

made to the memorialist, for the losses stated in his memorial to have been incurred by him in consequence of the late revolution. For it naturally occurred to us, that it would be mispending time to discuss the quantum and manner of making the compensation, if either house should be of opinion, that no compensation ought to be made to the memorialist. On the fullest inquiry into the subject, and examination of the arguments suggested by the memorialist's counsel in your house (at which most of us were present), and which were again stated to and satisfactorily answered in this house, we are decidedly of opinion, that the memorialist cannot of right ask, or this state, consistently with that justice which is due to others, grant him, any relief or retribution for the losses he has sustained in consequence of the revolution, and the acts of our legislature. That revolution and those acts were occasioned by the prosecution of an unjust war, commenced against this country by the British government, of which the memorialist is a subject. On that government, therefore, to which he remained attached during the whole war, and with whose success his own interests were so intimately connected, he ought only to rely for compensation for his losses. However rigorous the confiscation of the property of British subjects might appear, abstractedly considered, the act for seizing and confiscating that property, under the circumstances and with the restrictions it was passed, we are convinced, was perfectly justifiable. The severity of the measure long delayed its adoption, and that delay mitigated its severity, by affording to every British subject the opportunity of avoiding the consequences of the confiscation act.

The memorialist came of age in the spring of seventeen hundred and seventy-nine, the act of confiscation passed in the beginning of the year seventeen hundred and eighty-one, full twelve months after the measure had been warmly and generally agitated in this state, and must have been known in England. Instead of repairing to Maryland and becoming a citizen, the memorialist, confiding in the power and success of his native country, remained in England, attending on the court of chancery, and waiting the adjudication of suits which were to determine the right to the province of Maryland and its dependences, between the memorialist and the heirs at law of the late lord Baltimore, and which adjudication could have no effect, unless America should be conquered by the British government. This state of facts leaves not the smallest room to doubt, that the memorialist, both from interest and inclination, continued a British subject, and devoted to his native country, which, although free, endeavoured, by lavishing its blood and treasures, to deprive us of our freedom. We cannot discover a single circumstance in the case of the memorialist, to distinguish him from other British subjects, and which should induce this government to except him out of the general law of confiscation, or partially compensate the losses, which the revolution, that law, and his own conduct, have brought upon him. Every British subject, who did not bear arms against these United States, and whose property has been confiscated, has an equal if not a better claim to our commiseration.

Legislatures ought to be governed by general rules and principles; their acts should not be liable to the reproach of partiality, or of an undue preference. If any retribution should be made by this state to the memorialist, a proportionable compensation ought to be given to every other British subject. Will the state of our finances, and the heavy debt we have contracted in the defence of our liberty, suffer such application of public monies? The claims of justice must be satisfied, and we ought to attend to the distresses of our own citizens, occasioned by the depredations of the enemy and other causes in the course of the war; but British subjects, if entitled to any compensation for their losses, must seek redress from that government, whose injustice occasioned them, and of which they are citizens. The attachment of the memorialist to the British government, and the great losses he has incurred, may entitle him to the bounty of a British parliament, but can give him no just claim to any compensation from this legislature. The claim to quit-rents, as a subsisting debt recoverable under the treaty, which was urged as a ground for making a compensation to, or compromise with, the memorialist, has also been considered, and appears to us entirely groundless and inadmissible, being, as we conceive, incompatible with the sovereignty and independence of this state; and we cannot, consistently with the duty we owe to our constituents, do, or suffer to be done, any act, that has the most distant tendency to create a supposition, that any power on earth can place the free people of Maryland in the degraded condition of tenants to a superior lord, a foreigner, and a British subject. We are also clearly of opinion, that the quit-rents reserved upon the grants of the former proprietaries, were hereditaments subject to all the rules and consequences of other real estate, and therefore cannot, consistently with law, be held by an alien; and that no part of the treaty of peace can give the smallest colour to a supposition, that these hereditaments, more than others, were saved or reserved. That the claim of the former proprietary to quit-rents ceased upon the declaration of independence, we have not the smallest doubt, and we think the legislature acted wisely in declaring, that the payment of them even to this government should never be exacted, and that the citizens of this state should hold their lands on equal terms with the citizens of the other states.

Having stated our opinions, and the reasons for them, it would be an useless waste of time to confer on the memorial of Henry Harford, Esq; especially as we have no cause to surmise that your opinion may be different from ours, as to the principle of making compensation.

To prevent the public councils from being diverted from more important and necessary concerns, and to save the further loss of time upon this subject, we herewith transmit a resolve, unanimously agreed to in this house, which, if adopted by yours, will effectually obviate the inconveniences just mentioned.