

To CENSOR.

FROM the general complexion of your publication, and some remarkable expressions in it, I think I can discover your drift. Our defence of the celebrated gentleman, as you give him, whose character you undertake to indicate, is I am not very much mistaken, is meant to have a contrary effect; but, Sir, though you may deride those principles and notions which you have adduced in his justification, I can assure you, from my moderate knowledge of political characters, that his conduct may be supported by many eminent authorities in record; but more effectually by numerous instances in modern practice, which still remain unrecorded, and only await the leisure of some able, and impartial hand, to display their merits, and give them their proper weight. Custom and precedent compose the chief, and most valuable part of the law of the land, and why a man's character may not as securely be held under the title of common usage, as his other possessions, I shall leave you to determine.

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To the PUBLIC.

CONSIDERED the seizure and confiscation of British property as a matter of very great importance to the state, at the time when the question was first agitated by our legislature; but the late resolution of congress (March 13th) rendering necessary an immediate specific fund, sufficient to give credit to our share of the new bills, proposed to be emitted, have made it still greater moment. The British property (which, I contend, upon the declaration of independence and the formation of our new government, vested in this state) if taken into possession, and appropriated, would be an immediate fund, abundantly adequate for sinking of those bills, and also, for the redemption of the state currency, which we have already in circulation; and consequently would relieve the inhabitants of Maryland, from those burthenome and grievous taxes, which otherwise must be imposed upon them. Our grateful thanks are due to heaven, for having put the means of providing ample funds for our new emissions, in our power; and it is a matter which ought to excite our grief, if not our resentment, that all this benefit should be entirely lost to us, by the conduct of a few individuals, whom, notwithstanding appearances, I cannot suspect to be totally regardless what calamities they bring upon the public, or to what distresses they reduce the faithful subjects of this state; provided they can have the property of a set of men, who have not a single circumstance to recommend them to our favour or compassion; wretches, who had not one spark of the love of liberty in their bosoms to be kindled into a flame by the united exertions of America! who lately abandoned her in her day of distress; who turned their backs upon her in the hour of her danger! who of their voluntary choice, withdrew to our enemies, added to them all their weight and influence, and, as far as their cowardly tears would permit them, have actually waged war against us!—that the inhabitants of this state be-loaded with taxes, that the absentees alter the contest is over, after America shall have established her independence, may return back, take possession of their former estates, deride our sufferings, and, by disseminating their slavish principles, prepare us again to slip under the yoke of British bondage! Shall the brave soldier, who has sacrificed his domestic life and felicity, who has ventured his life, worn out his health, and exhausted his fortune, in the defence of his country; shall the virtuous advocate of the rights of mankind, the disinterested and zealous assertor of liberty, who has preferred the good of the community, to every consideration of private interest; as a reward for all their sufferings and services, shall their eyes be blasted with the sight of the most worthless of our enemies, invited and received into the bosom of the state, which, serpent like, they endeavoured to destroy! Is there a breath which does not glow with indignation at the thought! Yet such, ye whigs of Maryland, such, in all human probability, will one day be the case, unless you route yourselves from that lethargy in which you seem to be sunk, and unite yourselves in the most vigorous exertions to prevent it; for the mystery is at length revealed; the bill for the seizure of British property was rejected by the senate to screen the estates of the absentees, and not only the absentees, but all other British subjects, our cruel and inexorable enemies, were invited and bribed, by the bill proposed by that honourable body, to come and live amongst us.

* The act for the security of this state and the subjects thereof, &c. proposed by the senate and rejected by our delegates, five members only, to wit, Charles Ridgely, James Jordan, Benjamin Hall,

In the course of these papers I have endeavoured to prove, that the property of British subjects, although personally unoffending, may, consistent with every principle of the law of nature, of nations, and of the common law, be seized and appropriated for reparation of the damages and expences of the war; I will now examine the case of the absentees; and in doing this shall of course indulge the *Detestee* in an immediate and unequivocal answer to the queries he has addressed to me, the result of which, I flatter myself, will be, that the conduct of the Independent Whig will stand fair and unimpeached, and the *Detestee* himself be *restored* of gross ignorance, or a willful design to deceive and impose upon the public.

The absentees, as well as the other inhabitants of the late colonies, were, before the declaration of independence, and the subsequent formation of our new governments, subjects of Great-Britain, as I have already had occasion to observe. The *Senator* has laboured to establish, that he, who was once a subject, must ever remain so, notwithstanding any events which might afterwards happen; I may venture to assert, without fear of contradiction, that all those, who were once subjects of any kingdom, continue to be subjects of the same, until by some subsequent act they divest themselves of that relation; I will also lay it down, as a position uncontrovertible, that upon the institution of a new state, no person can be a subject thereof, unless he is born therein after its institution, or by some act of his own, has become a subject, as by joining in the formation of the same; continuing or coming to reside therein when formed; entering into its service, or some other such act. The absentees were not born subjects of this state, but of the British empire. They had no share in the formation of our new governments, or in those acts by which Maryland became a free and independent state; on the contrary, they barely withdrew from us, or yet more barely impeded all our measures, and laboured to prevent our separation from Great-Britain. They have not assented to our government by continuing to reside in it, when formed; for they fled from us, either before, or upon its formation. They have not entered into the service or employment of this, or any of the United States; on the contrary, they have joined themselves to our enemies, they have added their weight and influence, such as it is, to the government of Britain. They were born subjects of the British empire, they have not, by any act of their own, divested themselves of that relation. They were here on the spot; there is not one single circumstance to extenuate their conduct; it was their deliberate choice to forsake their virtuous brethren, who were exerting themselves in the defence of every thing, which ought to be dear to men; nay, many of them, before they departed, had used every artifice to render unsuccessful those our exertions; many of them had been instrumental in bringing our misfortunes upon us. By thus withdrawing to our enemies, they, in the most explicit manner, declared their approbation of all the arbitrary, tyrannical measures of the British government; they thereby assented to its iniquitous acts, and made themselves a party in its guilt. They chose to risk those estates, which they left behind, rather than to countenance our resistance, by staying among us; for they had no hopes of enjoying them in future, but what originated from their expectation and desire, that the British arms would be crowned with success, and America prostrated at the feet of oppression. They never could have entertained the most remote idea, that there would be one single whig in this state, who would ever give his voice to strip the public of its just rights to bestow them on our bitterest and most implacable enemies, who openly avowed their attachment and affection to Britain, and their animosity and hatred to us.

No doctrine can be better established, nor can any truth be more clear and self-evident, than

Benjamin Bradford Norris, and Matthew Driver, giving their voice in favour of it.

† In my former numbers I confined myself to prove that the property of British subjects in general, although personally unoffending, was liable to be seized by the state. If I established that point, I had no idea that any doubt would be made; among whigs at least, of the propriety of seizing the property of those British subjects who are called absentees, who may with the strictest justice, be considered among the guilty and criminal subjects of that nation; but as I find the arguments in the senate turned in a great measure upon the case of the absentees, and as that honourable body seems to have given them a very warm place in their assertions, I have been induced to enter into an investigation of the subject, as it relates to the absentees in particular. A writer under that signature, in the Baltimore advertiser of April 18.

that the absentees are subjects of Great-Britain, and not subjects of this state; subjects of Great-Britain, because they were born such, and so far have they been from divesting themselves of that relation, that they have expressly and positively elected to continue it; not subjects of this state, because they neverant born subjects of it, and by no act of their own have become such; and if they are not subjects of this state, they are aliens, and, in consequence of the present war, alien enemies, as has been before sufficiently proved. Hence then it necessarily follows, that every principle, I have already established, with respect to British subjects in general is equally applicable to the absentees in particular, and that this state has an undoubted right to seize upon all their property, whether real or personal; their personal property for compensation of the damages and expences of the war; their real property for the same reason, and also, because aliens are incapable to hold or inherit real property here, even in time of peace.

I contend that, by the operation of the common law, the absentees, immediately upon the declaration of independence, and the formation of our new government, were disabled to hold property in this state, and that, upon those events, the right to all their property vested in this state; but that this operation of the common law was suspended by the delay of the state to take immediate possession of the property in question, is a conceit too ridiculously absurd to be seriously entertained. The operation of the common law was complete immediately upon our forming our new government; the operation of the common law was to give the state a right to the property of the absentees, and other British subjects. This property must have been vested in the state before it could have justified the seizure and appropriation of it; the operation of the common law was completed, by vesting this right. The state might suspend the exercise of the right, to wit, the actual seizure and appropriation of the property, as long as it should think proper, but this delay of the exercise, would not be either a suspension or extinguishment of the right itself; the right would still remain in full force, of which the state might avail itself whenever its circumstances should make it eligible, or its exigences render it necessary.

AN INDEPENDENT WHIG.

Baltimore-town, April 19.

LONDON, Jan. 18.

THE Dutch are exceedingly enraged at our taking and detaining their shipping; various letters by the last mail make no secret of announcing the certainty of an open rupture with that republic: however, politicians here know the Nynheers dare not show their teeth, unless supported and protected by the Prussian monarch.

Feb. 7. Advice is just received that two French men of war, one of 60 and the other of 54 guns, are totally lost in a gale of wind off the Canary islands.

We are assured that a new treaty of alliance and friendship is now negotiating, and nearly concluded between the court of Berlin and the states general.

The ministry are absolutely determined no longer to keep measures with the Dutch, should they persist in furnishing our enemies with warlike stores.

PHILADELPHIA, April 18.

Extract of a letter from a gentleman at St. Eustatia, dated March 22 1780.

"You I suppose know long ere this of a free trade having been demanded, and obtained, by the people of Ireland, but with this it seems they are not fully satisfied, and now talk loudly of a free constitution, which it is possible, however insolent such language may now appear, they may one day or other be gratified in."

"The English fleet under admiral Rodney, bound to the relief of Gibraltar, have had great success, as you will find by the enclosed list of Spanish ships taken and destroyed, the 8th and 16th of January, the account of the latter had not reached England when the last packet sailed, she happened on her passage to fall in with Rodney, from whom the account is taken, who was then making the best of his way for Barbados with a few ships, having sent Digby forward to Gibraltar with part of his squadron, and Sir Lockhart Ross to England with the prizes.—A fleet of 25 sail of the line, with a number of transports, have undoubtedly sailed from Ferret, and the greatest part of them are supposed to be bound for Martinico, and I hope are arrived, so that the enemy, instead of recovering any of the islands they have lost the last campaign, will have sufficient employment in protecting those they possess."