

MARYLAND GAZETTE.

T H U R S D A Y, MAY 16, 1776

L O N D O N, December 23.

H O U S E o f L O R D S.

On Monday the following PROTEST was entered against the proceedings of the house on Friday last, on the second reading of the bill to prohibit all trade and commerce with certain colonies in AMERICA.

DISSENTIENT,

BECAUSE this bill, by considering the colonies in America as a foreign nation, and declaring war on them in that character, has a direct tendency to effect an entire, and, we fear, permanent separation between the two capital parts of this empire. It is new to behold a nation making a separation of its parts by a law, in hopes of reuniting them by a treaty. The sovereign power has hitherto always regarded rebellion as the criminal act of individuals, and not the hostility of any great collective body of the community. The framers of this bill admit the principle in its full force, although by all the provisions they ever where contradict it; for whilst the clauses of the bill consign all to punishment, the preamble only declares that many are guilty, the legislature chusing to be considered rather as unjust to particulars, than confessing itself to be universally odious. The English on both sides of the ocean are now taught, by act of parliament, to look on themselves as separate nations; nations susceptible of general hostility, and proper parties for mutual declarations of war, and treaties of peace. We are by this act preparing their minds for that independence which we charge them with affecting, whilst we drive them to the necessity of it by repeated injuries.

BECAUSE this bill enables and encourages the navy of England to make an indiscriminate prey of the property of English subjects trading to or from the colonies (even of the ships which lie quiet in the American ports) without regarding whether that property belongs to friends or enemies, to the dutiful or to the disobedient. This plan of promiscuous rapine (unworthy of the wisdom and decorum of government) must complete what yet remains to be completed, of the union of North-America against the authority of parliament. Parliament in this bill seems much more inclined to distrust, than able or willing to protect. In North-America the refractory and submissive may be blended together. In the West-Indies all are innocent: But all are doomed to a much more severe, and much more certain punishment, than falls upon the most guilty in North-America. The whole accommodation, if not the immediate subsistence, of the West-India islands, depends on a commercial connection with the continent, from which, by this bill, they are expressly restrained. One of the chief, and much the most plausible of the complaints made last year against the North-American colonies, was a resolution on their part to withhold supply from the sugar plantations. But this year we have made ourselves to adopt and sanctify that very conduct which we had painted to the world in such odious colours. It must appear as if this bill was purposely made against the West-Indies; and, lest the people of the United Colonies might return to sentiments of fraternal affection, or from motives of self-interest, or from impatience of so hard a restraint, should disobey or elude the orders of the congress, and afford relief to our innocent planters in the West-Indies, it seems as if an act of the British parliament came in aid of that authority, and provided that no supply whatsoever shall be carried to the West-Indies, contrary to the resolution of the congress.

BECAUSE this bill greatly exceeds in violence the pattern of injustice which it seems to follow. In some respects, the prohibition of the congress materially differed from the prohibition of this bill. Theirs was not immediate. Time was given to the West-Indies for supply both from America and other places. No confiscations were made. We, on the other hand, have permitted the trade from America as long as it was necessary to save ourselves from famine, and to enable the colonies to pay their debts. This supply they have made plentifully, and many of these debts they have discharged most honourably. In return for this, to us useful and honourable behaviour, Ministry, abusing the bounty of Providence, on the first restoration of domestic plenty, has fabricated a bill for seizing American vessels, now trading under the faith of an act of parliament, no ship of theirs being suffered to return to its own country, either from hence, or from the West-Indies.

BECAUSE the bill, not satisfied with making predatory war upon the trade of the colonies, thinks it necessary to stimulate particular avarice and rapacity to an activity in such service, by rendering captures of North-American vessels and goods the property of the captors. This regulation is now, for the first time, by any regular authority in this kingdom, to be adopted in a civil contention. We consider this method of holding out the spoil of their fellow-citizens for the reward of avarice in civil wars, as a source of the most dangerous corruption that can be conceived, in the first instance to our navy, and in its consequence to our army. A number of bold, enterprising men, trained to the profession of arms, with fortunes to make, and promotion to be obtained, are naturally lovers of war. When they have once tasted of emoluments from domestic spoil, they will no longer look on the commerce of England as an object of protection, but of plunder. They will see the prosperous state of peaceful industry, not with pleasure, but with envy. They will be taught to wish for those lucrative civil contentions, which they will always have the means of

provoking. Our soldiers in the land-service will see no reason for their being distinguished from the marine; and they will call for the plunder of English trading towns when they see that the seamen have been indulged in the plunder of English trading ships. It never can be safe for a state to hold out an interest in disturbing it, to those who have the sword in their hand. The greatest republic, of which history gives us any knowledge, was subverted by this licence of domestic plunder. We are perfectly assured, that the navy of England wants no such unnatural and impious encouragement towards the performance of any duty, which their known public spirit, and yet uncorrupted honour, may make it fit for them to perform. And it is no less on their side than on the public account, a matter of the most serious affliction to us, that a service always looked upon (and hitherto most justly) not only without fear, or jealousy, but with the most partial affection, in every part of this empire, should be unnecessarily exposed to the lasting odium which must attend those who are enriched from the spoils of citizens, amongst whom they may be obliged to spend their lives, and form their connections. Civil wars (when they must be made) should be made in such a manner as not to render the return to peace and cordiality impracticable. If the spoil ordered by this act had been left in the crown, the crown might use it as an encouragement for a return to obedience, and as a means of future peace. It is now only a provocation, through despair and resentment, to perpetual hostility. We cannot possibly discern how any necessary operation of war is strengthened by this disgrace of legislation. But if the arms now used should succeed so as to enforce a temporary and reluctant obedience, we see but too well, that this bill will leave such a sting in the minds of the colonists, as to render our government there hated and suspected, and therefore for ever precarious.

BECAUSE this bill, by anticipating all legal judgment of the offences of those whose goods are forfeited, overturns one of the most excellent and profoundly considered parts of that fundamental law, the declaration of rights, which declares, "that all grants of fines and forfeitures of particular persons, before conviction, are illegal and void." This provision is expressly made, lest rapacious ministers, scenting confiscation, or rapacious soldiers, allured by the lust of plunder, should be induced to forge or provoke plots and rebellions, in order to enrich themselves out of the public disorders.

BECAUSE very extensive commercial property of British subjects (implicated by the nature of commercial intercourse with that of innocent Englishmen residing here) is to be taken out of the equitable jurisdiction of the common law of England, and from that inestimable birthright of the subjects of this kingdom, a trial by jury, and carried to the court of admiralty to be tried by a single judge, on the rules of an arbitrary foreign law.

BECAUSE the whole scheme of this predatory war of private lucre is put under the arbitrary direction of certain commissioners, to us unknown, even by name; who have power to give such continuance to the ravages authorized by this bill, as their arbitrary will shall suggest; to pardon or except from pardon, any number or description of persons, and with such exceptions as they shall see fit, without any other rule than their own private opinion, fancy, caprice, favour, or resentment; and without any other rule to open or keep shut, any colony, province, county, town, district or place. We are of opinion that the power left to the commissioners is perfectly unjustifiable and unconstitutional. It has besides a tendency to treat the most shameful and mischievous monopolies. The power given to the Admiralty and to the West-India government, to license ships, is of the same nature. If such monopolies and jobs should not arise from such powers, it is no fault of this bill, which, as if it had these purposes in view, has taken especial care to provide as strong a temptation as human nature, set above law and restraint, and furnished with every facility to corruption, can possibly be exposed to.

BECAUSE we know nothing of the business of these commissioners, further than the above arbitrary discretion with regard to pardons. Rumour gives out, that they are to have a power to treat with the Americans for a redress of their grievances. Of this, however, neither the speech from the throne, nor the bill, have given the least intimation. Although, if the commissioners treat on this subject at all, acts and powers of parliament being the matter of complaint, the commissioners ought to derive some previous authority from parliament, in order to give weight and efficacy to their negotiations, and to preserve some appearance of dignity in ourselves. It is hardly proper that parliament should appear in no other light than as the instrument of penal restrictions, attainder, penalties, and confiscations; as the maker of menacing addresses, and the rejecter of dutiful petitions. It is hardly decent to show ourselves fierce and inflexible here; but to be satisfied with permitting unknown persons, whom ministers shall chuse in future to appoint, to dispose in America of powers and acts of parliament at their pleasure: leaving us first the odium of rejecting reasonable requests, and afterwards the disgrace of ratifying shameful concessions.

BECAUSE we reject with indignation, that clause of this bill, which, by a refinement in tyranny, and in a sentence worse than death, obliges the unhappy men, who shall be made captives in this predatory war, to bear arms against their families, kindred, friends, and country; and after being plundered themselves, to become a complex in plundering their brethren. If there exists a doubt whether to justify the

infliction of capital punishment, or desertion, it should be necessary to prove that a seaman was a pressed man or a volunteer. The object of this clause is to deprive the American seamen of the plea of his being a pressed man, as it declares that he is to be considered, to all intents and purposes, as having entered voluntarily into the service. By this clause, not only common seamen, but masters of vessels are, without regard to age or circumstances, or condition, to be ignominiously turned before the mast, and subjected to the austere discipline of the hoar-swall. Persons, in that subordinate station, not being animated with the liberal and ingenuous spirit which distinguishes officers in the navy, and taught to consider these forced volunteers as rebels, will be but too apt to aggravate the miseries of captivity by insults and outrage. These prisoners, among the comrades they are obliged to live and serve with, may very probably be, often forced to behold the spoils of their honest industry, and the natural support of their sober families, squandered in riot and profligate debauchery before their faces. This we look upon as the last degree of wretchedness and indignity to which human nature can be subjected. His cruelty, unknown to the most savage nations, is to be practised by Englishmen on Englishmen. It has been said in parliament, that the pay the prisoners are to receive is to be considered as a full compensation for the principles they are obliged to violate. We do not envy any one that sentiment. An attempt is also made to justify it by the supposed right of pressing. We cannot conceive that the burthens of subjection ought ever to be imposed, where the protection belonging to it is denied, or that a man can ever be despoiled of his goods as a foreign enemy, and at the same time be obliged to serve the state as a citizen. This compulsion we have never heard to be practised on any prisoners in war, or rebellion--nor do we know any example of it, except among pirates--the outlaws and enemies of human society.

BECAUSE a bill so unprecedented in its nature, and so important in its consequences, is brought in at a time of year when by experience it is known, that most of the independent members of both houses are called away by their domestic affairs, and when few of those in the immediate pay of the court, and attending on their employments, are in town. This we conceive to be done in order to impress the public with a delusive idea; that those measures are agreeable to greater numbers in both houses than in reality they are. The only part of this bill which we approve is the repeal of the unjust and improvident acts, which have produced all the evil effects we had foreseen, and none of the good which was pretended as the ground for making them; acts, as unfit for, as incapable of execution. But our inexpressible grief, and to the disgrace of the public councils of this kingdom, ministers, untaught by misfortunes, and unchecked by disappointments, at the very instant they are obliged to demolish the old fabric of their oppression, as useless and mischievous, are building up another on nearly the same model, and with the same materials, adding only something more of that injustice and violence, which have always proved mischievous in proportion as they have augmented.

RICHMOND, PONONBY, FITZWILLIAM, ABERGAVENNY, ROCKINGHAM, CHEDWORTH, ABINGTON, MANCHESTER.

Jan. 10. The following intelligence was communicated by an officer of rank in the army: "Government have sent over to Germany to engage 1000 men, called Jagers, people brought up to the use of the rifle-barrel guns in boar hunting. They are amazingly expert. Every petty prince, who hath forests, keeps a number of them; and they are allowed to take apprentices, by which means they are a numerous body of people. These men are intended to act in the next campaign in America, and our ministry plume themselves much in the thought of their being a complete match for the American rifle men."

Feb. 6. The house of Lords were altogether engaged in extraordinary affairs on the 2d and 3th of this month. The house of commons on the 2d did not sit above three quarters of an hour. It is ordered, on the motion of Mr. Grey Cooper, that there shall be brought before the house the state of the barkence found in the Exchequer the 3th of January, after which they are to be journeyed to yesterday, and were then engaged two hours on state affairs. The committee of ways and means have been successively adjourned to the 2d, 3th and 4th of this month; and will to all appearance, until the minister is able to determine on the demands and propositions which are to be their object.

In the mean time they continue their warlike preparations. The fleet destined to act in America, will consist of 67 vessels; viz. 7 of 50 guns, 2 of 41, 7 of 32, 12 of 28, 3 of 24, 5 of 21, 2 of 18, 6 of 16, 2 of 14, 4 of 10, 1 of 8, and 12 other armed vessels. But if they did not give attention, that they have more than 20 degrees (300 common leagues) of coast to watch; they might easily judge, that their task will not be very easy. Viscount Howe, vice-admiral, is to command the fleet; the vice admiral shouldham, who succeeded admiral Graves, being recalled. This viscount, and the gen. Howe, his only brother, who replaced gen. Gage at Boston, are brethren to viscount Howe, who was slain at the attack of Concord, 19th of July, 1758, and to whose memory the Americans have erected a superb monument. The land forces, it is said, are to be divided into three bodies, one of 4200 men under gen. Carleton on the river St. Lawrence; the second, also of 4200 men under gen. Howe, at New York; and the third, in Virginia and Carolina, will be of 3000, and commanded by generals Clinton and Cornwallis. These bodies are to be supported and reinforced as needed by a

full-blooded hunter, O L T O N, and well formed, a dark bay, 4 years old, ...

EDWARD EDELEN, describe him as he is generally last season at col. John Car. ginia.

REWARD, in the widow M'Donnell, be ...

Iron-Works, February 6, 1776, ...

EL and JOHN SNOWDEN.

FIVE OFFICE, ...

of the commissary's office ...

of Annapolis, where the same ...

for the greater ease and ...

ELIE VALETTE, register.

delivered at the contractor's ...

Annopolis, March 26, 1776.

subscriber, an indentured ...

J. CLAPHAM.

M. CLAUDE.

and SILVERSMITH, ...

of the public in general, ...

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