

NEGATIVE.
Messrs. Plater, Milard, Cainin, Boyer, Haags, Brown, Reynolds, Blake, Turner, Stonecreek, Ford, Bennett, Bayly, Cottman, Long, Stewart, Griffith, Toole, J. R. Evans, Lusby, Hogg, R. Evans, Callis, Quinton, J. Thomas, J. H. Thomas, Willis, Jones, Crabb, Hilleary, Robiatt, Howard.—32.

So it was determined in the negative.

On motion by Mr. J. H. Thomas, the question was put, That the house agree to the following message: *By the H. of Delegates, Jan. 29, 1814.*

The bill, entitled, "An act to declare in force an act, entitled, An act to punish certain crimes and misdemeanors, and to prevent the growth of torism," which originated in the senate, has been negatived in this house, and is herewith returned.

The act which the bill proposes to enforce, was passed at the most critical and arduous period of the revolution, when this country was struggling for its independence, assailed by a powerful enemy without, and threatened within by traitorous combinations and conspiracies. This house can perceive nothing in the character of the present war, or in the existing circumstances of the nation, which can render the obsolete provisions of the act, intended to be revived, either necessary or applicable. And on referring to the act it will be found, that there are extraordinary powers granted in it which, however requisite for the exigencies of that time, might become susceptible of violent abuse for the worst and most tyrannical purposes. The 12th section would give authority to the executive of the state, on the first invasion of the enemy, to cause the arrest of all persons whom the governor and council should consider "dangerous to the safety of the state," and to keep them in confinement at pleasure, during the invasion, without the chance of relief against oppression by the benefit of the habeas corpus act, which is to be absolutely suspended in relation to such persons as may be the objects of executive suspicion. Under the 16th section of the act, any citizen of another state, travelling through this state, or any citizen of Maryland passing out of the state, "without a pass signed by some member of congress, or a governor or a judge," would be liable to be apprehended, to be carried before a justice of the peace, and, if considered by the justice as "a dangerous person," might be committed to the public goal of the county where he was seized.

However well founded our confidence may be in the public authorities of the state, we are not willing to trust the personal liberty and rights of the citizen entirely to their precarious will, when there is no apparent occasion for this violent stretch of power, and at a season when we are more especially bound to guard every constitutional privilege with increased vigilance against the encroachments of usurpation.

These are some of the objections which have induced us to reject the bill.—There are others of a different nature, which we feel it our duty to declare. The political divisions which have unfortunately separated the people of this country into two great contending parties, are known to have assumed every form of irritation which a zealous and unnecessary contest could produce. Among a class of persons remarkably aware of the force and influence of names, it has become customary to stigmatize their political opponents with every opprobrious epithet which malice could suggest; and we have seen not only the sons and descendants of revolutionary patriots, but even surviving veterans of the war for independence, who fought and bled in that glorious struggle, now held up to popular odium, under an offensive term of reproach, which was once exclusively applied as a mark of infamy to those, whose feelings during that struggle were enlisted against the cause of their country. We will not for a moment, permit ourselves to suppose, that the senate could so far forget what is due to a sense of decency and justice, as to have designed, by reviving public attention to the old act against torism, to sanction the base and vulgar calumny, which would now charge a considerable portion of the American people with disaffection to the interests and liberties of their native land. But we must be allowed to express our regret, that a measure of this sort

should have been inconsiderately adopted by the other branch of the legislature, tending to create odious surmises, and to increase the excitation of the public mind, unprofitably inflamed and distracted as it is by the resentments of party contention.

Another forcible objection might be urged against the bill. It is essential, in every free government, that crimes and offences should be accurately defined. When the act of 1777 was passed, torism was distinctly understood to mean the crime of those who were opposed to the cause of independence. In England, from whence the term was borrowed, it has at different periods obtained a very different acceptation, varying with political events and changes in the history of that nation. Some fourteen or fifteen years ago, in a letter from Thomas Jefferson, Esquire, then vice-president, and since president of the United States, addressed to John Wise, Esquire, speaker of the house of delegates of Virginia, the word torism was explained as being merely a term to designate the usual or indiscriminate adherents and supporters of any prevailing administration of the country.—In this sense we cannot presume it was designed in the bill from the senate, that the offence of torism should at this day be understood to consist. But in no sense, and under no circumstances, would the house of delegates consider themselves justified, in assenting to a measure as objectionable as it is unnecessary, and which can be calculated to produce no other effect than that of appearing to countenance an idle, profligate, and unwarrantable imputation, on a great body of faithful and patriotic freemen, at this time composing a constitutional majority of the people of Maryland.

By order, U. S. Reid, Clk.
Resolved in the affirmative, yeas 31, nays 17.

Adjourned till Monday.

MARYLAND GAZETTE.

ANNAPOLIS, THURSDAY FEB. 3, 1814.

Senatorial Trick.

Monday last the Legislature of this state closed its session. On the morning of the same day, the House of Delegates acquainted the Senate by a message, that they were ready to adjourn; and in the evening early they were answered by the Senate, that they would be ready at 8 o'clock to receive the governor for the purpose of signing & sealing the laws. But when the time arrived which they had proposed for this object, the senate were found stowed away in the committee room engaged, as was supposed, on some very important business. But when the injunction of secrecy was removed, which was about 10 o'clock, it was found that what had thus engaged this body of "potent, grave and reverend" senators, two hours beyond the time they had proposed to receive the governor, was in preparing the following feverish and malignant message to the other house. By delaying the adjournment till so late a period, they doubtless thought, that no opportunity would be left the house of delegates to make any reply to this extraordinary message. Mr. John H. Thomas, however, happening to be in the senate chamber when it was read, repaired immediately after to his seat in the other house, and wrote the spirited and appropriate answer, which follows it; so that no time was lost to the house in providing an antidote against the slander which was aimed at all those who will not bow the neck in willing submission to the dictates of whim and folly, and shout hosannas to the perfectability of the men who now administer the affairs of this nation. Thus we see, that the upper branch of our legislature, not only sought to filch from the citizens, one of their dearest rights, by taking from them the benefit of the habeas corpus, which the constitution of the state, and of the U. States, has guarded with the most watchful

care, but flew into a violent rage with the other house, because they would not lend their sanction to so abominable a measure. Let the people of Maryland now determine, which are their real, and which their pretended friends.—Whether those who would sacrifice them by subjecting them to all the horrors of a gloomy confinement, upon the slightest suspicion, or those who repel such unwarrantable attempts, and shield their rights from the assaults of power, unrestrained by any considerations of wisdom or justice.

By the Senate, Jan. 31, 1814.

Gentlemen of the H. of Delegates, We have received your message returning the bill, entitled, An act to declare in force an act, entitled, "An act to punish certain crimes and misdemeanors, and to prevent the growth of torism," passed February session, 1777, with the reasons which are stated to have occasioned its being negatived in your house.

Whatever motive may have led to the expression of these reasons, we should have deemed them more strongly called for, if any amendment or alternative had been proposed by your body, or if a reconsideration had been pressed by us.

But although we are disposed to abstain from the fruitless measure of urging such reconsideration, we think it proper to reply, briefly, to the objections which the message contains, and, in so doing, to explain and justify the grounds on which the act was originated in this branch of the legislature.

We are strongly impressed with the opinion, that there is such a trait of resemblance between the present and former war, and in the opposition to both, as to call for decided measures, similar to those that were in the revolutionary contest deemed to be necessary, and found to be effectual.

We are now, as we were then, in a critical and arduous situation. We are now struggling not to gain, but to preserve our independence; and we are now assailed by the same powerful enemy without, and threatened, as we then were, by traitorous combinations and conspiracies within.

Looking at the preamble to the act in question, we see that the clemency of the general government has not had the desired effect, of reclaiming such of its inhabitants as are inimical to its freedom, from their evil practices, but that, still pursuing their dark and criminal designs, they continue to encourage and promote the operations of our enemies. And looking at recent transactions, we may say, that every hope of uniting to the interest of their country the affections of these, its unnatural and implacable enemies, is extinguished.

But although every hope of an union, arising from sentiments which ought to actuate them, may fail, it does not follow that the vigilance of government should cease; but a stronger motive arises for suppressing, by the provisions of law, these crimes and misdemeanors, and that growth of torism, which might otherwise impede the operations of the just war in which we are engaged, and in future endanger our freedom and independence. The act of 1777, made punishable the offences of levying war against the United States, or any of them; of adhering to any person bearing arms, or employed in the service of Great-Britain, against the United States, or any of them, or affording them aid and comfort, or giving them intelligence of warlike preparations.

It provided for the offence of corruptly or seditiously persuading or enticing any of the inhabitants to return to, or acknowledge any dependence on, Great-Britain.

It provided for the offence of persuading, exciting by word, deed, writing, printing, or other act, the inhabitants to resist the government, or in any manner obstructing, by force, the execution of any of the laws.

It made punishable the offence of advising and maliciously dissuading and discouraging persons from enlisting or engaging in the army or navy of the United States, an offence striking deeply at our safety, and which there is too much reason to believe, has been in this state committed with impunity.

The act provided also for the offence of seditiously endeavouring to support or justify the measures tak-

ken by the king and parliament of Great-Britain against the United States, or any of them. And it is needless to call to your recollection, the many and flagrant instances of the like offence, in regard to the measures which are now taken by that government.

We believe, that many of our citizens, during the last summer, while a British force was in the Chesapeake, supplied them with provisions, so as to enable them to continue, within the limits of this state burning our towns and desolating our country. We believe there have been instances of combinations of citizens for the purpose of preventing resistance.

And, if reliance is to be placed in the official account of Admiral Cockburn, a deputation was sent from one of our towns, assuring him that no resistance would be made if his forces should make a descent on them.

Upon the same principle of clogging the operations of the war, on our part, endeavours have been made to dissuade our citizens from loaning money to the United States, and to prevent the banks from affording a similar aid.

Our predecessors in the revolutionary war were wise, faithful and vigilant—while bravely combating open force, they kept an eye upon insidious treason and machinations; surrounded by dangers nearly equal, it behoves us to exert our wisdom and precaution, and to emulate them in fidelity and watchfulness.

The act, which it was proposed to revive, raised the arm of the law against the guilty only. It held no terror to the innocent; and its provisions were to be in force so far only, as they were compatible with the law and constitution of the United States, and of this state; and there might be exigencies in which, for the public safety it would be proper to suspend the act of *habeas corpus*.

Although in the title of the act of 1777, its object was in part to suppress the growth of torism, which its framers might have considered as likely to produce the crimes of treason and sedition, torism itself was not therein stated as a crime, and it is therefore deemed unnecessary to examine critically the meaning or derivation of the word. If not accurately defined, during the revolution, it was then well and clearly understood; and to those who remember those days that tried men's souls, it will be sufficient for us to state our belief, that it is the same thing now that it was then—unless, indeed, that it now appears with bolder front, and calls more imperiously for the restraining power of the law—and if the voice of a large portion of the people has been raised in strong terms against it, let the blame rest on those whose conduct has called for such indignant expression.

To the veterans of the revolutionary army, and to the patriots of that day, we are ready to express, as we feel, our respect and regard for their services.—But in looking to the past, we must not be blind to the present time; and it was in vain that the fabric of our independence was raised, if its authors now shrink from its support, or bend their efforts towards its destruction.

We have then stated our sentiments on this bill; and without sending it back, at this late period, we shall leave the people to judge of the correctness of its adoption by us, and its rejection by your body.

By order, T. Rogers, Clk.

By the House of Delegates, Jan. 31st, 1814.

Gentlemen of the Senate,

On Saturday evening this House rejected a bill, which originated in your body, to revive an old act of 1777, for the "punishment of certain crimes and misdemeanors, and to prevent the growth of torism."—The reasons of this house for rejecting the bill, were explicitly stated in a message which accompanied its return to the senate. This morning we informed your body, that we should be prepared to adjourn this evening; and early to-night we received an answer from you, stating, that you would be ready to close the session at 8 o'clock. More than two hours have now elapsed since the hour you thus fixed upon; and at this moment, when we were expecting, and have been impatiently waiting, to be apprised of your immediate readiness to receive the governor for the purpose of signing and sealing the laws, we have just received an elaborate message from you, urging the motives and considerations

which have actuated the senate, in holding up to popular view the act of torism against those who implicitly believe in the virtuous character of the present war, and the immaculate infallibility of the government by whom it was wickedly & has been so wretchedly conducted. Silence, perhaps, would best express the only sentiment your message calculated to excite, and we do certainly feel it an idle waste of time, to postpone the adjournment of the session for the mere purpose of repelling insinuations, which are equally stale and absurd, false and disreputable.

It is not for us to say, what personal knowledge the senate may have of the principles of torism, or the traitorous combinations and conspiracies which they have inspired in the present time.—Our own associations have never led us into varieties of that nature, and the serious accusations, we have seen published to the world, have been not against the opponents of the pernicious war, but against persons who have been among the foremost in the clamorous ranks that have often pledged "their lives, fortunes, and sacred honours," in support of the war. In conclusion, we cannot refrain from remarking, that there is one section in the old law, proposed by the senate to be revived, which might suggest a strong motive of generous forbearance to us against the passage of the bill. That section would authorise the governor and council, at their discretion, to cause the arrest of any persons liable to suspicion.—It would be painful to perceive the authors of any penal statute, or their friends, liable, perhaps, to become the first among its victims.

By order, U. S. Reid, Clk.

A large frigate and two small ships, supposed to be store ships, arrived in Lynhaven Bay on Sunday last, and came to anchor with the squadron.—[*Norfolk Herald, Jan. 25.*]

From the Herkimer American of January 20.

FROM SACKETT'S HARBOR.

We learn direct that the principal part of the public stores of clothing &c. have been removed to 10 or 12 miles into the interior.—The garrison at that place, now consists of near 1000 effectives, exclusive of sailors and marines. Considerable apprehensions are entertained of an attack from the enemy's force at Kingstons.

An expedition of some kind is in contemplation, as every sleigh in that part of the country that can be hired or pressed is put in requisition. It is by many conjectured, that this fleet of inland transports is intended to assist Wilkinson's army in sailing back to the Harbor.

We have certain information that all the British forces in the vicinity of Fort George, excepting a small garrison at Niagara, have marched 10 or 12 days since, for Malden, under the command of Lt. gen. Drummond.

ALBANY, Jan. 24.

A gentleman from Waterford informs us, that gen. Wilkinson, having learned, by express, that Sir G. Prevost was preparing to make an attack on the cantonment at the French Mills, and set off on his return to that post, on Saturday last. Our informant says, the general expressed himself as entertaining no fears for the event, in case an attack should be made.

We are authorised to say, that major general Wilkinson's late visit to Waterford, was not only for exercise to favor the restoration of his shattered health, but also to take prompt measures for the safety of Sackett's Harbor, which he had received advice was menaced by the enemy—to this end, we understand, that 500 men will move from Greenbush, in sleighs, to-morrow, or next day, which will increase our force at the Harbor to 3000; and place our squadron in safety against all the *Xenos* and *Raxos* in Upper Canada. The general has suddenly set out for the French Mills, in consequence we understand, of advice received by express, of a meditated attack upon that place, by the enemy, under col. Scott, of the 13th British regiment, who has been stationed at Coteau de Lac with 5 companies of his own regiment, 100 artillerymen and 50 rocket men, making a force of about 650 men; Col. Pearson and lieutenant-col. Cockburn, brother to the admiral, are at Cornwall, with a battalion of marines, 4 companies of Genesee militia and about 400 Indians, making in the whole a force of about 1000.

LATEST FROM THE FRONT.

From the West.
We have no very important communications. The general's large force in Fort Niagara, residue it is supposed moved to Malden. We have a strong force of the eleven mile creek, commanded by gen. Hopkins—gen. H. Batavia. The veteran gen. with col. Galt, Hopkins &c. were in the vicinity of Fort Ra. They lately very happily surprised one of the enemy's regiments, killed 4 men and took 3 prisoners.

The late draft of 1900 men is completed; they will be under the command, we are cred of brig. gen. Wm. Burne. The spirit of our citizens is high, and party animosities are in one general burst of opposition as the atrocious cruel enemy, and an equally generous by one mighty effort to put to the war on our frontier at the enemy from our borders.

A gentleman direct from Philadelphia saw the gallant Harrison in place, on his way to Detroit, says, the whole of Mead's division, Pennsylvania militia, remanant to Erie to defend our there, but their assistance needed. He states the number of troops at Detroit to be insufficient; that the fort was not repaired, the gates, and compared with the guns taken at and Malden, to give the enemy a warm reception if they should there.

We are informed by J. Gre of this village, that his honor Smith, first judge of the court Madison, has transmitted \$100 to be applied towards the relief of those sufferers from the war whose habitations have been ashes by the enemy, and who are obliged to desert their and their property.

Phineas Bates, esq. also aut us to say, that he has received a few individuals in the town of Seneca county, by one Isaac Voorhes, esq. \$127 88 for the objects above stated, such as clothing, provisions and

There has been no recent news from the Niagara.—The are yet in an unsettled state many are returning who have from towns adjacent to the distressing scene. Gen. Hopkins at eleven mile creek, with 6000, and the detachments made week are on the road to B where major general Hall at present has his headquarters. The general has published a notice, advising the people of Batavia Genesee county generally, to return to their dwellings—that there danger, &c.

NEW LONDON, Jan. 24.
On Monday last, rear admiral Cockburn arrived before the town with his flag, we understand, on board the Sceptre 74, accompanied by the Victorious 74, captain; Acosta frigate, captain; one other frigate, and two sloops. The blockading force consists of 3 74's, 4 frigates, 2 sloops, and a gun brig.

Extract of a letter from a gentleman Williamsburg to his friend in London, dated Jan. 24.

"This morning we received information here, that during last night and night the enemy's squadron, which before consisted of the *gor 74*, and two brigades of York and two frigates of Lynhaven, reinforced by eight or ten vessels of various sizes, which are now off the river. This morning very early barges were seen in York river, its mouth, going out, and it is assumed they had been higher. They want woody, water and provisions, and say they mean to return. Our regiment has this been ordered to hold itself in readiness to march at a moment's notice, in case they should land."

From the N. Y. Spectator.

Sufferings of our Western Brethren.
In the Common Council, last evening, His Honor the Mayor, read the Board a letter on this subject from William Shepher and other members of the Safety and Relief Committee of Genesee and Rensselaer counties.—Mr. Hoffman, the conductor, then rose and said:—Previous to the receipt of the letter just submitted, it had been intended to bring the subject before the Common Council; this evening the communications to gentlemen Albany were sufficient to justify