

“ By the house of delegates, May 13, 1780: Read the second time by especial order and will pass.

“ By order,

F. GREEN, clk.”

Which was read the first time and ordered to lie on the table.

The engrossed bills No. 26, 27, 28, were read and assented to, and the paper bills thereof so endorsed.

The following message, in answer to one of the 5th of May by Messieurs Charles Ridgely and John Henry, was sent to the house of delegates by William Hindman, Esq;

BY THE SENATE, MAY 14, 1780.

GENTLEMEN,

WE are sorry that the negative given by this house to the bill referred to in your message by Messieurs John Henry and Charles Ridgely, should have involved you in any kind of difficulty; and hope you will do us the justice to believe a sense of right and sound policy, and not a desire to embarrass, influenced our conduct.

Our objections to the principles of your bill, we thought sufficiently pointed out, by the principles, nature, and extent, of the bill which we originated, and which soon followed the rejection of yours. Under this impression, we did not imagine that a message explaining the motives of our conduct, and stating our objections, would have been expected, or deemed necessary; but as you have intimated that such is your expectation, we cannot but wish you had imparted it to us earlier in the session, and when we had little business before us; we could then have stated our objections more fully, and with greater perspicuity, than the shortness of time, and the necessary attention to the bills sent us with your message, will admit.

The preamble of the bill for seizing and confiscating British property, disclosed the principles upon which the enacting clause was grounded; and though the latter seemed in appearance to confiscate the property of British subjects only, yet when coupled to the preamble, ever a key to the construction of an act, it really included all those who are called absentees, and must have been so taken by any court of judicature; for the criterion by which a British subject was to be distinguished, being once drawn by the preamble, and admitted, no court could have determined in opposition to this rule, that a person who left Maryland before the declaration of independence was not a British subject, notwithstanding prior laws had considered them as subjects of this state; so that the enacting clause of your bill, compared with and explained by the preamble, would have the same effect, as if the absentees had been expressly taken in and named; therefore this class of people are determined to be British subjects, by your bill, as strongly, though indirectly, as if the same thing had been pointedly expressed in the enacting clause. This is so exceedingly clear, that we are not a little surpris'd at the suggestion, that your bill did not affect the question, whether these absentees were British subjects; but that the same would be determined by pre-existing law, upon the same rules, without your bill, as would be done under it. The acts of our legislature, entitled, An act to punish certain crimes and misdemeanors, and to prevent the growth of toryism, and the act for the better security of the government, consider these people as subjects of this state; and, whatever might be the rule before these acts passed, they now make the law of the land, and cannot be departed from, without acting in such an inconsistent manner, as, we apprehend, would strike at the dignity of legislature, and involve the imputation of our considering certain persons as our subjects for the purposes of punishment and burthen, and at the same time as British subjects, forfeiting the very property burthened, upon their tenure of which, as subjects of this state, the right to punish is founded. These absentees our laws consider as subjects of this state; being subjects, a law to deprive them of their estates for their past conduct, however culpable, cannot, as we conceive, be reconciled to that constitution, which we have sworn to maintain, and will most religiously support, which reprobates in the strongest terms, and upon the best principles, every idea of a retrospective law. These people are small in number, and cannot possibly have any influence in this state; none of those who have acted against us would dare to return, and hazard a trial under our law, if notice was given them in the manner proposed by our bill; especially as even an acquittal would restore them to an estate encumbered with a treble tax, which they could only hold by taking the oath to our government, and they would be farther distinguished from the more virtuous citizens of the state, by an incapacity to elect or be elected into any office whatsoever. These burthens and restrictions, with the reflection, that their conduct would be narrowly watched, would ever prevent their being dangerous, should any of them, urged by want, or struck with penitence, come to this country under an act upon the principles of our bill. We have not the smallest attachment to the absentees, or any of them, on the contrary, we do, and shall for ever, reprobate and detest a desertion of this country and our virtuous cause, either from motives of base fear, or more criminal attachment to tyranny; but however strong our resentment may be against the vices of these men, we cannot commit a violation of our constitution to punish them, nor can we, acting under it, deny justice to the meanest wretch.

These are objections to your bill so far as it would affect the absentees; objections which, we conceive,