

Whether the tax shall be raised upon property in general, or in any other mode, will be maturely considered by your representatives, when they shall have further opportunity of consulting you thereon. Let what is best upon the whole be done. Your representatives will not, they cannot, do any thing injurious to your interest, which is inseparable from their own.

The great and almost only point is—"Whether or not it be necessary, and the desire of a majority of the good people of this state, that some suitable provision should be made by law, for the support of the christian religion according to the Bill of Rights, and the resolutions of your representatives hereunto prefixed?"

Upon this great question, your INSTRUCTIONS are desired; and while you give them, we beseech you to exercise all possible temper and discretion; considering yourselves as in the presence of your Almighty Creator; and that the judgment which you are to pronounce may be finally decisive upon the future religion, glory, honour and happiness of your country and posterity, to the latest generations!

THO. COCKEY DEYE,
Speaker of the House of Delegates.

By the HOUSE of DELEGATES,
January 12, 1785.

RESOLVED, That the Bill to lay a general tax for the support of the ministers of the gospel of all societies of christians within this state, be referred and taken into consideration on the fifth day of the next session of assembly; and that the said bill be published in the Maryland Gazette, and Baltimore news papers, and one thousand copies thereof in hand-bills, and sent to the several counties for the information of our constituents.

By order, W. HARWOOD, clk.

An ACT to lay a general tax for the support of the ministers of the gospel of all societies of christians within this state.

WHEREAS the happiness of a people, and the good order and preservation of civil government, essentially depend upon morality, religion, and piety, and these cannot be generally diffused through a community but by the public worship of Almighty God; and whereas our ancestors, the early settlers and respectable founders of this state, declaring "that matters concerning religion ought in the first place to be taken into consideration, countenanced, and encouraged, as being acceptable to God, and the best way and means of obtaining his mercy and blessing upon a people and country," did frame and establish sundry laws for the support of religion, some of which, at the great era of our independence, were, by the Bill of Rights, declared inconsistent with that religious liberty which was intended as the basis of our future government, but, at the same time, with an express provision, that future legislators should pay a due regard to the essential concerns of religion and piety, and, "at their discretion, lay a general and equal tax for the support of the christian religion."

Be it enacted, by the General Assembly of Maryland, That every taxable inhabitant within this state shall annually, on or before the first day of August, pay unto the sheriff of his county the sum of — shillings current money; and if any taxable shall neglect or refuse to pay the same on or before the time aforesaid, it shall be lawful for the sheriffs of the several counties, and they are hereby authorized and required, at any time after the first day of August annually, and within three months thereafter, to collect from every such taxable inhabitant the said sum of — shillings current money, by execution of the person, or by distress and sale (at auction after five days notice) of the goods or chattels of the person chargeable by this law with payment thereof; and the said sheriffs are hereby required, before the first day of November annually, to pay the money by them received or collected, or which by law they ought to have received and collected, to the person or persons entitled by this law to receive the same (after retaining five per cent. on such money for the receipt or collection thereof); and if any sheriff shall not make payment according to the directions of this act, he shall forfeit, if suit be brought against him only, double the money which such sheriff ought to have received and collected, to be recovered by those who are entitled by this act to receive the same, with costs, by action on the case founded on this act, in which it shall be sufficient for the plaintiff to allege, that the defendant has received to the plaintiff's use the sum of money claimed by him, whereby the plaintiff's action accrued according to the form of this act, without setting forth the special matter; or the person entitled to receive from such sheriff may sue and recover on the sheriff's bond against him and his securities the money which such sheriff ought to have received and collected, with interest thereon from the time the money became payable; and every sheriff, on information that any inhabitant of his county is about to abscond or remove his effects from the place of his residence, may and shall, at any time between the first day of March and the twentieth day of October yearly, apply himself to some justice of his county, and, on oath or affirmation thereof made by the sheriff, or some other credible person (which oath or affirmation the said justice shall

administer, and return to the next county court) such justice shall issue his warrant, and thereby authorize and direct such sheriff to execute such inhabitant or his goods or effects, and such sheriff shall make execution therefor without any fee; and if such inhabitant will give the sheriff sufficient security for payment, he shall take the same, and not proceed to execute the said person or his effects.

And, to ascertain what inhabitants of this state shall be deemed taxables within this act, Be it enacted, That all male persons of the age of sixteen years, and all female slaves of the same age (except only the poor of the county, and paupers, that is, persons not having property rated to the public charge above ten pounds current money, and such slaves as have been or shall hereafter be adjudged by any county court to be past labour) shall be accounted and taken to be taxables within the meaning of this act.

And be it enacted, That every constable shall (under the penalty of twenty pounds current money) between the first day of April and the first day of June in every year, repair in person to every house or habitation within his hundred, and there require of the master, mistress, or chief person or head of the family, a true list of the names and sex of all the taxable persons in his or her family; and the constable shall (under the penalty of twenty pounds current money) deliver to the sheriff of his county, on or before the tenth day of July annually, a fair copy of such list, under his hand, and shall, under the like penalty, set up another fair copy of such list in the court-house of his county, on the second day of the sitting of the August court next thereafter; and if any master, mistress, or chief person or head of a family, shall refuse, neglect, or delay, to give such list or account of the taxable persons of his or her family, or shall conceal any taxable, or not give a true list or account as required by this act, such person shall forfeit and pay five pounds current money for every taxable not given in or concealed; and the sheriffs of the respective counties are hereby required, under the penalty of fifty pounds current money, to return under their hands annually before the first day of November a fair abstract from the lists of taxables in his county, to the clerk of the house of delegates, distinguishing in columns the number of taxables of each description, to wit, white and black males, and female slaves.

And, That single free persons, having no fixed place of residence, may not escape the payment of their tax, Be it enacted, That any constable, upon information, or his own knowledge of such person, may call on him to give security for payment, and on refusal or neglect to find security, may carry such person before any justice of the peace, who is hereby authorized and required to commit such person to the goal of the county, there to remain until payment or security therefor; and if any such person shall remove out of the county, it is hereby declared to be the duty of the constable acquainted therewith, to give information thereof to the sheriff of the county where such person shall be, and such sheriff, on such notice, shall enquire after and may arrest such person, and carry him before some justice, who shall commit him to the goal of his county, there to remain until payment of — shillings current money, and the costs of imprisonment; and if such person shall have removed to avoid payment of his tax, he shall be committed until he shall pay — shillings current money, and costs of imprisonment.

And be it enacted, That every society of christians, consisting of thirty or more male persons not under twenty-one years of age, desirous to receive the benefit of this act, as a society for the purpose of religious worship, shall give themselves a name or denomination, by which they shall be known in law; and every free taxable inhabitant within this state, chargeable by this act as aforesaid, may, at any time between the first day of April and the first day of October in every year, declare the name or denomination of the religious society, and the place of worship, to which he belongs, and shall elect and appoint to what minister of the gospel, officiating in such place of worship, and residing within a reasonable distance of the same, or to what poor of his own denomination, or of any county in general, the money to be collected from him in virtue of this act shall be paid; and the sheriff, or his deputy, shall take notice of, and make an entry opposite the account of such person, of such his desire, and thereupon the minister of the gospel, or the poor, as the case may be, shall be entitled to receive the same, and the sheriff shall be accordingly chargeable therewith; and the several sheriffs, under the penalty of fifty pounds current money, shall, between the first day of June and the twentieth day of October annually, make out and deliver to the minister of the gospel, or to the trustees, managers, or overseers of the poor, appointed to receive the money, an alphabetical list of the taxables from whom the sheriff is to receive for their use; and if there shall be no appointment to what minister of the gospel, or to what poor, the said sum to be collected in virtue of this act shall be paid as aforesaid, the same shall be paid to the minister of the parish in which the person chargeable with the same shall reside, or in which he shall be taken as a taxable, unless there be any minister of any other denomination, having a church or place of worship in which he officiates within such parish, who may require and be entitled to a proportion of any sum collected as aforesaid, for the payment of which no appointment shall be made; in which case, the money so collected shall be accounted for by the sheriff to

the justice of the county court, at their first session after the twentieth day of October in every year, and shall be paid by their order to the minister of the parish, and such other ministers aforesaid, as nearly as can be estimated, in proportion to the duty severally done by them, and the number of taxables to whom they are engaged to officiate: Provided, that no minister of the gospel shall receive any payment or benefit in virtue of this act, without first taking the oath, or affirmation, of fidelity to this state, and unless he is engaged for some reasonable term, not less than a year, to officiate in some certain place or places of worship, to some society of christians, who have given themselves a name or denomination as aforesaid, and, being not less than thirty or more male persons, have caused their said name and place or places of worship, to be entered or registered by the sheriff or sheriffs, in the records of their county.

And be it enacted, That, for keeping the churches, chapels, and houses of religious worship, in decent and orderly repair, and for assisting in the support of the ministers, where it may be necessary, as well as for other public purposes respecting the due administration of the ordinances of religion, it shall and may be lawful for the different congregations or religious societies in this state, by their vestries, or other church officers or representatives, in their discretion, to lay and levy a reasonable rent, rate, or annual payment, on the pews or seats in their several churches, chapels, and places of worship, and for neglect or refusal of payment, to dispose of, sell, and give possession of such pews and seats, to such persons as shall be willing to purchase the same, subject to such rents, rates, or yearly payments, as may from time to time be reasonably assessed upon them, with the consent of the majority of the congregation by their representatives aforesaid.

And be it enacted, That in case of the death of any minister of the gospel, or his removal from the charge of any parish, church, or place of worship to which he may have been appointed, the money which should be paid to such minister of the gospel in virtue of this act, shall be paid to the vestries or other representatives of the respective parishes or churches, and places of worship, to be applied by them during the vacancy or want of a minister, to such purposes, within their respective religious societies, communities, and congregations, as they may think most conducive to the interest of religion and piety; provided such vacancy be not continued longer than one year together; but if continued longer, then the money which by this act should be paid to such minister, shall be applied by the justices of the county court for the general purposes of religion, learning, and morality, within the parish in which the money may be collected, until such vacant church or place of worship shall be duly supplied according to the tenor of this act.

Provided always, and be it enacted, That if any free taxable inhabitant of this state, chargeable and required in virtue of this act to contribute to the support of the ministers of the gospel of Christ, will make and subscribe a declaration before any one of the judges of the general court, or any two justices of any county court (which declaration shall on request be taken by the judge or justices), that he is a Jew or Mahometan, or that he does not believe in the christian religion, such person, thereupon and thereafter, shall not be liable to pay any tax for himself in virtue of this act, and the judge or justices before whom such declaration shall be made, shall certify and return the same to the clerk of the general or county court, there to be recorded at the expense of the person making such declaration.

TO THE PRINTERS OF THE MARYLAND GAZETTE AND BALTIMORE NEWS-PAPERS.

GENTLEMEN,
AS the House of Delegates of this state have directed their ADDRESS to their constituents, on the subject of the religious bill, to be published in your papers, you are requested to add (in the same papers, if you can), the following remarks on the address.

A BYE-STANDER.
IN the address it is mentioned that the house of delegates "found themselves called upon, not only by the mournful voice of religion herself, but by the voice of the constitution, and numerous petitions from their constituents," &c.

The petitions above referred to, were not sent, from two or three counties, as was asserted by some on the debate, but by a great number of the counties; and they set forth in general "That the worship of the Almighty Creator of the Universe was the indispensable duty of his dependent creatures; that without religious government could not be duly administered; that a legal support was necessary for both; and that by a neglect of the ordinances of religion, vice and immorality would gain ground, corruption would win its way from the lowest to the highest places, distress would pervade our public measures; our churches, grave-yards, and public institutions, the monuments of the piety of our ancestors, falling into ruin, would become the reproach of our posterity; and even the great and glorious fabric of public liberty and happiness, built up by the late REVOLUTION, and cemented with so much blood and treasure, might be in danger of tumbling into the dust, as wanting the stronger cement of virtue and religion."

It needs scarcely be mentioned that the part of the constitution, by which the delegates consider themselves as called upon, is the 33d section of the bill of rights, which hath been so often published, "and which recognizes the principle of public support for the ministers of the Gospel, and ascertains the mode." It appears from the proceedings of the convention that this section was inserted in the bill of rights, by a great majority