

Which engrossed bill was read and assented to, so endorsed, and the paper bill thereof sent to the house of delegates by Matthew Tilghman, Esq;

The following message was sent to the house of delegates by Charles Carroll, Barrister, Esq;
By the S E N A T E, December 15, 1778.

Gentlemen,

I T is our wish to avoid altercation at all times, and it gives us concern that difference in opinion, upon any subject, should produce warmth and intemperance, which are ever enemies to cool and candid deliberation. You might have recalled our attention to the bill mentioned in your message by Messieurs Brice and Ward, without whetting your resentment upon the proceedings of the last session, or attempting to sneer at our conduct during the present. We are determined however not to follow the reprehensible example, and shall therefore, without exhibiting marks of passion or a desire to be smart, give you the reasons which induced us to negative the above bill. It was impossible for us to know, without the spirit of divination, what particular cases you designed to provide for, except those which the preamble recited as inconveniences; nor had we any information before your message, that there existed cases wherein commissioners had struck out of lists of nonjurors persons names, upon their producing a certificate without date. Nor do we know of any existing law, by which the commissioners have any right to meddle with the collection of the treble tax, or by which a list of nonjurors is directed to be made out. By the act for the better security of government, the oath is directed to be taken, and the penalty annexed, to be collected in the same manner as the public and county assessments are collected; by a supplement to this act, the clerks of the counties are directed to deliver an alphabetical list of all those whose names, &c. appear in the magistrates books, and who appear to have taken the said oath by the minutes of the respective courts, or before the governor and council, to the sheriff, or other collector of the respective counties. And the sheriff, or other collector, is by the same act directed to collect the treble tax from those who may be chargeable with the same, and whose names do not appear on such list. And that part of the act for the better security of the government, which directs the governor and council to make out lists of nonjurors, is repealed. Now we cannot conceive what the commissioners have to do with this list, nor did we suppose, that a certificate without date would excuse or justify the sheriff in omitting to collect the treble tax, if by law the same ought to be collected, and we considered the sheriff or collector liable to be sued on his bond for such omission; and if it should appear on the trial of such suit, that the sheriff or collector had omitted to collect any treble tax which ought to have been collected, then such sheriff and his securities would be liable to pay the same. And we conceived, that the records of every court would always furnish evidence upon which any question might be fairly tried. For we did not suppose, nor do you intimate, that it does not appear upon what days the persons referred to took the oath. This being our opinion, we saw no reasons for altering the mode of collection, and by a general law throw the business of the collectors upon the courts and magistrates under the direction of your house, or the governor and council, and by this measure excuse the breach of duty in the officer, by putting the business which he ought to have done into the hands of the house of delegates, or governor and council, which can only be necessary upon a supposition that there is no remedy against the collector, a position which our attention to the finance of this state will never suffer us to admit. In consequence of your request, we have reviewed these reasons, and compared them with the arguments suggested in your message, and the laws upon which they arise, and find no cause to recede from our amendment, and have therefore again sent you the bill referred to; but as you have afforded us a very short time to consider the subject, if upon further reflection it should be found we are mistaken in our opinion, the next session will afford an opportunity of applying a proper remedy, founded on facts examined and well ascertained.

By order,

R. RIDGELY, cl. sen.

The following message was sent to the house of delegates by Thomas Stone, Esq;
By the S E N A T E, December 15, 1778.

Gentlemen,

A S we perceive you studiously avoid falling into that intemperate language you condemn in others, it gives us pleasure to find a correspondency between your precepts and conduct. Our message, we think, is not liable to the constructions you have given it in yours by Messieurs Chase and Polk, which seems calculated (as well as your first) to throw a reflection on one branch of the legislature. Let the extraordinary composition prove on which it should fall.

By order,

R. RIDGELY, cl. sen.

Messieurs H. Goldsborough and Norris, from the house of delegates, deliver to the president the following message:

By the H O U S E of D E L E G A T E S, December 15, 1778.

May it please your honours,

T H I S house have appointed Mr. Hall, Mr. Chase, and Mr. Thomas, to join any members of your house that you may appoint, to prepare a bill in the recess of assembly for amending and declaring the criminal law.

By order,

J. DUCKETT, cl. ho. del.

Messieurs