

long engaged them to each other; but the cause of their compact for the purposes of war ceasing, the compact itself will also dissolve and melt away. Europe, whose liberties are saved by the resistance of these powers to the monarchy of England, will have nothing to fear from their negotiations, or their arms, when Britain shall be humbled, and exist no longer the tyrant of the earth.

From the view we have taken of the history of the two last centuries, as far as it relates to France and England, how vain must appear the language of the king of that island to his parliament, Nov. 23, 1779, where he throws out the idea of upholding, and preserving "the liberties of Europe from the restless and encroaching power of the house of Bourbon." "The tyrant will be not be sensible, will be not acknowledge, that he himself is the source of all the evils that, at the present time, tempt the earth. Let him cease his designs of hostility and subjugation, against those whom God and nature have made free: Let him withdraw his fleets and armies to his own island, and be bound like Satan for a thousand years, and we shall have a millennium on the earth. He himself is the fiery dragon of the age, and has kindled more fires than the angel of the bottomless pit could do, was he in his proper shape amongst men.

I have now done with what I mean to say on the subject of the alliance. Many things remain to be said, and I had intended to have taken a general view of the commercial, literary, and other advantages resulting to these states from the connection; but the necessity of attending to my own affairs precludes me from that undertaking. I have to thank the public for that indulgence and candour with which they have heard me, and am conscious of those tender feelings which public favour and indulgence beyond what might be demanded by the merit of the service, naturally inspires.

THE HONEST POLITICIAN.

March 8, 1780.

FOR THE MARYLAND GAZETTE.

**T**HE confiscation of British property is a question in which every man in this state is deeply interested. I had perused with attention the two first publications of the Senator, and the address by a writer, under the signature of A Plebeian, in the Gazette of the 18th of February. I entirely agreed with the Senator, and the Plebeian, whom I considered as his friend and assistant, as to the injustice of confiscating, indiscriminately, private British property within this state. The Senator adduced his reasons and arguments from the principles of justice and the law of nations, the Plebeian, from the rules of equity and universal justice. I thought the Plebeian was defective in his support to the Senator, in not examining the grounds on which the house of delegates originated their bill, to wit, "That all British subjects are at this time alien enemies to the state, and, as such, incapable of holding property within it." From some expressions, and the general purport of his performance, I concluded that he was unacquainted with the law of nations, and the common law of England, and therefore I was induced to believe, that he would not favour the public with any remarks on the question, which appeared to me to be the great point in controversy, and on a true understanding of which a proper decision by the public, can alone take place. If all British subjects became aliens in virtue of the declaration of independence, I admit the conclusion of the delegates, that an alien cannot hold land in this state. I was of opinion, with the Senator, that the law of nations ought not to be adopted as the rule by which to determine the question of alienage: I doubted whether there is any law of nations on the subject. I agreed with the Senator, to take the common law of England as the criterion by which to ascertain what persons ought to be considered as aliens to this state. I endeavoured to examine this question by that law. The Senator bottomed his opinion on the sole authority of Calvin's case. I searched a number of other authorities in the law, and found their principles uncontroversibly established, that no person born within the dominion of the crown of Great-Britain, in other words, within the allegiance of the king of Great-Britain, can be an alien to that nation. 1. That every person born within the dominion or allegiance of the king of Great-Britain, is a natural-born subject. 2. That an alien is one born out of the dominion or allegiance of the king of Great-Britain, and under the allegiance of some other prince or state. From these axioms I deduced the same inferences, with the Senator, that all persons born before

the declaration of independence, within any of the colonies (now United States) then part of the British dominions, are not aliens to Great-Britain. 1. That every person born within this state, since the declaration of independence, is an alien to Great Britain, and may be taken as a subject of this state. 3. Every principle or reason, which proved that Americans, born before the declaration of independence, are not aliens in Great-Britain, but can inherit, or sue to recover lands, in that kingdom, equally evinces, that all British born before that event, are not aliens in this state, but may inherit, or sue to recover, lands within it. Thus I hold clearly to be the law of England, and an confident gentleman of the profession will deny it. I then took into consideration the question, what effect the declaration of independence, our establishing a new form of government, and swearing allegiance to it, could have on the law I had (in my judgment) to well established. In my researches on this head, I could discover no authority but Calvin's case, in any manner to warrant the conclusion of the Senator, "that notwithstanding those events, the dominion of the British empire, our separation from it, and becoming an independent state, all Americans born before those events are not aliens to Great-Britain, but may inherit, &c. and on the contrary, all British born before those events, not aliens to this state, but may inherit, &c." The event supposed in Calvin's case, was a separation of the kingdoms by the descent of the crown, to different persons; and I cannot discover with the Senator, any difference whether the separation happens from the event suggested in Calvin's case, "the descent of the crown to different persons," or, as in our case, the division of the British empire by the war, and our declaration of independence, and setting up and establishing a new state.

The Senator did not assert, nor do I admit, that if the Americans born before the declaration of independence are not aliens, that of consequence they are subjects of Great Britain. I was apprehensive our adversaries would endeavour to involve us in this inference from Calvin's case, and therefore I suggested the idea (that if only subjects of Great Britain can inherit lands there) that the Americans born before the declaration of independence are not absolutely subjects, but quasi subjects, i. e. to inherit lands, but not to yield any allegiance.

My design in my publication (in the Gazette of the 25th of February) was to express my approbation of the opposition to the confiscation of British property, on the principles of justice. The arguments drawn from that principle by the Senator, and the Plebeian, were striking to me. I thought the conduct of the British parliament towards the town of Bolton, for the destruction of the tea, a similar case, and therefore mentioned it. I proposed chiefly to confine my remarks to the question of law, i. e. who are aliens to this state, and in support of the Senator, if I think it necessary, still continue to offer my sentiments to the public on that question. Another writer in your last paper, under the signature of a Plebeian, has entered into the discussion of several subjects, which I never proposed to examine. I shall, as I first intended, confine myself to the question of alienage, and shall not hold myself bound to support the gentleman who has been pleased to make use of the same signature with myself.

*In the celebrated case of Ashby versus White, which was an action brought, by a voter, against the constable of Milebury, for refusing to receive his vote, one of the judges was of opinion, that the action did not lie against the constable, because he acted as a judge. Perjury, one of the judges, was of opinion, that he was not properly and strictly a judge, but quasi a judge; he had a power to admit or to refuse a vote, his determination was not final and conclusive, but subject to the revision of the house of commons. The other judges (being of opinion that he must be a judge or not a judge) exploded this distinction. But I submit to the gentlemen of the profession, whether the reasons urged by judge Perjury, though insufficient to make the constable quasi a judge, will not well warrant my distinction of quasi subjects, in the present case; indeed some distinction appears to me indispensably necessary. By the laws of England none but subjects can inherit lands there; ergo, to entitle Americans born before the declaration of independence, to inherit there, they must still be considered as subjects. To admit them to be subjects of Great-Britain, without some distinction, would be to affirm, that they owed allegiance, which is incompatible with our independence, and our former allegiance to this state. No distinction appears to me so technical as that of quasi subjects.*

The Senator's last number was published with mine, in the gazette of the 25th of February last. So far from supporting the Senator in his proposition to compel the public debtors to the loan office, who have taken up their bonds, to give new obligations for the balances, after deducting from the original debt the payments, according to the depreciation at the respective times of payment, I differ from him in opinion. I always was a friend to the tender law. Our circumstances at the time it was made, rendered it absolutely necessary. At that crisis of our affairs it was certainly of infinite service. I question if the states had not in general made the congress emissions a legal tender, whether it would have purchased any provisions or other necessaries for our army. I confess it has not answered all the good intentions of the authors of it. Some creditors have greatly suffered, but even some of these have contributed to depreciate the currency. I wish some mode (if possible) could be devised to do universal justice. I fear great discontent and confusion would arise from the Senator's scheme. Every one must see, if public debtors should be compelled to make up to the public the depreciation, private debtors must do the same. I do not wonder that creditors for great sums should be clamorous, but they should reflect, that it has been a natural consequence of the war; that they are better able to bear the loss than poor creditors; they should consider that they bear the greater burthens of the war, fighting and militia duty. Rich creditors had substitutes in the field, and pay their fines for their non-attendance on the militia. I believe, if the tender law should be now repealed, more hardships, distress, and even injustice, would flow from it, than can happen from its continuance. If the point of law I have endeavoured to establish should be questioned, I shall again trouble the public, otherwise not. In that case, for distinction sake, I shall beg leave to make use of the signature of *The Second Plebeian*; I hope I shall not be disturbed in the possession of it. For the present I subscribe myself

March 8, 1780.

A PLEBEIAN.

H A G U E, November 25.

**L**ETTERS from Amsterdam bring an account that Paul Jones, in consequence of the injunctions of the States General to sail with the first fair wind, is actually sailed, but that the famous captain Cunningham who escaped out of the prison in England, and was to have gone with Jones, has altered his intentions and is gone to Paris.

BALTIMORE, March 7.

A gentleman who arrived on Sunday evening from Charles-Town, South-Carolina, which he left the 10th ult. informs us, that on the 14th in the vicinity of that capital, he heard the alarm guns fired announcing the approach of the long-expected British enemy, and was afterwards assured by a gentleman in a few hours from Charles-Town, that the enemy had entered North Edisto inlet, about 40 miles from that place with 45 or 50 small transports, and that a body of troops, supposed to be commanded by Sir Henry Clinton, or Earl Cornwallis, had been landed on Wockmalaw Island, opposite Stono-Ferry, about 24 miles from the capital aforementioned. That the further progress of the enemy had been check'd by the seasonable appearance of a gale, or gallees, which had been dispatched by general Lincoln, from Charles-Town, to interrupt that important passage. The same gentleman adds, that the garrison of Charles-Town, appeared determined to defend that place to the last extremity; for which purpose they were making all possible preparations by land and water; and that 500 men were ready to man their formidable lines at a minute's warning.

March 4, 1780.

**S**TOLEN out of the stable of the subscriber, at his quarters near the city of Annapolis, on the night of the twentieth day of February last, a cheviot horse, named R A R E, about thirteen hands three inches high, eight or nine years old, of a spring, black mane and tail, one hind leg white, branded on the near buttock C.D. pack and gallops; and carries her head when not very low. Any person who will give information, or secure the said mare to that the owner may have her again, shall receive one hundred dollars, and if brought home one hundred and fifty dollars, and any person securing the thief, shall be brought to justice, shall receive a reward of one hundred dollars, paid by

J. G. WATSON.