

misdeemeanors, and to prevent the growth of toryism," which originated in the senate, has been negatived by 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 twelfth 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 jail 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 unceasing 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 malevolence 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 toryism, 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 exacerbation of the public mind, unhappily 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, toryism 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, Esqr. then vice-president, and since president of the United States, addressed to John Wise Esqr. speaker of the House of Delegates of Virginia, the word tory 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 toryism 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.

The yeas and nays being required appeared as follow :

#### AFFIRMATIVE.

Messrs. Plater, Millard, Causin, Boyer, Hands, Brown, Reynolds, Blake, Turner, Stonestreet, Ford, Rogerson, Bayly, Cottman, Long, Stewart, Griffith, Tootel, J. R. Evans, Lusby, Hogg, Robert Evans, Callis, Quinton, J. Thomas, J. H. Thomas, Jones, Crabb, Hilleary, Robinett, Howard—31.

#### NEGATIVE.

Messrs. Sellman, Belt, Randall, Stansbury, Bennett, Martin, S. Stevens, Wright, Forwood, of Wm, Forwood, of J'b. Dallam, Maulsby, Saulsbury, Willis, Barney, Kershner, Gabby.—17.

So it was resolved in the affirmative.

Mr. Cottman delivers a bill entitled, an act for the relief of John Landreth, of Somerset county; which was read.