of coffee, 3 tons of say, some wood, and about
10 barrels of pork and beef, a valuable prize.
H A R T F O R D, April 15.
By a gentleman from Albany, who came to town
yesterday, we are informed, that all the troops destined
for Quebec, who had been detained at Albany some
time past, not being able to cross the lakes, had march-
ed for the place of their destination. The battalion
from this colony marched on Wednesday last night,
and the first and second battalions of Pennsylvania
and the Jersey blues, on Thursday, Friday, Saturday,
and Sunday following, and that the general officers,
appointed to the northern department, together with
the commissioners from Philadelphia had passed through
Albany for Canada.—Nothing material from Quebec.
N E W L O N D O N, April 19.
Wednesday last, Montfort Brown, Esq; governor of
New-Providence, Mr. Babbage, secretary of that pro-
vince, Mr. Irving, one of the council of North-Caro-
lina, and a number of other prisoners, brought in by
commander Hopkins, were carried from home to
Windham, under an escort.
The same day, the town was alarmed with an ac-
count that four men of war had sailed from New York
for this place: but as they are not yet arrived, it is be-
lieved they are gone to some other port.
N E W Y O R K, April 25.
Extra of a letter from Philadelphia, April 22.
This morning we received an account, that capt.
Barry has taken another tender, and sent her into Egg-
harbour: she is a schooner of 6 guns, fitted out by the
Phoenix: she hoisted her guns overboard and ran ashore,
but capt. Barry soon got her off. The captain got in-
telligence of another tender of 10 guns which he is
gone after. Hope we shall soon clear our coast of those
little pirates who have done much mischief. The sloop
Liberty, from St. Fustatia, said to be bound for Am-
boy, but rather think she was bound to this port, with
powder and dry goods, is taken and carried into Vir-
ginia.
Extra of a letter from a gentleman at Albany, to his friend
in New-York.
"I have yesterday been told, that genl. Wooster is
gone to Quebec; and that he had said, when he left
Montreal, that he should scale the walls of that place,
if there was space sufficient between them and the
heavens."
On Sunday brigadier general Thompson set out for
Canada, with Paterson's, Bond's, Greighton's and
Poot's regiments of the continental troops that lately
arrived here from Cambridge.
P H I L A D E L P H I A.
Extra of a letter from Virginia, dated April 15.
"It is certain Mr. Archibald Govan's vessel, and a
number of Scotch passengers, are stopped, and the property
seized, chiefly consisting of specie, to the amount
of fifty thousand pounds, which, if condemned, will
be no bad first fruits of your resolution for reprisal.
The vessel being Govan's, I suppose will be considered
as American property, but the cash, I take for granted,
was mostly collected for the principals in Scotland."
A letter from New-York, dated the 24th inst. says,
"seventy men went ashore from the men of war, at the
Hook, to get water, but being attacked by our sloop,
they fled into the light-house, where they are sur-
rounded."
Extra of a letter from Petersburg, Virginia, April 12.
"In my way through Virginia, I found the inhabi-
tants warm for independence. I spent last evening
with Mr. — from South-Carolina. He tells me
that the people there have no expectation of ever being
reconciled with Britain again but only as a foreign
state." They have formed a government for themselves.
John Rutledge, Esq; is appointed president, with all
the powers that are vested in the governor. From
several letters I have received from North-Carolina, since
that convention have met, I find they are for independ-
ence, as they either have, or intend to repeal the in-
structions that were given to their delegates, and to
leave them at liberty to vote upon every occasion, as
they may think proper. Mr. — was some little time
at Halifax, and says they are quite spirited and unani-
mous; indeed I hear nothing praised but Common
Sense and independence. The people of North-Carolina
are making great preparations, and say they are
determined to die hard. I assure you, my good friend,
the vehemence of the northern colonies will require all
the ebullience of the northern ones to moderate their
zeal. I suspected when I was with you, that whenever
they were used, they would go great lengths."
L L I A M S B U R G, April 20.
It is reported here that genl. Clinton and his troops
are landed at a place called Battery island, in North-
Carolina, since which a party of them have been de-
feated, and one capt. Collet killed, who had been very
active against the inhabitants, and treated many of
them with great severity. It was hoped the Ameri-
can fleet on their way from the southward, would fall
in with the pirates and bloodsuckers on that coast, to
chastise them for their inhumanity; but private letters

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... are of opinion, that this power may be given by
... his majesty to individuals, others in the lump, others in
... America only; but not one, that it is inherent in the
... crown generally and unconditionally. Informed as I
... am, I speak with all possible deference to the
... judgment of the noble and learned lords present, who
... declared, when this subject was last under discussion,
... clearly in support of this power; but yet, after all, I
... trust the noble lords will excuse me for expressing a
... wish, that a point of such magnitude, a legal question
... involving in it such important consequences, were not
... hurried till an opportunity were given to consider this
... matter more fully, at which time a noble lord, whose
... present state of health will not permit him at present to
... attend, (lord Batham) may probably be able to deli-
... ver his opinion; and this house and the nation at large
... be satisfied that an improper power is not vested in the
... crown by this bill. The Greeks and Romans had some
... wars of the kind that is now carrying on against Ame-
... rica by this country. They never gave them the name
... of rebellions, nor acted against them as alien enemies.
... The latter, in one of a similar nature, called it the so-
... cial war. I call this a constitutional war. I say this
... war is fraught with innumerable mischiefs. Instead of
... exacting obedience, it declares nothing but a wish for
... separation; it meditates open destruction, not coercion.
... It goes not to the punishment of rebels; and the protec-
... tion of the innocent. It is made contrary to every rule
... observed in commotions of this kind. Instead of being
... directed against individuals, who are the proposed au-
... thors of this rebellion; it is carried on as if against a
... foreign enemy; war is made on the community at large.
... In fine, the principle of the bill is to punish the in-
... nocent, as well as the guilty. But if the principle of the
... bill be bad, the provisions of it are still worse. To
... carry it into execution, what are you to do? The fram-
... ers of this bill, in order to stifle and hide the fixed
... aversion the people in general entertain for the service,
... have provided, that the plunder shall be shared among
... the captors, by way of encouragement. What is this
... but sacrificing the merchant to the seaman? Again, the
... glaring cruelty and injustice of such a procedure, have
... induced the friends of the bill to admit some clauses, in
... order to soften the unexampled rigour of the hardships
... complained of. Thus, on the other hand, the seaman
... in turn is sacrificed to the merchant. In such a state
... of uncertainty, what are we to conclude from this he-
... terogeneous mixture of indulgence and severity, by
... which the merchant is neither sure of his property, nor
... the seaman of the produce of his capture, when all will
... be law, litigation, and confusion? It directly calls to
... my memory, the story relative to Sir Charles Wager,
... alluded to by a noble and learned lord near the table
... (lord Mansfield) who, after taking a very valuable
... prize, and having her condemned, when the balance
... came to be struck, he found himself a considerable loser.
... On the whole, I think the principle of the bill wrong,
... the provisions absurd, oppressive, cruel, and contradicto-
... ry, and the measure taken together to the last degree,
... hasty, rash, unjust, and ruinous.
... Lord Mansfield. I did not come prepared the last day
... this bill was under consideration to speak to it, though
... I delivered my sentiments upon some matters which
... happened, then, to come into discussion; nor should I
... now trouble your lordships, did not I think myself called
... upon to assign my reasons for assenting to it. The
... noble lord says, this bill is hasty, rash, ruinous, and
... unjust. I shall beg the patience of the house, while I
... endeavour to exculpate myself from that part of the
... censure which may be presumed to fall on my share, as
... giving it my support arises from the fullest conviction
... of its utter necessity in the present state of things. Be-
... fore, however, I speak to the principle of the bill, I
... shall explain one matter, which has been frequently
... mentioned. It has been observed, that one of the clauses
... of this bill has a retrospective view, as it legalizes all
... seizures made before the passing of this bill. This, my
... lord, is not unusual; it has, indeed, been the constant