

of men, 1. Natives of Great-Britain or any of its dominions, other than the colonies (now United States) who never came into and joined us in the present war, or been employed in our service. 2. Natives, or inhabitants of this or any other of the states, who, since the commencement of hostilities by Great-Britain against us, joined the enemy, or withdrew from the continent, and went to Great-Britain, the latter of whom are commonly known by the name of American refugees. If we confiscate the property of the first class, without any discrimination, we shall certainly injure, in some cases ruin, many innocent people. Some who could never have offended us by word or deed, helpless women and harmless infants. Our friends in Great-Britain must also be involved in one common ruin, men who have openly asserted our cause, and justified our conduct. We shall by such indiscriminate seizure destroy the distinction between vice and virtue; we shall destroy all confidence, and make those who have been our advocates our bitter and inexorable enemies. I believe but few, who are really criminal in their conduct as to us, will be affected by the confiscation, in comparison with the great numbers, who are innocent and unoffending. Probably not one in an hundred. How can we reconcile the taking the property of Mr. Hanbury, Mr. Russell, Mr. Galsford, and other merchants, who hold lands and other property in this country. They have ever avowed themselves our friends. Many of us are under personal obligations to those gentlemen, and to injure them would be the basest ingratitude. Colonel Sharpe behaved well in his government, his faults were few, his virtues many; his conduct, at the time of the stamp-act, ought not to be forgot. He had a strong affection for this country, his desire was to breathe his last in it; peculiar circumstances called him to England, and he will probably return, unless prevented by our cruel and ungenerous treatment. Our late governor Eden was as much our friend as consistent with, or could be expected from his trust to the crown. He departed from this state with reluctance, and with the permission if not at the desire of the convention; and he never bore arms, or took any open active part against us, and he was of too noble, too generous a disposition, to injure us in private. The late proprietary (whose estate seems to be the great object of the advocates for the measure) is an infant. If we do not violently lay our hands on his revenue, manors, reserves, and ungranted lands, it is probable, after our independence is established, he will come and live among us, spend his income, and add to our numbers. The loss of his government he will not repine at, because necessary to support our liberties and our independence. There are many others, in the same situation with those I have mentioned, equally the objects of our attention, and whose property ought to be excepted. Indeed, if any confiscation takes place, I would have it confined to those particular members of the British nation, who, by their immediate and direct consent, have engaged in the war against us. I cordially assent to the position, "that the justice of the confiscation depends on a knowledge of the persons who will be affected by it."

As to the second class—I have as great a resentment against some of them, as any man in the state; but great difficulties will occur in drawing the line to distinguish the guilty from the innocent. Some of them ought to be considered as subjects of this state, and if they have taken up arms, or done any act declared treason by our act of assembly, they ought to be punished as traitors; but they are entitled to a legal trial. I cannot conceive how any man can be adjudged a subject of this state, before the declaration of independence, on the 4th of July, 1776. Before that day we were all subjects of the king of Great-Britain. In a civil war, no criminality ought to be imputed to any man who took part with either side. Humanity, policy dictates a strict observance of this rule. No man, therefore, who joined the enemy, or withdrew from this country, before the declaration of independence, can be considered as a traitor, or as a delinquent, or offender against this state; nay, I question whether, before the establishment of our new government, any one could be considered as guilty of treason, or any other offence against it. Can a person be guilty of treason against any state or government, before such state or government is formed or established? If any citizen of this state, after the 4th of July, 1776, took up arms against it, or if any citizen, after our act of assembly to punish treason, committed any act by that law declared treason,

such citizen ought to be tried and punished agreeable to the law of nations, or the act of assembly. I do not discover any great difficulty in ascertaining who are British subjects, but I think it almost impracticable to determine, who ought to be considered as subjects of this state. As for those absentees who retired or withdrew at any time, either before or after the declaration of independence, and who have not borne arms against us, it would be unjust and cruel to forfeit their property. It would favour too much of plunder and indiscriminate revenge. It would seem to proceed from private hatred to particular men. Was there any law which declared their departure unlawful, and annexed a penalty? Was it criminal to leave a country involved in a war to avoid its calamities, and the consequences which might arise from their stay? If by their departure they infringed no law, upon what principles can the confiscation of their property be justified?

I think there is a manifest difference between seizing goods of an enemy, found on the high seas, or in their country, and their property in our power, within the state. I have ever understood it to be the practice of all nations at war, to capture vessels and their cargoes; in that case, the owner trusts his property on the seas, with a knowledge of his risk, and a certainty of a loss if taken, but he may insure if he pleases. In the present case it was lawful for those, who are now become our enemies, to acquire property within the state, and when they obtained it they reposed a confidence in us, and relied on our implied faith for its protection and security. It may also be the practice of nations at war to seize goods in the enemies country, but in that case, such conduct may be expected from the usage, and there is no breach of faith.

I readily agree to the distinction between confiscating the lands, and the goods or other personal property possessed by British subjects in this state. I have never heard of an instance, and the advocates for the measure, I believe, cannot show one, of a confiscation of immovable property, as land, possessed by the subjects of an enemy. No stronger argument need be adduced, than that such a seizure has never been made. The difference between confiscation and sequestration is obvious. The first takes away the whole property, the other only affects the income, or profits. To prevent a remittance of the income, may be proper to weaken the enemy.

I do not see that any great advantages will accrue to the public from the sale of British property. If we take only what belongs to individuals who have been criminal, it will be of little value, and not worthy the notice or time of our assembly. I believe there is no public property in this state belonging to the king or nation of Great-Britain. Indeed, if all the British property in this state is sold, and the amount carried into our treasury, I believe it will not be so considerable as expected, nor can it enable us to carry on the war, as the friends of the measure flatter themselves. There is no doubt, that engrossers and speculators will constitute the far greater part of the purchasers, as they alone are able to lay down great sums of money, and therefore, I should not wonder if they are warm advocates for a general confiscation. Those miscreants have almost ruined America, and now we are to realize their heaps of continental. I hope no suspicion justly lies against any of the public advocates for the late bill, that they or their connections intend to become large purchasers of the forfeited estates.

The people in this county appear very concerned about the question of confiscating British property. I do not believe any instructions will be given by them. Some few of those, who always love to fish in troubled waters, began to make a stir, but I am inclined to think the reasons urged by the Senator, his spirit and resolution in defending the conduct of the senate, will effectually silence any clamours against them in this county. The tribune leaders will find themselves unable to answer so able an adversary, and the people will leave such abstruse subjects to the discussion and determination of their legislature.

A PLEBEAN.
Prince-George's county, Feb. 16, 1780.

FISH-KILL, February 3.

We learn that the enemy, in two divisions, have made an excursion into New-Jersey, and surprised our guards at Elizabeth-Town; where they burnt the meeting-house, school-house and gaol, and carried off several prisoners: at Newark,

they burnt the academy, and made prisoners Justice Kedden, and about twenty-five more.

PHILADELPHIA, Feb. 1.

Extract of a letter from an officer in high command dated Charles-Town, Dec. 19, 1779.

"By the last accounts from Savannah, we learn that the enemy are quiet, and, for the sake of an airing, they have encamped their troops at several plantations, at the distance 10 miles round, the farthest from town are Abercorn. They are fitting some transports for sea.

"Before this reaches you, you will doubtless hear, that the Spaniards have been up the Mississippi, and possessed themselves of the English settlements on that river, and that they made prisoners; that about the beginning of the month they left Havana with a respectable force with 4000 troops for Pensacola or St. Augustin, perhaps both. This the enemy affect to believe, and are not reinforcing their posts; hourly expect the troops from New-York."

To be SOLD in the city of Annapolis, PUBLIC VENDUE, pursuant to an act to empower the governor and the council to sell the public property therein mentioned on Wednesday the 15th of March next,

THREE GALLIES, with their tackle, apparel, and furniture; a considerable quantity of naval and military stores; some small furniture, harness, and gun, and the interest of the State in the tan-yard in the city of Annapolis. Inventories of the particulars will be lodged at Mr. George Mansel's house in Annapolis, and at the merchants' houses in Baltimore Town, by the first day of March.

IX T. JOHNSON, jun. cl.

A PETITION will be offered to the session of the general assembly after notice shall have been published eight weeks, an act admitting to record, and giving effect from the date to a deed executed in Prince-George's county, by George Conn to John Shaw, for part of a tract of land called Williams and Anne.

W. RICHARD HENDERSON.

A PETITION will be offered to the session of the general assembly after notice shall have been published eight weeks, 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.

W. JOHN WEBSTER.

TAKEN from on board a pilot boat, which drove on shore on the 23d day of December, between Little and Great Choptank, dry articles, as sails, cordage, butter, &c. a chest some distance from her, having in it men and womens apparel; the chief of her lading tobacco, which cannot be saved. The owners of said boat are desired to come and prove their property, and pay the subscribers there agreeable to law and custom in such cases.

THOMAS LINTHICUM, ABRAHAM LEE, JOHN LEE.

TAKEN up as a stray by Joseph Wilcox, living near the court-house in Montgomery county, Maryland, a small bay MARE, about 2 years old, and a half hands high, ten or eleven years of age, branded on the off buttock something like the letter W, had a bell on her, and was shod before she came. The said mare was sold by the subscriber in March, 1778, to a certain Charles Pritchett, who has since swapt her away. The owner is desired to prove property, pay charges, and take her away.

JOSEPH WILCOX.

ALL persons having any demands against me as deputy quarter-master-general, for monies due or that will become due by the first of March, are requested to send in their accounts with all possible dispatch, in order to settlement; on receipt of which, the balance will either be paid or certificates given for the same, which shall appear to be due to the first of March, which time I am directed by the quarter-master-general to furnish all accounts in my power without fail.

H. HOLLINGSWORTH, M. G. E. shore, St. Mary's.