

(XXXVth Year.)

T H E

[No. 1743.]

MARYLAND GAZETTE.

F R I D A Y, J U N E 9, 1780.

For the MARYLAND GAZETTE.

THE ensuing session of the general assembly will, it is hoped, be attended with less dissention, than unfortunately the last was. The interesting contest between the two branches of the legislature, concerning the seizure and confiscation of British property, which has been one cause of so much warmth and ill-temper in that honourable body at their late meetings, will, we have the strongest reasons in the world to expect, be no longer productive of those ills, and that delay of public business, which it has hitherto occasioned, to the disappointment and regret of every good whig in the state. The merits of that measure have at length been placed in so fair and obvious a point of view by the last message of the senate, on that subject, that the true interests of this country depending on that object can no longer be mistaken or misrepresented. The just principles upon which was grounded, and the humane motives which influenced the determination of the senate in that affair, together with the unforced, and unanswerable conclusions deduced from those principles, are set forth in a manner that must strike with conviction every unprejudiced enquirer. A steady adherence to such principles will ever excite the applause and admiration even of those men, who would wish to thwart the good effects of them, and must necessarily receive the warmest approbation of every worthy member of the community.

It is not my purpose to point out particularly those principles and deductions. The public will soon be furnished with them, as I have understood they are ordered to be published for their consideration. However, it may not be improper to anticipate, in a small degree, the satisfaction they will undoubtedly receive, from a perusal of that publication. I shall not presume to say much on a subject which has already been discussed with such authority.

It is observed in the message, that the principle of the delegates bill was unjustifiable, as it deprived of their property, without notice, that class of persons, who resided, before the commencement of hostilities between these states and Great-Britain, in some of those parts of the British dominions, which were not in union with us. I hope there are few persons so blinded by party and prejudice, or so involved in ignorance and error, as not immediately to discover the injustice and propriety of this objection. Natural right, common equity disclaims the idea of punishing a person, without giving previous notice of an offence: and that it was no offence for those people to reside in the places of their nativity, until they could with certainty determine what choice to make, that is, until they were assured of the events of the contest, and might regulate their conduct; in the interim, so as to secure their persons and property in any turn of fortune, is so incontrovertibly proved in the message, that whatever doubt might before have been entertained on that head, they must immediately vanish on the appearance of that performance. It is in vain to urge the common trite principles of natural law to obviate this objection, viz. the right the community has to the presence and services of its members, when the state is invaded, especially when its very existence is endangered, and their consequent obligation to repair to its assistance, under pain of forfeiting their interests in such society. These principles do not apply to the case in question. The difference between a society already formed, and independent, and one in the act of formation, renders the maxims and rules laid down in one instance, totally inapplicable to the other.

The natural right, which a sovereign people have to their liberty and property, and that right which those who are united or subject to another power have to resist oppression in either instance, are founded on different principles, and therefore require a different construction and conduct. Though it be allowed that every man, or community of men, have a natural right to their liberty, and the secure and peaceable enjoyment of their property, yet it is by no means a defect of their property, that when that liberty and security are invaded, that they are entitled to the use of the

same means in the defence or recovery of their rights; it does not follow, though their rights are equal, that their claims will justify like practices.

I am sensible this will appear a strange, and perhaps not a very agreeable doctrine to many of my countrymen; they may possibly think that this principle is merely calculated to secure the property of their *brother subjects*, residing in some of the British dominions, at the risk of their persons, and whatever else is dear or valuable to them. They will, perhaps, fancy it hard that those who have remained secure spectators, who have hazarded nothing in the enterprise, nay, as some men have the hardiness to affirm, who have manifestly avowed by their conduct, that they disclaimed the cause, should be entitled to an equal share of the spoils: but I flatter myself that my countrymen will reflect, before they yield to such suggestions, that they are not the genuine result of cool, deliberate reasoning, but the effect of passion, and misguided zeal. For, "Was it criminal for those people who resided in Great-Britain, or in some of those parts of the British dominions, to remain in Great-Britain, or place of their nativity, and long residence, at that period of time, when they could neither foresee, or even apprehend a severance between these states and Great-Britain? Was it not rather their misfortune, than crime, to be confined from their birth, business, and connexions, to a country ruled by a king thirsting after arbitrary power, and aided in his designs by a profligate ministry, and a more profligate parliament, at a time when those mad and wicked designs were carrying into execution? The difficulties and danger, real, or apprehended, of quitting a country in time of war, and resorting to its enemy, must occur to every man capable of the smallest reflection. Hope too that disappointments, disgrace, and defeat, would at length open the understandings of a wicked misguided prince, and discover the folly of his projects, and incline him to restore peace to his distracted dominions, before the breach became incurable, and a coalition between the two countries impracticable, might have induced them to continue in the usual place of their residence, especially as no public order was ever issued, commanding their repairing to the state, under the penalty of forfeiting their property in case of disobedience." To punish a person for want of foresight, to punish him for a misfortune, and not a crime, to punish him on account of his birth, business, and connexions, and for exercising his prudence in a doubtful choice, is surely a degree of tyranny scarcely to be paralleled, and I trust will never be suffered by a free and generous people.

Whether the people of this state have a right to oppose the tyrannical attempts of the British nation, by availing themselves of those means, which some have thought necessary and justifiable, is a question now no longer to be agitated. Whatever may be the fate of our property, that of British subjects is, in this instance, out of the reach of danger, and this is warranted by the immutable laws of nature and equity. However, it is not so entirely secured to them, but that we may still acquire an equitable claim to it upon a certain condition, viz. by giving notice to such persons holding property in this state to repair to it in a limited time, on pain of forfeiture of that property. If this condition is accepted, and who can doubt of its being accepted? the matter will be settled upon an equitable and honourable scale; our conduct will be approved and admired by foreign nations, and we shall give strength to our country by an addition of valuable subjects. As this is the necessary consequence of an adherence to the principles of the message, is there a person so devoid of liberality of sentiment, so callous to the dictates of justice and humanity, so contracted in his notions of political virtue and public character, as to hesitate a moment what part he shall adopt? Whether or not he shall agree to sacrifice a number of innocent, unoffending people, who have been precluded by a number of insurmountable obstacles, from an opportunity of repairing to the defence of their property, who have been reduced to the sad necessity of being inactive spectators; whilst others have enjoyed the merits and glory of a firm and successful opposition to a king, thirsting

after arbitrary power, aided in his designs by a profligate ministry, and a more profligate parliament?"

PATRICIUS.

Kent-county, June 2, 1780.

H A G U E, March 23.

SIR Joseph Yorke, ambassador extraordinary from his Britannic majesty, presented a memorial to the states general, on the 21st inst. which, after a recapitulation of many matters that had been partly urged in former memorials and some other representations, concludes thus: "His majesty has ordered the under written, to declare to your high mightinesses in a manner the most amicable, and at the same time the most serious, that if, contrary to his just expectations, your high mightinesses do not, in the term of three weeks, from the day of the date of this memorial, give a satisfactory answer relative to the ships which were claimed eight months ago; his majesty regarding such conduct as an abandoning of the alliance on the part of your high mightinesses, shall no longer consider the United Provinces on any other footing than that of other neutral powers, not privileged by treaties; and consequently will, without further delay, suspend provisionally, and till further orders, with regard to their subjects, all the particular stipulations of the treaties between the two nations, especially those of the treaty of 1774, and will adhere solely to the general principles of the law of nations, which ought to serve as a rule between neutral powers not particularly privileged.

Signed, The Chevalier YORKE.
Done at the Hague, March 21, 1780.

L O N D O N, March 31.

A gentleman of eminence in the political world, lately arrived from Holland, had two several conferences with lord Hillsborough and lord stormont, at the secretary of state's office, last week; and on Thursday the same gentleman was introduced to a great man in the closet.

A private letter from Cadix mentions, that they have now transports which are taking in provisions, and are to sail with their fleet the middle of April, but where destined is not known.

The French have permitted some of their best and most experienced engineers to go over into the American service. Among them is the celebrated Cerenzo, a Neapolitan by birth, who has been in the pay of France upwards of thirty years.

B O S T O N, May 15.

Last Friday was proved in this town, the carriage at Fort-Mifflin, of a new construction, for 24, 36 and 48 pound cannon, which plan has been given by Mr. Le Maire, colonel of dragoons, and tried by himself. There are great advantages known to be derived from these carriages of new construction, as three men can easily move a piece that would otherwise require ten, without being exposed to the fire of the enemy; and can fire the guns that are mounted on those carriages, at least four times as fast as the old ones, and can be as easily pointed at any place as a fustee, and as easily and quick turned round to fire at any object. The honourable council of this state has favoured the above officer with their presence; at proving these carriages, the execution being conformable to what he had proposed in his plan.—The honourable council has been pleased to approve much of this plan, and have adopted that construction.

T R E N T O N, May 31.

Extract of a letter from a gentleman at Eastwidge, dated May 27, 1780.

"I was at Morris-town yesterday, and have the pleasure to inform you of the following interesting intelligence.—That a vessel has just arrived at some port of Connecticut, in a short passage from Guadaloupe, and brings account that the French and English fleets have had a severe combat off St. Lucia, which lasted a whole day; and finally terminated so much to the advantage of the French; that Sir George Rodney was compelled to take refuge in the harbour of St. Lucia, in a most shattered condition. It is added, that