

tion is confined to
 on, &c."
 or himself exactly
 the message; he
 injury done to the
 that nation under
 (and the damages)
 the subject indivi-
 of every British
 may be taken by
 those goods may be
 out of those da-
 on the law of sa-
 izing goods of a
 es, and the seizing
 that in the first
 mbers of the state,
 be *unaffected*, are
 the *last case*, either
 to the goods, either
 nation, or of the
 seizure and con-
 subjects, by way
 ither upon them-
 or well they, or the
 contend for it, in
 small degree, the
 e war; and the
 that all the goods
 at for that purpose,
 ent is the Senator,
 irectly forgotten
 pointed out by Ru-
 y, he declares that
 knowledged to be
 "erroneous," which
 here was the case
 entaured to
 ouse of delegates,
 did not intend
 contradicting the
 am, expressly
 e authorities, and
 ititude and jus-
 uth property? At
 that, like the god-
 one a far jour-
 ics of humanity,
 rity, such is the
 of the most ex-
 d in its support,
 themselves into con-
 d incoherency,
 ble in a child of

IS NOT AN ALIEN in England, but could in-
 herit lands there; and assigned, as the reason
 for their judgment, that, by the law of England,
 every person born *within* the dominion, or alle-
 giance of the king of England, cannot be
 an alien. Here I would observe, that the deter-
 mination in the case of those born within the
 duchies of Normandy, &c. appears to me, to be
 good law, and was cited by the judges, to sup-
 port the opinion they intended to give, in Cal-
 vin's case, but it is not similar to it. I would
 further remark, that the principal judgment in
 Calvin's case, i. e. that he, Calvin, was not an
 alien, is not (in my opinion) law. The general
 positions, that every person, born within the
 dominion and allegiance of the king of Great-
 Britain, is *not an alien, BUT A NATURAL BORN*
SUBJECT, and that every person, born *out* of the
 dominion, or allegiance of the king of Great-
 Britain, and under the allegiance of some other
 prince or state, is an alien, are uncontroversial;
 and to prove their truth, you need not
 have had recourse to Calvin's case. It is from
 these positions, and these alone, you attempt to
 prove, and do assert, "that all Americans,
 born before the declaration of independence, are
 not aliens, but may inherit, or sue to recover,
 lands in Great-Britain;" and for this reason,
 because they were born under the allegiance of
 the king of Great Britain. To prove that the
 declaration of independence cannot have any ef-
 fect, i. e. cannot make the subjects of Maryland
 aliens in Great-Britain, nor the subjects of
 Great-Britain aliens in Maryland, you rely on
 an opinion of the judges, in Calvin's case, "That
 the *post nati*, being born under one allegiance,
 could remain natural born subjects, and not aliens,
 though the kingdoms should, by descent, be
 divided, and governed by several kings, and the
 judges founded their opinion on these reasons;
 1. *Naturalization* due and vested by *birthright*, can-
 not, by any separation of the crowns, afterwards,
 be taken away; 2. a person, who was, by judgment
 of law, a natural subject, at the time of his birth,
 cannot become an alien, by such *matter ex post*
factum. You think this opinion good law, and
 affirm, that there is no difference, whether the
 empire becomes divided, as in the event, suppos-
 ed in Calvin's case, by the descent of the crown
 to different persons, or, as in our case, the di-
 vision of the British empire, by the war, and
 our declaration of independence, and establish-
 ing a new state.

There are several unanswerable objections to
 this opinion of the judges. 1. It was an *extra*
judicial or *obiter* OPINION, and not a legal de-
 cision, and consequently of no authority even in
 England. 2. It was a *political* opinion, in con-
 formity to the will of their weak and wicked
 prince. 3. It is not law in the extent you con-
 ceive, that is, if the crown should become se-
 parate, the *Scots post nati*, who might continue
 to reside in Scotland, and yield allegiance to its
 king, should, notwithstanding, be deemed Eng-
 lish subjects, and, e contra, the English *post*
nati, &c. 4. If not considered in such extent,
 it is wholly inapplicable to your case, and rea-
 soning, because the Americans, now subjects of
 this state, do not continue to reside within the
 British dominions, or to acknowledge, or yield
 any obedience to its king. 5. If it is admitted
 to be law, and to apply to the Americans, who
 are since the declaration of independence, con-
 tinued to reside in Great-Britain or its domini-
 ons, and to acknowledge its monarch as their
 king, yet it cannot be law, or applicable to the
 inhabitants of this state, and more especially to
 you, and others who have sworn allegiance to
 this government. 6. A case, like an argument,
 which proves too much, proves nothing, and
 Calvin's case, and the reasons assigned for it, if
 they prove that all Americans born before the de-
 claration of independence are not aliens to Great-
 Britain, will also prove that they must still remain
 British subjects. If you will again turn to the case,
 you will find, that the judges not only deter-
 mined, that Calvin was *not an alien*, but also
 that he was a natural born subject; and every
 reason urged to maintain the one, equally sup-
 ports the other; and if you will again advert to
 the extrajudicial opinion, you have recited, you
 will discover, that the judges gave their opinion,
 not only, that the *post nati*, in case of the sepa-
 ration of the crown, could *not* be considered as
 aliens, but they also declared, that they must re-
 main *natural born subjects*, notwithstanding that
 event.

On further search you will also discover, that
 by the law of England, and by the law of all
 other nations, all the members of a nation are
 considered as subjects, and all *not* members, or
 subjects, are considered as aliens, or foreigners;
 and that the terms *subjects* and *aliens*, are converti-
 ble, and opposed to each other. You will learn,

that the people, or inhabitants, of every nation,
 are either citizens or subjects, and aliens or
 foreigners; every person in all societies must be
 one or the other; and that by the law of Eng-
 land, every person is deemed a subject, or an
 alien. You will also learn, that by the laws of
 all countries. 1. Whoever is an alien to a state
 is not a subject. 2. Whoever is *not* an alien is a
 subject. 3. Whoever is not a subject is an alien.
 And 4. Whoever is a subject is not an alien.
 You have laboured to prove, that all Americans
 born before the declaration of independence,
 are not aliens in Great-Britain, but can inherit,
 and sue to recover, lands in that kingdom.
 You did not consider, 1. That if such Ameri-
 cans are *not aliens* in Great-Britain, they must be
 its subjects; because there is no medium, no
 middle way, they must absolutely be the one or
 the other; their *civil* capacity is indivisible, and
 cannot be qualified. 2. That, to entitle them
 to inherit, they must *now* be subjects of Great-
 Britain, because none, but subjects, can inherit
 lands in that kingdom. 3. That to enable them
 to sue in its courts, they must *still* be subjects,
 because none, but subjects, can sue for lands in
 its courts. You must admit that all Americans
 born before the declaration of independence,
 who either *expressly*, or *implicitly*, owe allegiance
 to this state, are its subjects. You must also ad-
 mit, that no person can be a subject of, or yield
 allegiance to, two states. You have admitted,
 that all born in this state, since the declaration of
 independence, are aliens to Great-Britain, and I
 infer, that you will allow them to be subjects of
 this state.

You observe, that "consequences have been
 imputed to the doctrine laid down in Calvin's
 case, with which it is not justly chargeable." I
 here again wish you had been explicit; I ex-
 pressly charge you with having asserted, and at-
 tempted to prove, that the subjects of this state
 are British subjects, not in so many words, or in
 express and positive terms, but by an *indispensable*
 and *necessary* implication. Even an intimation,
 that we are, at this day, British subjects, is
 disagreeable and harsh to the ears of a whig; but
 to assert it, directly or indirectly, creates disgust
 and indignation. It strikes directly at our inde-
 pendence, indirectly accuses those, who have
 sworn allegiance to this state, of perjury, and
 tends to subvert our present government. What
 must be the feelings of the members of congress,
 our different legislatures, and executive depart-
 ments; of our most virtuous and illustrious
 commander in chief; the generals, and other offi-
 cers; our brave and gallant soldiers; and the
 whig citizens of all these states; to hear such
 sentiments; to hear a Senator publish to the
 world, that they are still the subjects of the
 wicked tyrant of Britain, whom they have, with
 all the solemnities of religion, abjured and re-
 nounced for ever? Every whig nerve vibrates
 with horror at the thought. All this you have
 done, either from ignorance, or design; charity
 induces me, at present, to believe from an error
 in judgment only. You have, before this, seen the
 opinion of other writers, that you have main-
 tained, that we are still British subjects. I now
 make the charge expressly, and call on you to
 explain, and to apologise; or to answer, and to
 justify. The public will not be satisfied, by ge-
 neral allegations, that you have been misunder-
 stood, or misrepresented, or that improper in-
 ferences have been drawn from the doctrines,
 you have advanced, and the authorities you have
 cited. You must not remain any longer silent;
 if you do, you will stand convicted, your under-
 standing, or political character, or both, will
 suffer in the opinion of the world. If you should
 be inclined to appear in print, on this subject,
 that every man may understand the point, and
 that you may not depart from it, I will briefly
 recapitulate the three modes, by each of which
 you have (as far as in your power) proved us,
 at this time, British subjects. 1. You assert
 that, all Americans, born before the declaration
 of independence, are *not*, at this time, *aliens*, in
 Great-Britain: this conclusion necessarily follows,
 if *not aliens*, they are still *British subjects*. 2. You
 contend, that all such Americans can *now* in-
 herit in Great-Britain: this inference is indispen-
 sable, if they can *inherit* there, that they must *now*
 be *British subjects*. 3. You maintain, that all such
 Americans can *now* sue in the courts of Great-
 Britain, to recover lands: this consequence must
 of necessity follow, that if they can prosecute
 such suits, they are, at this hour, the *subjects* of
 Great-Britain. You have admitted, "that
 every person, born within this state, *since* the de-
 claration of independence, is *an alien* to Great-
 Britain;" be pleased to answer, whether, if *aliens*
 to Great-Britain, they are not *subjects* of this
 state; whether they became *aliens* to Great-Bri-
 tain, in virtue of the declaration of independ-
 ence; if in consequence of that act, whether they
 did not thereby become subjects of this state?

Whether the declaration of independence had
 any, if any, what effect on their parents? If it
 had any effect on the children, different from
 what it had on the parents, what is the differ-
 ence, and the cause? One other question, for
 your consideration. If the parents can inherit
 in Great-Britain, because they are *not* (as you
 say) aliens, to that kingdom, can their children,
 who (you say) are *aliens*, inherit to their fathers?
 P Y M.

March 23, 1780.
 L O N D O N.
 HOUSE OF COMMONS,
 THURSDAY November 25, 1779.

L O R D George Gordon, whose letter wrote in
 quality of president of the associated pro-
 testants of Scotland and England, was published
 in our last paper, delivered himself in a manner
 which perhaps it would be dangerous (for an
 out door person) to relate: the papers of the op-
 position themselves agree that from one end to the
 other it breathed high treason.

He made an analysis of the debates of the par-
 liament of Ireland, and added a degree of
 warmth, of liberty, and resentment to a discourse
 already sufficiently animated, of which we shall
 give extracts: he treated administration with in-
 famy, he accused them not only of having dis-
 membered America from the crown, but of hav-
 ing alienated the affections of England, Scotland
 and Ireland. With respect to Scotland, he said,
 that it had 150 thousand men ready to execute
 the vengeance of the nation upon its ministers;
 he made thereupon to these same ministers a
 very artful proposition, which was to send into
 that kingdom arms and accoutrements compleat
 for 10 thousand men! He spoke on this occa-
 sion very highly in praise of Paul Jones: said
 that this brave man was his countryman and
 praised him particularly that he did not burn
 Greenock, and other places, which he could
 have very easily executed: He lamented that the
 Scotch petitions had been neglected, adding that
 they had made some resolutions, of which he
 intended to make a collection in two volumes,
 one for the king the other for the prince of
 Wales. To soften what he had said, lord George
 Gordon finished, by declaring that the Scotch
 had remarked, that the government had adopted
 the conduct for which the family of Stuart had
 been expelled, and that they firmly believed the
 king was a papist!

It did not appear that lord North thought he
 ought to answer such strange declamations, but
 he arose immediately after lord George, no
 doubt expecting that what he had to say would
 give a more favourable turn to the debate, and
 cause it to be less animated; I do not deny, said
 the minister, but what the conjecture was very
 alarming and dangerous; a powerful confeder-
 ation was formed against Great-Britain, who even
 to this very moment stands herself without allies:
 if this last circumstance is disadvantageous, is it
 just that you should blame the ministers? The
 fact is, that no foreign power has judged it prop-
 er or necessary to espouse the cause of Great-
 Britain; how can the ministers help this? At
 most, although we have been deprived of this
 resource, what has happened to disgraceful for
 us? They have meditated an invasion, have
 continued to make formidable armaments; but
 in the midst of all these alarming appearances,
 what is in fact our real situation? We are in a
 better state to repel any attack whatever, than
 we were at the time of the declaration of Spain:
 while our forces have daily increased, what is
 the true situation of the enemy? What have
 they done from which they could draw any ad-
 vantage? They have encouraged monstrous ex-
 penses, have threatened us with every thing that
 can justify the fears of a nation: in what have all
 these threats ended? In nothing. They have
 lost the summer, have made a vain parade on
 our coasts, with a superiority of numbers to de-
 cided, that it would not have been pardonable
 to have hazarded an action against them. How-
 ever, if we had been informed of some circum-
 stances relative to their internal situation, and
 which we at present know, I should have been
 very easy in learning that our fleet had attacked
 theirs. It must be confessed that Plymouth was
 not in the state it ought to have been, however
 there were two regiments more there than the
 year before, and as it was not natural to suppose
 that the enemy would have attacked it, before
 they had beat our fleet, in the interval Plymouth
 would have been found in a better state of de-
 fence; but at present I could have wished that
 the enemy had effected a descent, there would
 have resulted great good from it to Great-Bri-
 tain. The next year we shall be able to act with
 more vigour and perhaps with more effect; but
 if we should consider that this year we have only
 acted on the defensive, and the enemy on the of-

* 7 Cok. rep. 27 a & b. † 7 Co. 24 b. at bot.