

[XXXVth Year.]

T H E

[No. 1730.]

MARYLAND GAZETTE.

F R I D A Y, M A R C H 1 0, 1 7 8 0.

of the MARYLAND GAZETTE.

HERE are those who are of opinion, that the gentleman who personates a Senator, is not so much disposed to excite mirth as to establish paradoxes. They do not think possible that he himself can believe what he says, yet, they do not know but that he may be willing to persuade others. He has heard of the ancient schoolmen, who have talked of substantial forms that could subsist when the matter was gone, or of Bishop Berkley in modern times, who, in laying the foundation of his immaterial system, insisted that the whole earth was but a complication of ideas. Imitating these, he may have attempted to become famous, and has advanced things the most contrary to opinion, and common sense, in order that his ingenuity may be the more illustrious, in rendering them plausible. For my part, I had been inclined to believe the whole of the nature of a farce: nevertheless, I will yield to others, and considering his performance as a string of paradoxical positions, shall select some for the entertainment of the curious.

1. The justice of a measure depends on a knowledge of the proper objects of it.

2. It is contrary to the law and practice of civilized nations, the bill of rights of this state, and the principles of the common law, to confiscate the property of British subjects.

3. Though a nation is to be considered as a moral person, yet some of its members may be offending, so as not to be answerable for the damages and expenses of a war unjustly waged.

4. No confiscation of British property, as yet, has taken place in any of these states.

5. Our courts of justice are to determine who are British subjects.

6. Absentees are triable in our courts of law.

7. All born in these states, before the declaration of independence, are British subjects; hence it follows, that in the same family may be two sorts of subjects; the son a subject of the state, and the father a subject of England, or, what is more incredible, the father a subject of both.

8. The father may inherit an estate in British property, but the son cannot inherit it.

The above theorems are either found in the words of the senator, or deduced from them, and to all who are capable of thinking, must have the air of burlesque, or paradox.

The second publication, which we now undertake to examine, contains things equally extravagant. We shall call out some of these as they lie scattered in the work, and present them naked to the reader.

1. It is equally probable, that the value of British property, confiscated and applied, may be levied by taxes on the people, and restitution made to Britain, as that remaining in its present state, it may again be possessed by the original or it will not do to say present owners.

2. Tyranny (which is another name for cowardice) may be commendable in public council.

These words, as such, have some strange and occult meaning, which it would be difficult to interpret.

That is, the king of England has a life-estate in his subjects here, but the remainder, viz. the property, will go to the new commonwealths; for having held the colonies originally in fee, a particular estate by the revolution is carved out of the greater.

That is, a Jack-a-both sides, between the several countries.

Being but of the half-blood; for the son is the subject of one government, while the father is the subject of two.

It would seem to men of common apprehension, that the decisive spirit of our councils, in confiscating and applying, would discover some enemy from all thoughts of a restitution.

As a counterpart to "the sentiment of the judicious Roman," it may be worth while to remark a sentiment of Hume, who speaking of the parliament who confiscated the property of the adherents of Charles I, says, "this method of proceeding, no less politic than ingenuous, the parliament preserved

3. Gratitude may be found with the British court, and she may stipulate for a restitution of the property of her adherents.

4. France and Spain may also stipulate to this effect.

5. A part of Canada may be ceded in commercial advantages may be granted, or a sum of money may be stipulated to be paid, as a compensation for those devastations which have been committed, contrary to the rules of war.

6. The not exercising the right of confiscating British debts, may be a reason for not confiscating lands, and other property.

7. If this property is confiscated and sold, speculators and engrossers may be the only purchasers.

8. War may be carried on without money.

9. "The back lands, belonging to the king of Great-Britain, as representative of the nation, may be confiscated by the law of nations." Though from the nature of the thing, the unoffending members of the nation must bear their proportion of the loss; and yet, according to the reasoning of the Senator, the property of these ought not to be confiscated.

10. Our possession of the back lands held by the native Indians who have warred against us, will depend on our being able to distinguish between the "criminal and unoffending" members of the several tribes.

11. The Indians are "aliens," but, whether they are so, or not, is, according to the Senator, a point triable in our courts of justice; at any rate it must be tried in these courts, whether they are "criminal or unoffending members?"

12. "Supposing the back lands to belong either to the king of Great-Britain, or to the na-

tive Indians collectively, or individually, the United States would acquire a just title to these lands by the right of conquest, &c. and upon the principles of the common law."

13. The legislature, (which is the supreme authority of the state) has no right to say who are its subjects, as it would be contrary to an article of the bill of rights, which is, "the legislative, executive and judicial powers, of government, ought to be for ever separate and distinct from each other."

14. The questions of the delegates, relative to an article in the message of the senate, "are as little to the purpose as the song of Chevy Chase."

The above positions, drawn out from among the reasonings by which they are obfuscated, are evidently paradoxical. The gentleman has discovered much ingenuity in supporting them; and if he has not succeeded, it is owing to the nature of the undertaking, not to a want of capacity. Indeed he has said the best things that could be said on the subject. It is a task too arduous for any man to prove, that two is not two, or that four is less than four. The highest abilities will, in vain, stretch at it; for still it will remain beyond the reach of art.

Rousseau, on a question proposed by the French academy, set out to prove something paradoxical which I do not well recollect, relative to the population of the earth. Mandeville, in his fable of the bees, affirmed, "that private vices are public benefits." Hobbes, in his Leviathan, affected to be singular in his ideas. David Hume, in his essays, has laid it down, that "broad shoulders are moral virtues." All these geniuses, relying on their wits, have asserted strange things: yet they have not convinced any one. No matter, for all they had in view was to be thought capable of thinking out of the common track: the world admitted this, and they were satisfied.

These specimens of ingenuity are good as exertations of the fancy; but on grave subjects are not so well admitted. In the mouths of grave persons especially they are out of character. They may suit well enough an Oxford or St. Omer's scholar, just come from his studies; but the misfortune is, the young gentleman will have it that he is a Senator; though we all know that there is not one of that body who could defend to such playful gambols of the mind, on a question where the state is really interested. The taste of the young gentleman, as, indeed, too often happens, has been vitiated by reading philosophical authors. He seems to be taught to believe, that it is the first thing in the world to be ingenious. I could wish he had some grave person by his side that could put into his head good books. His style is very well for a youth, as I take him to be, and his language in most places, not inelegant. Nevertheless it might not be amiss for him now and then to read over his syntax; a man cannot be too careful of correctness in his earlier compositions. I do not make any reprehension of his grammar, or choice of words, or construction of sentence, because I am willing to encourage him. He may one day be of service to the state, when he gets his head right, and may employ his pen to advantage on questions of the first importance.

1. On the principles of the common law, lands may be forfeited to the crown of whom they are held. Has the king of England, or the native Indians, held land of these states, so that on the principles of the common law, they could be forfeited?

It must be obvious at first view, that the bill of rights contains the rights of subjects, not the rights of those who are not subjects. Prove first that men are subjects, and then you may talk of a violation of a bill of rights with regard to them.

Though the Senator, from the edify of his positions, is diverting, yet it might still farther have enlivened the performance, if he had given us now and then, a stanza from that excellent ballad, which would have been as congruous to the strain of his reasoning as the quotation from Blackstone.

I perceive the gentleman reads Machiavel, which is by no means advisable as that author has suggested the principles of tyranny to a system; and his book is not proper for the seasoning of a young mind.

The Indians, in this case, even the "unoffending members" of them, poor fellows! must be under the necessity of paying so many beaver-skins to see lawyers, that they might as well give up their lands at once, and retire to new hunting grounds.

through the whole course of the war, equally indulgent to their friends, and rigorous to their enemies.

She will not be able to transfer the soil to her own island. It must therefore still remain a part of the dominion of the states; yet Britain will insist to keep this soil with subjects, whom it is her interest to see under the necessity of repairing to some of her colonies, Canada, Nova-Scotia, or the Floridas, where they may still add to the wealth and numbers of her empire.

By a guarantee of these states, no British subject can possess a foot of land here. Will France and Spain stipulate contrary to the articles of the alliance?

It is without doubt extremely probable that she will cede a part of Canada rather than give up the property of her adherents in these states; though in the one case she will lose both subjects and dominion, while in the other, having already lost dominion, she will lose only subjects.

We want no commercial advantages from that island.

Will she pay it? Has she paid the king of Prussia 300,000, the remainder of a subsidy for the last war? Has she paid the Dutch the money borrowed on the credit of her funds? Can she pay that part of the national debt due to her own subjects, now that she is every day in danger of a bankruptcy, and which according to Hume, and every other judicious man, must, "soon or late, inevitably happen?"

This phraseology is truly remarkable. It is not an indemnification for the expenses of an unjust war, but for some excesses in the manner of conducting it. Even Tories would allow that it has been carried on in a savage manner, but that it was originally unjust is another point.

Speculators and engrossers are the scare-crows of the day. It will be well if a man can enter into holy matrimony by and by, without an apprehension that speculators and engrossers may get to bed to his wife.

It is certain, that in the present state of society and mode of carrying on war, it is impossible; and this might be illustrated beyond a doubt were it necessary. But if it could be carried on, it would be with the utmost distress, and at the utmost hazard. Our virtue may be great, but we ought to be careful not to lay heavier burdens on it than it may be able to bear.

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