The gent'eman defends the message of the senate against the strictures of the delegates, and is or opinion there may be some species of British property which the funate may not have been un-willing to confifcate. "Property acquired by criminal lubjects of Great Britain may be confil-Whether the negative of that honourahle body respects certain species of property only, is not material. If the gentleman abandons posts which they thought proper to defend, and can explain things, so that with good humour they can give up gradually, until the whole shall be gained for the state, and the bill passed the next session of assembly, it will be definable. It is of small consequence what the feature that the passed side the next session in that the main for mate have faid; the point is what they will fay. because we have been wrong I entertain the most respectful tentiments of that body, and I have not the least doubt but that upon full confidecation, they will judge it proper to yield to the wiffies of their countrymen, and pass the bill in question.

The political and literary Rrictures of the gentleman, on the message of the delegates, are pleasant in their way, and may do very well as a lucubiation. It is not impossible that these honest countrymen may sometimes have failed in point of language; but take the whole as a piece of folid fentiment and reasoning, and there will be found few things fince the writings of the first congress, that have done equal honour to our country. It has been read in this town u, and I am told it is read in the neightown u, and I am bouring states, with admiration. For my own part, I have read it over and think it unexceptionable. The noble whig spirit that it breathes, will refeue us from the imputation that virtue has declined amongst us. It will be preserved amongst the first writings which the controversy has produced.

PUBLICOLA.

Baltimore-Town, March 2.

Even many of those who signed a remonstrance against confication, have been convinced by it, and are now anxious for the passing of the bill. I am informed the delegates from this town will have in-Aruaions accordingly.

For the MARYLAND GAZETTE. F all readers were judicious, discerning, and well intentioned, it would be unnecessary to caution them against the insidious arts of the Plebean, or to inform them, that he has imputed confequences to the doctrine laid down in Cal-vin's case, with which it is not juffly chargeable. His publications contain fentiments which the Senator dilayows and reprobates; he will not therefore honour the Plebean with his confidence; those sentiments, the artifice used in appealing to the passions, never good advisers, rather than to the understanding of the people, and the probability of his being closely connected, and in combination with the delegate, render the Piebean unworthy of trust and confi-

A SENATOR.

To the P-UBLIC.

HAVE perused with great attention the three publications of the Senator. He alleges, that the house of delegates originated the hill for feizing and conficating British property on this principle, "that by the declaration of indepen-dence all British subjects became aliens to this flate, and, on that ground, principally refted the propriety and defence of their con-duct. He ventures to pronounce, that the deduct." He ventures to pronounce, that the de-legates were mistaken in this matter, which he conceives to be a point of law, triable in our rourts of law, and with which the legislature could have nothing to do, unless they assume the judicial power. In his first number he proposed to examine the justice and legality of conficating British property. He asserted, that it was con-trary to justice and the law of nations to consist cate private British property, and that it was not justifiable to confiscate the property of the innocent subjects of Great-Britain. The far greater part of his first number is employed to prove, that all Britist subjects, born before the declaration of independence, are not aliens in this state, but may inherit lands within it, or sue in its courts of justice, as the natural born subjects of the state," and he grounds his opinion on the decision of the judges in Calvin's case. It shall be the subject of this paper to shew, that he is egreziously mistaken in his opinion, that his law authority is inapplicable to the case, and that the principles he has laid down, and the inferences he has drawn, are improper, inconcluand incompatible with our independence.

I shall endeavour to prove, that all British feb-jects are aliens, and if I succeed, as he rests his opposition to the measure principally on the ground that they are not aliens, I hope he will

ith candour retract his opinion.

It is considered by the Senator as difficult to draw a line between the subjects of the old, and the subjects of the new government, that is, to ascertain who are British subjects; and yet, according to his reasoning, we are all of us British subjects. We must still bow the knee to defpotism, and bend the neck to flavery. But sup-posing, for argument sake, if the Senator will ive me leave, that we are not all British subjects, let us consider who are under that denomination. What person is a British subject, is not a natural but a civil question, and consequently, as the Senator admits, may be determined by the will of the supreme authority.

Before the present revolution, the inhabitants

of their states, as well as those of the other parts of the British dominions, were subjects to the king of Great-Britain. When by a violation of that compact towards the inhabitants of these Rates, upon which their allegiance depended, they became entitled to withdraw their allegiance they had a freedom of choice, either to make use of this right and join in forming and establishing new governments, or still to consider themselves subjects of the British government. All those, who in consequence of this freedom of choice, elected to make use of this right, and accordingly established new governments, or affented to them when established, ceased to be the subjects of Great-Britain, and became subjects of some one of the United But those who did not make this election, but have withdrawn from thefe ftates, ftill remain Britith subjects.

we turn to authorities on this subject, we shall find, that every one who is not bern within the allegiance of a state, is an alien to that fate. With respect to this state, which bad no existence before the year 1776, no person hath been born authin its allegiance, except those born therein

fince that period.

rom the above observations it will be perceived," that aliens and fubjetts are terms opposed to each other. For whoever is an alien to a state is not a subject, and whoever is not a subject is an alien, and whoever is not an alien is a subject. If therefore British subjects are not aliens to this state, they are subjects of it, and therefore to save their property they myst bazard their necks, for if they are subjects of this state, and fall into our hands, they may be propeeded against as traitors, nor can all the refinements of fophistry fave therafrom this dilemma.

The Senator confesses his knowledge of the law to be finall, yet ventures to pronounce the house of delegates were mistaken in their principle, "that by the declaration of independence, all British subjects became aliens in this state, and by prosecution of the war, enemies, and therefore incapable of holding property within the state." Let us examine his reasons, and see the state." Let us examine his reasons, and see whether we may not conclude, that a little knowledge of the law, like a little learning, is a dangerous thing. He had heard of Calvin's case, and turning to it, sound, that while the duchies of Normandia. of Normandy, &c. were under the actual obedi-ence of the kings of England, persons born within those duchies could inherit within the realm of England, as well as Englishmen, because they were under one allegiance, due to one fovereign.

To apply this to our case-While the thirteen colonies (now states) avere under the adual chedi-ence of the king of Great-Britain, persons born within these colonies might inherit in Great-Britaln, and vice verfa; from whence I should ima. gine, that any one but the senator, would have deduced the following inference; as these colo-nies (now flates) by their declaration of independence abjured and renounced any allegiance or obedience to the king of Great-Britain, therefore all persons born in any of these states, either before or after that event, unless they have elected to remain British subjects by departing hence, cannot inherit in Great-Britain; and that in like manner, every person born in Great-Britain, before or fince the declaration of independence, unless he has joined us in the war, or been in the service of some one of the United States, cannot inherit here, and, because they are not under one, but several a llegiances : Britain, the other under the allegiance due to this

The duchies of Normandy, &c., were under the adual obscience of the kings of England for very near three hundred years; while they were under that advat subjection, the inhabitants of those duchies, and of England, were fellow. subjects, and under the same allegiance, and inheritable to each other, in the same manner as the inhabitants of the thirteen colonies and of Great-Britain, antecedent to the present revolution. I have examined the authorities, cited in Calvin's case, relative to the persons born in

those duchies, and find that they were all deter. mined during that period; but when they be came separated from England, and fell underthe dominion of France, was it ever after that is adjudged, that one born in Normandy, &c. de. ing their subjection to England, and who can nued to live in those duchies as a subject of France, was inheritable in England, and not an alien? Us. til the senator can shew an adjudication of the nature, he might as well have told us (what we all know) that while Maryland was under the actual obedience of the king of Great-Britis, persons born in Maryland, could inherit in Great-British.

Great-Britain.

But the Senator has also introduced a proin. tion of the judges in Calvin's case, to support the position he endeavours to establish, to wit, "the all British subjects, born before the declarating independence, are not aliens to this state, but cast it il inherit lands within it, as its natural bon subjects, notwithstanding the declaration of in dependence, and our thereby becoming a lepans and independent nation." In order to determine how far that resolution is consistent with las and whether it will warrant his deductions, w must observe, that England and Scotland, before their union, were feparate and independent km. domh. Upon the death of queen Elizabeth, ta English crown descended to James, king of Scotland; by this event the two kingdoms became subjected to the fame monarch, and the inhabitants of each bound in allegiance to the fame in dividual person; in all other respects they remained, as they were before, separate and co-unian kingdoms; those of the Scots subjects, bornts. fore the English crown descended to James, con tinued to be aliens in England, because the awere not bern under the allegiance of the king a England, and the English subjects, born before that event, continued to be aliens in Scotland because they were not born under the allegiance the king of Scotland, but as to the potter (those who were born after the union of ta crowns in the person of James) it was determine ed, that a child born in England was not u alien in Scotland, and that a child born in Sco. land was not an alien in England, becaule, a England and Scotland were at that time im different kingdom; both then adjually co-trifing, and James the fovereign of both, he subs can born under the allegiance of the king of England was also born under the allegiance of the king of Control and have been under the allegiance of the king of Control and have been under the control and have the control and the con Scotland, and he who was born under the alegance of the king of Scotland, was also born us der the allegiance of the king of England, ni therefore, that the plantiff and desendant in the cause, having been beth been under the same alay ance, could not be aliens to each other, they had ance, could not be attens to each other, they out at that time also cantinuing to be under the sim allegiance, England and Scotland being the united under the same sovereign.

This was the only point in Calvin's case which the judges judicially determined; it is not need.

fary at present to controvert this decision, the I am of opinion it may well be questioned, and that I could easily prove it was founded on primary ciples long fince exploded. An objection was made by the council, that "if those born is Scotland were natural born subjects, and an aliens, in England, great inconvenience and confusion would follow, if those kingdoms flowl again become subject to different sovereign:

This objection the judges affected to think over triffing, that they declared it was the very trifling, that they declared it was " ki than a dream of a shadow, or a shadow of a dream;" however, as trisling as it was, they were complaifant enough to give it an aniwer is the words which the Senator bath quoted, "that all those who were born under one natural ob-dience, while the realist" (that is the two king-doms of England and Scotland, both actually existing at the time of such birth) " were united under one fovereign, should remain natural-box due and verted by birthright, cannot, by any sparation of the crowns afterwards, be takes way, nor he that was by judgment of law antural fubject at the time of his birth, become at alien by matter ex post facto." This refolution not being given upon any point then aduly before them, was a mere extra-judicial spars, and not a legal decision, and confequently of matherity; in the course of their argumentation they hazarded an opinion upon a mere speculative question, which probably might never hap-pen. If it was the meaning of the judges, that should the crowns be separated, such of the Scon mati as were resident in England at the t of that event, and continued to refide there, finals be confidered as natural-born English fibjetts and that fuch of the English post nati, who d the time of the separation were reading in sex land, and continued to reside there, should be con fidered as natural-born Scots subjects, such opnion might perhaps be confiltent with law, but then it will not interfere with the principles?

Scotland, an hould notwi fubjects, I w could possible less than a a dream," ar mon law or o If all of us dependence British king, and the opinio Senator would re, by no ma allegiance, ce that cale inh their courts o what fervice the queition at pr in Great-Brit can inherit he mar inherit i eriginally born apprehend it quent, that al not inherit in temain, alien facto they can to Great-Brita the thirteen co British domini present govern Calvin's case i fay there, " the they neclare, alien born or his right tentes born before th under its ailegia tleresf; it ther must be aliens of their own th in Calvin's cafe all the ante-na the union) wer reason, becaus allegiance of the fore observed. I therefore co of the matter, tor may think we are not ali are not aliens

have endeav

On the cont

clare, that i

he English

fide in Engli lift king, the fubjects of t

Scots poft -na

ven upon his o confirmed by his Baltimore, F

proof I believe

thank him,) ye

MARYI SINCE my Feb. 18, lai lame fignature, February, and t ave affumed my o recommend h o branches of my prejudices to nate, and to wi iens which the from the refolgainst those m gainst the confi o be acquainted on the principle greeable to my d in opinion wi ot to confiscate njure many innot was supported ! that the proper not liable, by ad confication. pinion how far the innecent fub ed by the law o hat law, having n Vattel, I relie