

By the S E N A T E, April 17, 1777.

Gentlemen,

WE have returned with our negative the bill, entitled, An act to establish a board of commissioners to superintend the marine department, and to import military stores. We think the power too extensive, and may subject this state to a vast expence, which in its present situation it is little able to bear. The immediate establishment of such a board we think unnecessary, and that all the requisite powers for directing and superintending the navy and commerce of this state, may with more propriety be lodged for the present in the governor and council.

By order,

R. POTTS, cl. sen.

Messieurs Hall and Lethbrury from the house of delegates, deliver to the president the bill, entitled, An act to punish certain crimes and misdemeanors, and to prevent the growth of toryism, with the following message :

By the HOUSE of DELEGATES, April 17, 1777.

May it please your honours,

U P O N consideration of your message of yesterday by Charles Carroll of Carrollton, Esquire, we have agreed to accept the clause in the bill, directing a punishment for those who should entice our people to return to a dependence on the nation, or to own any allegiance to the monarch of Great-Britain, and the clause assigning a punishment to the persons who should dissuade or terrify our people from supporting their independency, with the insertion of the words proposed by your honours. We do not see the force of your reasoning in justification of your first proposal to strike both those clauses entirely out of the bill. You seem to admit the propriety and strength of our observations in support of those clauses, and we doubt not are now fully satisfied that the offences prohibited by them are great misdemeanors, and of a very evil tendency. The only reason assigned for your former rejection of them is, "that they were so incautiously worded as to take away all freedom of discourse," and "might be construed an attempt to deprive the people of deliberating on matters which concerned their safety and welfare." We cannot but observe, that if the substance of those clauses met with your honours approbation, that it is unusual to reject either a law or a clause for an objection only to the terms in which they are expressed, and that the practice ever obtains to propose amendments. Your honours therefore will excuse us for presuming at first that your objection had been to the substance of those clauses, and not to the language or manner in which they were expressed. Any suspicion on that head must be now entirely removed.

This house consent to strike out of the bill the clause punishing attempts to depreciate our currency, though your reasoning does not influence our judgment to this assent.

We acquiesce in your proposed amendment to the clause inflicting a fine on persons who should dissuade or discourage others from entering into the service; and also agree to strike out of the bill the reward for taking up persons travelling without passes, and the clause for the punishment of the malicious and designing circulator of false news, and have only to lament, that an offence, in your honours opinion highly criminal, cannot receive an adequate remedy, even with your honours assistance, who are much better acquainted with the laws, opinions and customs, not only of the civilized nations of Europe, but of barbarians and savages, without (as your honours are pleased to observe; but in which we do not acquiesce) introducing a greater mischief.

It is with great reluctance this house consent to strike out of the bill the test to the disaffected; their incapacity, on refusal to take it, to hold offices; and the power invested in the general court to order their departure from this state, if adjudged dangerous to reside among us.

We apprehend that we now give you the strongest evidence of our desire to obtain the bill on the best terms your honours will please to grant, nor can we think your honours had any reasonable grounds to conclude, from any thing in our message, a determination in this house to reject the bill, unless you consented to those parts in which we differed in opinion. We are not to learn your honours power over our bills, and flatter ourselves that it will never be exerted to prevent any useful and necessary regulation, and that your honours will ever afford every effectual security to our new government.

We are not convinced by your honours argument, that a test to discover the political principles of our internal enemies, is either improper or contrary to the spirit of the declaration of rights. We shall refer the disquisition of this subject to future consideration, with only remarking, that the bill does not, by the test proposed, appeal to the conscience to discover the political principles of the owner "in order to lay the foundation of a prosecution, or for the purpose of inflicting pains and penalties," but solely to preserve the state from injury, and to prevent the secret enemy, by art and cunning, from working our destruction. There is no punishment; no pain or penalty inflicted by the bill on the covert foe, even when discovered. If he refuses to take the test, he is to give security for his appearance at the court of his county, and in the mean time to behave well. If he refuses the test in court, he is disqualified to hold an office. It is provided by the bill, that if the county court shall think him a dangerous man to reside among us, he is to appear before the general court, who are invested with a power, if they shall adjudge

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