

MARYLAND GAZETTE.

F R I D A Y, F E B R U A R Y 25, 1780.

To the PUBLIC.

UNDER the pretence of necessity, the most unjustifiable actions have been committed; Milton calls it, "the tyrant's plea." That necessity has been often pleaded in free, as well as in absolute governments, to cover iniquity, no man acquainted with history can deny. The safety of the people, is, no doubt, the supreme law; to that law every other consideration, except the observance of the natural, or divine law, must give way. When the safety of the State is in evident danger, what would otherwise be the greatest hardship, or even injustice, ceases to be so; but then this danger must be great and imminent, the necessity springing out of it must be palpable, and felt by every member of the community. Is the necessity urged by the delegates in support of the confiscation of British property of that nature? It surely is not, if they themselves do not consider it as such, they speak of the sales of that property rather as a matter of fitness, propriety, or convenience, than of absolute necessity; they say, indeed, they cannot raise, by taxes, more than 9,000,000 out of the 14,220,000 dollars required by congress as the quota of this State for nine months, from the first of next February to the end of October. Whether more than 9,000,000 of dollars can be raised by taxes alone within the time limited, does not become an individual to determine, contrary to the assertion of the delegates, who ought to be best acquainted with the circumstances of the people, and consequently the best judges of what they can bear. That many objects of taxation have escaped their notice, is certain. The ordinary and marriage licences, and the fines and forfeitures, might, it is conceived, be increased, without overburthening the people, so as to produce annually a sum not much short of £.100,000. Duties might be laid on foreign luxuries and superfluities; these would probably be a very productive fund, considering the present turn for expensive extravagance; that they might operate as a discouragement to trade, we need not apprehend, the mischief, perhaps, would not be great, if they should check for a time, a trade which is deemed, by many good judges, to be prejudicial to the United States, in the way it is now carried on. Why should not the public debtors, who have paid off their loan-office bonds, give fresh bonds for the balances that may be justly due to the public, after deducting from the original sums, the payments made in a depreciated currency, and created according to the prevailing rate of exchange at the times of the respective payments? There is due in the year 1773, to the public on bonds £.254,000 sterling; suppose £.100,000 sterling that sum discharged in the present circulating bills of credit, and reduced by the payments made and credited, as above mentioned, to £.80,000 sterling, add to this sum the £.54,000 supposed to be outstanding, the amount would be £.134,000, the annual interest, at 4 per cent. £.5360 sterling; if the obligors were constrained to discharge this interest at the present exchange, what a vast sum would thereby accrue to the public treasury! Even at £.1500 per cent. exchange it would produce £.80,400 currency. Particular interests, indeed, might, and probably would oppose this plan, but these could not come in competition with the public good, when that may be promoted without the least hardship to individuals, or violation of justice. If I am rightly informed, when it was stated at the last session in the House of delegates, to make the sterling quit-rents formerly paid to the once lord proprietary, payable to the State, a member of that house contended for the propriety of their being discharged at a higher rate of exchange than 156 per cent. If such an advance on the exchange settled by law was esteemed just, in his opinion, and in reality would have been just, in the case of the quit-rents, (supposing them made a public revenue) that gentleman, certainly, could not consistently oppose an advance on the above sterling interest, due and payable to the State, nor do I conceive the house could oppose it on any rational principles. The marriage and ordinary licences, the duties on foreign luxuries, the fines and forfeitures, the interest accruing and paid, in the manner above

mentioned, on loan-office bonds, would altogether produce an income, it is apprehended, more than equal to the expence of our civil government, and in that case the whole of the net revenue arising from the assessments on real and personal property within the State, might be applied to the payment of our quota of the continental charges and demands. The delegates say, the 14,220,000 dollars required of this State, cannot be raised by taxes, without compelling the people to sell a part of their property; they admit then, that by selling some part of their property, the whole sum may be raised, but contend it is unreasonable to compel the people to part with their own, when there is property in our power belonging to our enemies, and which should be sold first. But then the question recurs, may not this way of proceeding, to avoid a temporary evil, (supposing it justifiable by the law of nations, our municipal law, and the principles of our constitution, plunge our people into greater difficulties and distress hereafter? I think I have adduced very good reasons in support of the probability, at least, of this opinion. Admitting we cannot raise by taxes the 14,220,000, does it follow, or would the congress require, that this State should break through its declaration of rights, and violate the law of nations and our common law, in order to levy that sum? Taxation alone will not enable us to carry on the war; other resources must supply the deficiency of taxes; some of those resources have been pointed out. This State is equally entitled with any other State in the union to a share of the back lands; the want of money, and the little probability that four or five States claiming those lands exclusively of the rest, will reap any considerable advantage from their contested claim, as matters are now circumstanced, may procure for this State, that redress which it hath not been able yet to obtain from policy or justice. It is to little purpose to wreck our invention in finding out ways and means for filling the public treasury, if the utmost attention be not paid to proper savings in every department; without the strictest observance of the most rigid economy, the public treasury will resemble the tub of the Danaidæ, and the monies collected from the sweat and labour of the people, will flow out as fast as they are poured into it; nay, the public revenue will be constantly anticipated, even should the people be taxed to the very extent of what they can pay, after using the utmost industry and frugality; to tax up to that pitch would not be good policy, and to go a single iota beyond it would be unjust, and indeed impracticable. The legislature should set the example to others, and in these times of difficulty and extraordinary expeditures, endeavour to render their fittings as little burthenome as possible to the people. The business of the last session, which cost near £.60,000, might have been transacted in half the time, and consequently one half the expence saved. Why the session was unnecessarily protracted from the beginning of November to the end of December, the people have a right to know, and they would do well to enquire. The necessity urged by the delegates for the immediate sale of part of the British property intended to have been confiscated, arose, as they state it, from the requisition of congress to make the first payment on our quota by the first of February, and the shortness of time from the latter end of December to that day to make new assessments, and to give sufficient opportunity and notice to the people to prepare for the payment of their taxes; had the assessment bill been passed early in the session, and the fate of the confiscation bill previously decided, these stumbling blocks would not have lain in the way. The senate complaisantly remark, that they cannot suppose the alleged necessity was created on purpose to enforce the passage of the bill; to preserve harmony, if possible, between the two branches of the legislature, so conducive to the judicious management and dispatch of the public business, is both prudent and necessary, and probably induced the senate to put the most favourable construction on that delay. Individuals out of doors are not tied up to the same rules of order and decorum; they may plainly speak out their sentiments. But it is not my wish or intention to excite the resentment of the public

against any man, or set of men, were it even in my power; a cautious distrust however may be necessary; too much suspicion, and lightly entertained, has frequently occasioned, in free governments, turbulent and noxious factions, and too little may degenerate into such a confidence in the representatives, as to be abused. The extremes between an anxious and fretting jealousy, and a blind and implicit confidence, should be avoided; a free and discerning people, if they mean to remain free, will endeavour to preserve a middle conduct between those extremes; if they act prudently, they will not rely on mere and plausible professions, but they will search narrowly into the true and secret springs of the public councils, and not always content themselves with the ostensible and assigned motives for the conduct of their representatives. The good sense of our people, particular circumstances and particular characters, will generally furnish them with a clue to lead them through all the windings to the main and innermost spring of public measures. The delegates endeavour to cast the blame on the senate for not raising the whole sum demanded by congress; the reasons assigned by the senate in their message for not passing the bill for the confiscation of British property, and what has been suggested in the course of the present enquiry, will enable the public to form a pretty good judgment of the rectitude and policy of the motives which induced one branch of the legislature to urge, under all the enumerated disadvantages, the passage of the bill, and the other to reject it. The writer has no interest distinct from that of his country, the prosperity of which he has always endeavoured to promote to the best of his power and abilities, and wishes to see established, on the surest foundations, the principles of liberty, of justice, and of our constitution. Jan. 29, 1780. A SENATOR.

For the MARYLAND GAZETTE.

THERE is no way more effectual to disgrace an opinion, than by seeming to disavance arguments in favour of it, while at the same time, these arguments are of such a nature that all must perceive the author means very differently from what he says. This by the schools, is called irony, and is aptly made use of on great occasions, when, perhaps, sober reasoning or bold invective would have been less safe, or less proper to prevail on the minds of men out of temper with the debate. This way of writing the gentleman has used who personates a senator: seeming to appear against the confiscation bill, he has advanced many reasonings, and has pressed them with so much solemnity, that, absolutely, some persons have begun to believe that he might be serious. But if we take a view of the whole as they come together, we must see, that no man who appears to have read several books, and is capable of putting words together with exactness, could seriously propose these things on the subject.

He begins with observing, that "the justice of the measure" depends "on the knowledge of the true objects" of it. We know that it depends not on "the objects" but on the principle. A law or the execution of it becomes just when it is founded in reason, let it offend in its operation whom it may. It is the characteristic of the Most High himself, "that his ways are without respect of persons."

An apprehension is expressed, that the confiscation of the property of "British subjects" may violate the "constitution and bill of rights" of this State. This is not possible, inasmuch as "our constitution," including the bill of rights, is a boundary line to the citizens of the State, in the mode of government, and in the enacting of all laws which relate to themselves. But how shall a law which respects not the citizens of this State, violate their rights? It would be equally true in mathematics, that the contact of two circles shall destroy the radii of one.

It is made a question, "Can these British subjects, supposed aliens, be ascertained by the law

\* Ridiculum acri Melius, ac fortius magnas plerumque fecat res. † These observations respect the first publication of the Senator.