

(XXXVth Year.)

T H E

[No. 1732.]

MARYLAND GAZETTE.

F R I D A Y, M A R C H 24, 1780.

for the MARYLAND GAZETTE. NUMBER II.

THE depression of America has been, and will remain, the ultimate object of the king of Great-Britain. But the house of Bourbon having interfered, it has become the immediate object, to put down the strength of that house. Hence it is, that in his speech to both houses of parliament, he is silent with regard to his colonies of North-America, and speaks only of the "encroaching power of the house of Bourbon." This chiefly occupies his thoughts, as the block, first to be removed, before he can entertain the least hope of shaking our independence. Ireland, catching the celestial spark of liberty, kindled to a flame, and it has become the policy of the king of Great-Britain, to grant the free trade demanded, lest weakened in his strength by the secession of that kingdom, he be diverted from his purpose of hostilities, against these states. The mildness of his answers to the Irish parliament, is the offspring of this policy, while, at the same time, the ambiguity of his expressions, in offering an equal, not a free trade, sufficiently discovers his natural meanness, and duplicity of mind. He gives good words to Ireland, that he may retain her in obedience, for the present, reserving the ground of an evasion, when it may be convenient for him, to explain away, or retract his concessions. But the king can more easily grant, to Ireland, the privileges she demands, though humiliating to his views, and contrary to the bent of his spirit, than surcease the war against America, because, in the one case, he will not so sensibly descend, and confess himself vanquished, as in the other, where, having denied all right to resist, and affirmed all power to subdue, his pride must be wounded mortally, in seeing every expectation, like a blighted blossom, fall to the ground.

The war against America, on the part of the king of Great-Britain, is a war of passion. According to the declaration of his courtiers, he is "his own minister." The councils have originated from himself; he has dictated the measures. Indeed they bear evidently the resemblance of his mind, which is that of extreme madness, united with the greatest weakness. For this reason, he will not easily desist from his thoughts of subjugation. He conceives his reputation immediately interested, and feels like an individual, who having set on foot an enterprize of singular whim and bizarre conceit, is unwilling to admit the idea of a disappointment, as nothing but success, even in the eye of the most undiscerning, can relieve the shame of the prosecution of it. He is prompted to persist in his resolution, by every motive of pride unwilling to be humbled, and of revenge for resistance to his will, and of cruelty, the exercise of which is pleasing to his nature. The continuance of the war will be in proportion to the existence of these motives, and to the duration of his power. The motives will exist eternal; his power will not be limited by a short time.

We had heretofore depended, not a little, on the opposition of the minority, in the house of lords and commons, to the measures of the court; apprehending that these, in the mean time, would impede the wheels of government, and finally, by rousing the nation to a sense of their true interest, bring them to a sense of justice with regard to these states. But we have experienced, what was at first believed by many, that not the love of liberty, or justice, prompted the eloquence of the harangues of these men, nor did they vociferate against the measures of the court, for any other reason, but because they themselves were not the ministry. As soon as a door of profit, or, of honour was laid open to them, they entered, and their clamours against administration were no more heard. The conduct of Adams, is a recent example. This man had uniformly voted against administration in the earlier part of the session of parliament preceding the last; but, "towards the end of it, having taken a tour through the several counties, he found that the ministers were not so much to blame, as those whom they had

entrusted." We are not to suppose that "euphryly or rue, had purged the vital nerve," at this juncture, but that metals, titles, or favour in some other shape, had engaged his heart. From this time, the ministers, are rather inactive, than incapable, and some, the greatest knaves and greatest dunces in the nation (among which is lord Stormont) are men of the first integrity, and the rarest abilities.

By means of the influence established over the venal minds of his parliament, the tyrant will be able to carry on the war as long as his people can supply money for that purpose; and this will be until the fleets of our ally, and armed vessels of the states, shall beat the fleets, and so effectually distress the trade of Britain, that the manufacturers and farmers of the kingdom shall no longer have money to supply the taxes necessary to carry on the war: and, until, by the regulation of our finances, on this continent, and unanimity amongst ourselves, and finally by the expulsion of the enemy from our borders, we shall strike away every ground of hope, and leave it no longer possible for them, to make the least effort against us.

AN ANTI-ANGLICAN.

† The easy triumph which our plenipotentiaries at Paris had over his vigilance and penetration, is an evidence of his incapacity for any office.

To the PRINTERS.

THE sachem Ochstartarta, on his way from the Catawba nation, to treat with the congress, passing through Frederick-town in this state, and hearing of the proposal of the Senator, to confiscate the back-lands, belonging to the native Indians, and to spare those of the Tories, was vehemently enraged, more especially, as these lands are said by the Senator to be forfeited "on the principles of the common law," and according to his reasoning, it is triable, in our courts of justice, whether they (the native Indians) are aliens, or citizens, criminal, or unoffending members." The sachem, however, composing himself, with great temper, remarkable in a savage, delivered the following talk, to be sent to the Senator, which being taken down by the interpreter, is at the service of your paper.

Brother, of the great wigwam—  
Listen—  
The red people have grown up like a tree, in this island, and being pushed by the white people, have leaned against the mountain. Have they taken up the hatchet? It is to cut off the toes of those who have put a foot upon our lands.

Brother—The warriors of the bad king over the great water, paddling in their black canoes, have come upon your island; and the bad warriors amongst yourselves, the yaho-tories, have joined them. Is the hatchet of the red people made of stone, and the hatchet of the yaho-tories made of wood, that you should take the lands of the red people who have made a little stroke, and spare the lands of the yaho-tories who have made a great stroke?

Brother, of the great council fire—  
The great spirit has given all men one talk which the heart speaks: the red people do not understand the common law talk; we cannot listen to it. Do not take our lands by this talk.

Brother, of the great talk string—  
We cannot come to your little wigwams, to hear the common law talk: we cannot give our beaver-skins to the talkers.

Brother—You are like a bear's foot; you cannot see the bright sun, nor hear the strong wind.

Frederick-town, March 13, 1780.

§ House of Senators,      • Legislative body.  
† Long publications.      ¶ Courts of justice.  
‡ Lawyers.

To the PUBLIC.

HAVING ascertained who are British subjects, and that all British subjects are aliens to this state, I shall proceed to examine the consequences, upon the principles of the common law.

By the common law of England an alien is incapable of holding any estate of freehold, and there-

fore cannot purchase lands, or take them by inheritance. When I say an alien cannot purchase lands, I do not mean that the purchase is void, but that he cannot receive any benefit thereby; for though it is binding and valid between the alien and the former possessor, yet it shall only be for the benefit of the crown; and the case is the same, whether the alien is sole purchaser, or jointly with a subject; and so strict is the common law, in this respect, that if an alien purchases lands, and afterwards is made a denizen, by which he is enabled to hold real estate, yet shall he not retain the lands, which he purchased before that capacity was given to him; but the king shall have them. I find also that it is established as a general rule of law, that no alien can purchase or hold a lease for years of any real property; and, that if he takes any such lease, it shall be for the benefit of the king. The only exception to this rule is the case of an alien friend, who is a merchant; he may purchase a lease of years of a house for his habitation, (but not of any other real property) and the king shall not have it so long as he inhabits therein; but if he departs from the realm, either of his own free will, or by necessity, upon the commencement of a war between England and his nation, the king shall have the lease. So also, in case of his death, it shall go to the king, and not to his executor or administrator. From hence it follows, that all subjects of Great-Britain, being aliens in this state, and, in consequence of the present war, alien enemies, are, by the common law, which we have adopted, incapable of inheriting or holding any real estate, either of freehold or for years; and that the state of Maryland is entitled to all the real property of any such subjects of Great-Britain, which lies within the state, independent of any act of assembly passed for the purpose. Hence also we find, that the rejected bill was not, in that respect, introductory of a new law, but only declaratory of what the common law was before; and would have operated merely by way of commission to authorize proper persons, by inquest of office, to seize such property into the possession of the state, and to dispose thereof for the use of the public, and to regulate the manner and terms of the sales. Which, by the way, is a full answer to all those groundless insinuations, that a law, upon the principles of the rejected bill, would be a retrospective law, and inconsistent with our bill of rights. Those only are retrospective or ex post facto laws, and reprobated, as such, by our bill of rights, "which punish facts committed before the existence of such laws, and by them only declared criminal." But the rejected bill would have made no alteration in the criminality of facts, either in their nature, or in their consequences, but left the law in all respects as it was before. How unjust, how frivolous, then, is all that exaggerated complaint, that we are punishing persons, with the deprivation of natural and valuable privileges, "for want of foresight," in accepting pensions from the British king, residing in the enemy's country, and departing hence, before, or upon, the formation of our new government! when, in truth, we are not constituting any such conduct criminal; nor are we inflicting any punishment upon those persons, who have adopted it. The deprivation of this property (about which we are contending) proceeds from the immediate operation of the common law, upon that choice which its former possessors imprudently elected to make. The subjects of Great-Britain have not any privilege, either natural, or by institution of man, to hold property in this state; how ridiculous, how absurd is it, then, to accuse us of depriving them of a privilege, which, by the common law, and by the policy of nations, they never did, nor ever can possess or enjoy!

The following, among many other good reasons, are assigned, why aliens are incapacitated to inherit or hold lands? The state might thereby become subject to foreign influence; the secrets of the state be discovered; its revenues be taken and enjoyed by foreigners; and its destruction be effected; for then strangers in time of war might introduce themselves into the heart of the state, and be ready to set fire to the commonwealth, which is excellently

\* November 15, 1779.

March 4, 1780. of the publication of Annapolis, of February 1780, but thirteen years old, one bird from Wutrock C.D. head when will give information to that the owner give one hundred and one hundred and securing the title, shall receive is, paid by WATSON.

February 16, 1780. public notice, that of administration of his elder brother, do not from this date. AM FRENCH.

offered to the first assembly after this eight weeks, for giving effect from Prince-George's John Webster, for they's Choice. WEBSTER.

REWARD. Jan. 17, 1780. on Thursday coat, jacket and hood, an ax, some shot in a leather PATRICK K. 10 inches high, country cloth coat, the breeches he has a calf in very large limbs, his having had gonia, which he from the British bitch, with yellow hooves will be brought to justice, if taken in county the above N M'COY.

ard Sprigg, late ty, deceased, late, directed his part of a tract called, Addition first day of June of his debts; high sickness and and so as to make in the said will, tice, that after a t eight weeks in petition the governing her now order to enable the estate of the L, executrix.

REWARD. uary 6, 1780. ber's plantation, nnapolis, on the o Baltimore, on oer last, a likely T O M, about t well set fellow tther large; had coloured coat; short waistcoat d country cloth n pair of lea- yarrn stockings, pprehended that over into Vic- ht when a small f John Morton ver will apper- him to the sub- ward if taken yland a further besides all re-

SCOTT.

er-Strag.