

... had arrived in France, with full power to ratify (by approbation of our illustrious allies) relative to a peace, a vote was carried, by a majority of 54, to choose a committee to make a report of what might be judged proper to be done at the adjournment of the British parliament, which was to meet on the 18th of January.

We hear that a prize ship, laden with 15,000 bushels of black oats, bound from England for Georgia, is taken by a New-London privateer, and safe arrived at Newport.

WORCESTER, March 23.

By several gentlemen from Boston, we learn that a vessel has lately arrived there from England, after a passage of about six weeks. As the vessel is not arrived from the capital, we are not able to give our readers all the intelligence brought by this vessel; and shall only observe, that we are informed, that the master was taken in an American bottom some time ago, and carried into England; that he there got favour so far as to be appointed to the command of the vessel before mentioned, which was bound to New-York, with a number of others, with stores, for the British army, but being separated from the other vessels in a gale of wind, he bore away for Boston, where he arrived; it is said that the British papers, brought by him, contain an account of a warm engagement between the Spanish and English fleets off Gibraltar, wherein the former had four frigates taken, and four belonging to the latter blew up; that the Spaniards had quitted their attack upon that place, and the English had reinforced the garrison; that great preparations were making for war in several parts of Europe; that no force of consequence was like to be sent to America this spring; that Great-Britain had not got any assistance from foreign powers, but that they expected it; and that a defensive war would be carried on for the present by Great-Britain in America.

PROVIDENCE, March 25.

The master of a vessel arrived at Newport in six days from Guadaloupe, reports, that two transports with troops, being part of the fleet which sailed from New-York the 16th of December, have been captured and carried into that island; also that 35 sail of them had arrived at St. Christophers, much damaged by the severe storm that happened soon after they left New-York.

PHILADELPHIA, April 12.

Extract of a letter from Elizabeth-town, dated April 6.

"I have just received intelligence of the sailing of the British fleet out at Sandy Hook yesterday morning. They consisted of ten ships and seven brigs. The troops on board are the 43d regiment, one battalion of the guards, the Anspach regiment, lord Rawden's brigade and Simcoe's foot, amounting in the whole to about 2000. There is not one horse gone on board. They are conveyed by the Rainbow, the Delight and the Swift brig, and it is said they expect to be met with at sea by the Galatea and Thames frigates, which left New-York last week with the packet. It is reported that Sir H. Clinton's heavy baggage is gone in the fleet."

The Dean frigate has sent into Boston a prize ship, with 400 hogheads of Jamaica spirit, bound for New-York.

Extract of a letter from Bilbao, dated February 1.

"We are sorry to say that an unlucky accident has happened to eight sail of Spanish line, who cruised off Gibraltar; they, being separated from some others, fell in with Rodney's fleet of twenty-one of the line, and a number of frigates. The Spanish admiral, Mr. Langara, endeavoured to get away, but finding it impracticable, he determined to engage; and there followed a most desperate engagement from two o'clock in the afternoon, until four the next morning. We have but an imperfect account as yet, but we hear that four of the Spaniards got into Cadix, one, the St. Domingo, was blown up, and two or three were taken, quite unfit for service; should the bearer be detained till next post, will inform your excellency of foot. This affair happened on the 10th ult. and on the 13th, a fleet of twenty-four sail of the line sailed in quest of the English, so that some farther event is daily expected, and with sincerely may prove successful to the allies of the states. Six of the Spanish men of war were engaged with all the English fleet, and there are but three missing. The engagement does the greatest honour to this nation, as they disabled half the enemy's."

The Alliance, captain Paul Jones, is safe at Corunna, and captain Cunningham along with him.

#### For the MARYLAND GAZETTE.

THE house of delegates originated a bill, by which it was enacted, that all the property (debts excepted) of British subjects, within this state, should be confiscated, and vested in the state, to be disposed of as the general assembly should direct. I attended the debates in the senate, on this very important subject, and send you the substance, to be inserted, for the perusal and information of the public.

A BYSTANDER.

DEBATES on the bill for seizure and confiscation of British property, in the senate, April 14, 1780.

C. CARROLL OF CAR. The refugees ought to have a choice to stay in Great-Britain, or to return to this state; a bare residence there may not be of necessity, but choice; and it is conclusive testimony that the legislature of this state did not consider them as British subjects, by imposing a treble tax on them, by the act for the better security of government. The declaration of rights secured all property acquired under the old government, which was not dissolved at the revolution, so as to return to a state of nature, and the property so secured cannot be taken from the proprietors, without a breach of our declaration of rights. We have heard of the omnipotence of parliament and know the abuse of it, but we are a legislature limited, and have no power to exceed the bounds prescribed by the constitution and bill of rights, and it was happy for this state, that the government was limited. Where it not the case, popular, ambitious men, of great abilities, taking the advantage of those talents, would overthrow and destroy the freedom, rights, and liberties, of the government and people. Every country produces a Cataline, but few a Cato or a Brutus. On the establishment of the commonwealth of England (a case similar to ours) the royalists were not considered as aliens, and that age was inventive and fertile in expedients, for raising money; they heaped composition on composition, but did not confiscate the property of their opponents. If British subjects have done any act, such as bearing arms, &c. you may deprive them of their property: if our subjects have done any such act, you may punish them as traitors.

At the revolution in England, what was done with the absentees, at that time in Holland and other parts of Europe, and even with the inhabitants of these states? They were not considered as aliens.

It may be said, that it would be absurd that a British subject should inherit here, because of two allegiances; but there is a local and natural allegiance, and there is no absurdity in the position, when this distinction is set up and attended to.

When the French provinces were disannexed from England, in king John's reign, the natives inherited in England. He quoted Bacon, in support of this doctrine, but referred to no particular part. Blackstone on alienage and allegiance was also quoted. And supposing them British subjects, they acquired their property legally and constitutionally; and therefore ought to hold it.

It would be impolitic to confiscate British property, because he was satisfied, that in the treaty of peace Great-Britain would stipulate for the restoration of the property confiscated, or a compensation for it. That a gentleman was appointed by congress to enter into a treaty of commerce with Great-Britain and it would be extraordinary indeed to open the treaty with a confiscation of their property. He then alluded to a letter from one of the delegates, in which it was said, that France and Spain might think it reasonable; and concluded, that he would give up the policy of the measure but would not give up the constitution, and that no arguments used on the other side of the question, (and much had been said and published on that subject) had convinced him of his being in an error, but the senate might strike out new lights on the subject.

BAR. CARROLL then rose and observed, that all laws ought to be founded in justice, and that it would be the highest injustice to confiscate the property of those in Great-Britain, for the want of the spirit of divination. They were ignorant of the declaration of independence, or that their rights would be affected by it. No time was given them to come in. The house of delegates did not consider the proprietor as an alien, nor his estate as forfeited, or they would not, in a bill originated by them some sessions ago have proceeded upon the principle of making a purchase from him of his estate, or making a compensation in lieu of it. The bill failed, because they could not agree about the division of the spoils; some were for making it a fund for the support of the judges; others for sinking it in the pockets of the land holders. They did not

consider British subjects as aliens in the case of Pellet and Long, or they would not have continued the suit on the docket.

The bill for confiscation of British property in the whole of it is unnecessary, or unconstitutional; if British subjects are aliens, they can't hold property in this state; if they are not aliens, it would be a breach of the constitution, to take their property from them. This assembly are not *dicere legem*, but the question, who are aliens and who not; ought to be left to the courts of justice. The bill of rights declares, that the legislative and judicial powers should be kept separate and distinct. The bill declares British subjects aliens, which would be an usurpation of the judicial power. He then observed, that he had sworn allegiance to this state, which was not the earth, air, or elements, but the constitution; which would not permit him to be a judge and lawmaker.

Mr. THOMAS STONE then rose, and observed; that the bill for the seizure and confiscation of British property, proposed by the house of delegates, was against the principles of reason and justice, and if considered as founded on the declaration of independence, and that by consequence thereof, British subjects became aliens, the bill must fall, because no such inference can be drawn from that act, nor does the declaration say, that such consequences should flow from it.

The consequences are big with iniquity, and injustice, the characters concerned in it would have revolted at the idea, and the breast of every honest man would have rejected it with indignation. What were the true principles of independence? We were subjects of Great-Britain. The tyrant of that kingdom and the parliament thereof declared us rebels and out of their protection; to secure ourselves against their arbitrary and oppressive measures, and to secure right, property, and liberty, were the true principles of the declaration of independence, and not to take property acquired before it. The subjects of Great-Britain were not informed of the declaration of independence; no notice was given them of it. They were never heard of; tried; and justice reprobates the punishment of persons neither heard or tried. The justice and propriety of a position is to be determined by the consequences that flow from it, and if by a construction of the declaration of independence every man in Great-Britain, became an alien, some good men, and those our friends, would be deprived of inheritable blood. I don't understand the doctrine of election: what gives an election, but the having property in the state? In what time must the election be made, and who is to determine it? If left to the courts of justice, some would be of one opinion, and some of another; some would be of opinion that two months, others that 6 months, and others that 18 months, would be sufficient to make an election. Justice requires that men having property in this state should have notice to come in. It is time to interpolate, not to steal a march on them, but to give them notice to come and possess their property, or it should be considered as derelict. If any of the inhabitants of this state have received pensions, or assisted in the war, such men would not come in, and stand a trial. That he would agree to take all the profits of British property, and appropriate them as a fund, and would sell it absolutely, if they do not come agreeable to notice, and become subjects. If we can destroy rights, acquired before independence, we can also take away rights acquired under the act for extending privileges to subjects of the king of France, passed a day or two ago; and the sensible and discerning subjects of that nation will discover, that no confidence is to be placed in the act of the legislature, extending privileges to them, if a war should unfortunately break out between these states and that nation. They will say, that if the legislature can divest the subjects of Great-Britain of property fairly acquired, merely because of a war between the two nations, that they must expect to share the same fate.

He then concluded, by observing, that quit-rents ought to be abolished, because it was an odious badge of slavery inconsistent with our free situation, independence, and safety. and that it always wounded his feelings as a freeman to pay them under the old government, and that he would concur in any measures founded upon the principles of morality and justice, but the bill sent by the house of delegates was incompatible with these principles, and that it contained a contradiction, in calling the property which was the object of it British property.

R. GOLDSBOROUGH observed, that the bill was defective, conceived in general terms, and that we were left to guess who were British subjects. Does it include those who left this state before the 19th of April, 1775, the 14th of August, 1775, or the declaration of independence