

duly sensible of the meritorious nature of those claims in general, but as it is impossible at this late period of the session (which by an interchange of messages it is understood will close in a few hours) to investigate the separate merits of each application, which is essentially necessary to do justice both to the applicant and the state, we are compelled though reluctantly, to dissent therefrom.

By order,

THO'S ROGERS, Clk.

Which was read. And the following message :

BY THE SENATE, Jan. 31, 1814,

*Gentlemen of the House of Delegates,*

We have received your message proposing to close the session this evening, and concur therewith. We have appointed Messrs Brown and Hebb to join the gentlemen named by your house to wait upon his excellency the governor and request his attendance in the senate chamber this evening at eight o'clock, to sign and seal the laws agreeably to the constitution and form of government.

By order,

THO'S ROGERS, Clk.

The clerk of the senate delivers the resolution for printing certain acts of assembly, endorsed, "dissented from," and the following message :

BY THE SENATE, Jan. 31, 1814.

*Gentlemen of the House 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 Toryism, 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 toryism 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 or 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 advisedly 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 endeavoring to support or justify the measures taken 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 our citizens for the purpose of preventing resistance. And if reliance is to be placed on 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, endeavors 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 ever were wise, faithful and vigilant. While bravely combatting 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