

1783, and if war shall not end in six years, then said estates and property to be sold, and the product thereof applied to the discharge and payment of all debts, and demands (according to the true sterling value thereof) due and owing by the king of Great-Britain, and his subjects, to this state or the subjects thereof, and the surpluses to be applied to the payment of such of the said bills of credit aforesaid, as may be then in circulation, and to such other purposes as the legislature shall direct.

**Proviso.**—British subjects, or residents of Great-Britain, if an infant, under 18 years, free covert, or non compos, allowed within six years from the 18th of March, 1780, nine months after disability removed, to come into the state, and to take oath of fidelity, &c. Widow to have her dower or thirds. feme covert to have third part of the estate and property for life, to be allotted them at the time of taking such property.

4th. Commissioners to sell perishable articles, found upon, or belonging to, or of the produce of such articles, at the time of taking the same, and to render accounts thereof, and pay product thereof, into the treasury, to be applied to the purposes aforesaid, and accounts to be evidence of the value of such perishable articles.

5th. No alienation, or transfer, hereafter made, by any British subject, or resident of Great-Britain, or by any persons above described (absentees or refugees) shall be valid in law, unless such British subjects, &c. come to this state, and take the oath of fidelity, &c. within the time aforesaid.

**Proviso.**—Act not to effect or damage, 1st. any person, who hath since the 19th of April, 1775, been, or may be employed by United States, or any of them, and manifested his attachment to United States or any of them. 2d. Or any person who hath withdrawn from Great-Britain, with design to partake in the present revolution, and shall be certain day any minister of the United States, in Europe to be a friend to America. 3d. Or a superfluous act to punish crimes, &c. (February session, 1777, cap. 20) 4th. Or to prevent a trial of subjects of the state, who have committed treason, or any other crime, against this country, or the United States. 5th. Or to relieve persons liable to tax imposed by act for better security of government, (October session, 1777, cap. 20) 6th. Or to confer on any person coming into the state, in consequence thereof, a right to hold any office of profit or trust, under this state, or to vote at any election, but such persons shall be forever incapable of holding or exercising the said privileges.

6th. Whereas, since the late happy revolution, quarrels have ceased throughout the states, and it is inconsistent with the safety, liberty and independence of this state, to acknowledge any superior or lord paramount, by continuing, reviving, or permitting quit-rent, to exist therein: Be it declared, that quit-rents have ceased, and of right ought to cease, and be forever abolished.

7th. Governor and council to transmit copies of act to the commander in chief, to be by him sent to commander of British army at New-York, and also to our delegates in congress, to be by them sent to the minister of the United States, in France, that he may transmit the same to Great Britain, to the end that all, who may be thereby affected, may have notice thereof.

For the MARYLAND GAZETTE.

I HAD occasion, some time past, to collect together, for the amusement of the public, a number of paradoxical positions which were scattered here and there in the different numbers of the *Senator*, and which seemed to have been intended by the author to amuse and divert the public, and to shew his wit and ingenuity. The *Detector*, in the last Baltimore paper, appears to have copied after the *Senator*, and, in truth, to have improved upon the original, being more rich and profuse in his paradoxes, considering the brevity of his performance. For the entertainment of the curious, I have selected some of them, which may be found in the *Detector*, either in express words, or by direct inference.

1. Although the *Independent Whig* should prove the property of British subjects in general, liable to confiscation, if he cannot prove that the property of absentees is also liable, he might as well have saved himself the trouble.—And yet the far greater part of the property, in dispute, was not formerly owned by absentees, nor was the opposition of the senate, at their last session, or the *Senator's* arguments, against confiscation, confined to the case of absentees, but to British subjects in general.

2. To vindicate truth and detect the errors of the *Senator*, is *avant of candour*.

3. Admitting that the operation of the common law, upon the declaration of independence,

actually did vest, in the state of Maryland, a right to the estates of the absentees, yet that operation was suspended, by the delay of the state, and its neglect to take immediate possession.—That is, the delay of doing a subsequent act, suspended an operation, which had actually taken place, and which, in the nature of things, must have actually taken place, before the subsequent act could justly be done.

4. A delay or neglect to exercise a right, suspends the right itself, or, in other words, an omission for a time, to perform a lawful act, suspends the lawfulness of performing that act.

5. Property must be taken possession of at the same individual moment, in which the right to it accrues, or the right ceases and is extinguished.

6. An act of assembly, the intent and design of which were to impose disadvantages, greater than those which the persons were subject to before, shall, by implication, take away those very disadvantages to which they were before subject, and bestow upon them privileges, from which, by the common law, they were precluded.—But this construction is to be confined only to those cases where our enemies are interested.

7. Estates may be granted by implication, but this is also confined to estates granted to our enemies.

8. Those rights which are actually vested in the state by common law, an act of assembly may take away, without any express words for that purpose, but merely by implication.—provided always, that such interpretation may injure the public and benefit our enemies.

9. Admitting the legislature thought the absentees subjects of this state, their erroneous opinion made them subjects, ipso facto, without any enacting law for the purpose;—and this is perfectly agreeable to the old maxim, "*crede quod habes, et habes*."

10. Admitting the legislature, through ignorance or inattention, supposed aliens entitled to the right of subjects, until September last, this mistake superseded the common law, and actually gave them the rights of subjects.

11. The ignorance and error of a legislative body have the same validity and authority as an act of assembly, and are sufficient to alter the common law, but this only in favour of our enemies.

12. The rights of subjects may be granted to aliens by implication.

13. The legislature, by implication conceiving aliens to be subjects of this state, have made them such in reality.

14. If the absentees were aliens before the "treble tax law," they were naturalized by that law; or, in other words, naturalization consists in imposing a treble tax and other disabilities.

15. A declaration of the terms upon which aliens may be naturalized, and become subjects of this state, doth actually naturalize, and render them subjects, before they comply with those terms.

16. Aliens may be made subjects of this state without their consent, and contrary to their inclination, although by being made subjects, they would be bound in allegiance to the state, and liable to the punishment of treason for a breach of that allegiance.

17. Although the property of the innocent subjects of Great-Britain may justly be confiscated, as far as necessary to compensate the damages and expences of the war, yet it would be unjust to confiscate the property of absentees, who are criminal subjects of that nation, having made themselves a party in her guilt.

18. An act of assembly appointing persons to seize upon property for the use of the state, to which property, by the common law, a right is already vested in the state, is an *ex post facto* law.—Or in other words, an act of assembly, which renders nothing criminal, nor inflicts any punishment, doth notwithstanding both render criminal, and punish, that which was not criminal before.

19. To expose the pernicious doctrines maintained by the *Senator*, to burlesque his arguments, and to ridicule his folly and ignorance, is called by the *Detector*, arrogance, buffoonery, and a brow-beating of that gentleman.

I doubt not the public will join with me in admiring the ingenuity of this writer. I think he bids fair in a little time, if he meets with proper encouragement, to be fit for a *Senator*; yet it were to be wished that he would chuse out some other subject, when he is in a witty mood, for the display of his paradoxical abilities. "*Hæ nuda in sciria ducunt*." This trifling may be attended with serious consequences; weak mind may possibly suppose him in earnest, and make the foundation of their conduct those whimsical positions, which he can only intend as a specimen of his wit.

PUBLICOLA.

Baltimore town, April 18.

To the PRINTER of the MARYLAND GAZETTE.

SIR,

I AM unacquainted with the art of writing a news paper, though I believe there are many who take so much pleasure, or are more contented in reading them, than I am. This propensity in me is owing to a most violent turn I have towards politics, which you will perhaps forgive, not a little extraordinary in one of my kind; but a proof of this, I can with truth assure you, that not one of those performances, of which your paper of late has furnished such abundance, has escaped my diligent perusal. I hope I shall be understood to mean any reflection on those productions, when I make this assertion; as I intended to hint; that it requires a strong appetite for those matters to induce a person to undertake and perform such a task. On the contrary, it is my opinion that much entertainment and instruction may be drawn from them, if read with attention, and viewed in their true and proper light. Indeed I should have but a poor opinion of that man's patriotism, as well as taste, who would not seize with alacrity, such an opportunity to get a thorough insight into the science of politics, and to improve his zeal for the interest and welfare of his country.

I mean not to impute myself on the world for a great patriot. The senator, and Independent Whig, are equally indifferent to me. My spirit hath always prompted me to place my chief dependence on my own nose, and not merely to bark to the cry of others; this is well known to every member of the pack, with which I am connected. I should not have informed you, Sir, of this circumstance, but that I have observed it is the general practice of authors, at their first appearance in the news-papers. I suppose it is done, lest their principles and opinions might be mistaken from some fancied obscurity in their performance, or a misconstruction of what they advance.

I must now acquaint you Sir, that I was compelled to adventure on this arduous undertaking, by some illiberal reflections, cast on a set of gentlemen, with whom I have the honour to be closely connected, by an author in your paper, who uses the signature of F. M. I shall not trouble myself to enquire who that writer is, his performance evidently discovers what he is. I can assure him that the gentlemen whom he has made a feeble effort to vilify, are out of the reach of his abusive pen, and that their frequent visits to the *swags*, have freed their minds from any alarm, at the appearance of an *evil*. I cannot forbear giving him due credit, for so brilliant a display of wit, in his account of that elegant, and instructive performance, stilled the senator. I have a ways thought that the means, by which it was produced, were out of the common way of effecting such matters; and were I not excluded by nature from the privilege of laughing, I am confident his humorous account of that uncommon production would have had a most forcible effect upon my risible faculties. For it may truly be said of it, in the words of a vulgar phrase "it is enough to make a dog laugh."

My reading, in books, hath been very confined, particularly in the classics. Apollo's commission to the *tabby breed* I was totally unacquainted with till now; in truth, my researches have been otherwise directed, as *rats* are a kind of game, I never pursued; but if we may believe that gentleman's assertion, his command over that breed, is as extensive, and absolute, as ever the god of wisdom possessed. He threatens to turn thousands loose upon the poor devoted rats, so that we may expect our country will in a short time, like the island of Samos, be entirely depopulated of that pernicious animal, to the insupportable satisfaction of every good housewife in the land.

Ye fitches, jowls, and bacon-hams, rejoice,  
To mighty Finis raise your grateful voice;  
And you, ye cheefes, join the happy throng,  
Join fitches, jowls, and hams, in joyful song.

I observed to you in the beginning of this, that my mind had a strong bias to politics; and anxious concern for the welfare and happiness of my native land is the cause of it; to a temper thus disposed, whatever has the appearance of effecting her good, must afford sincere pleasure. I assure you, Mr. Printer, that I have met with nothing either in, or out of your paper, which hath given me so much real satisfaction, as the promised exertions of this great political *Wing rod*; for by his means, I earnestly hope our country will be freed from the destructive *Wing rod*, which at present infest it.

OLD PORTIUS.  
From the kennel in Annapolis,  
April 21, 1780.

To C.

FROM the great publication, and in it, I think your defence of the... I am glad to have a... which you have... I can assure you... be supported by... in modern... and on... and impartial... give them their... recent compose... of the law of... may not... of common use... leave you to u...

To the CONSIDER

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