

appearing that the said John Stewart was a field officer at the time of the election, **RESOLVED**, That the seat of the said John Stewart be vacated.

Mr. Speaker issued his warrant for the election of a member in his stead, to be held on the eleventh day of May next.

The bill, entitled, An act relating to the bills of credit emitted by an act of assembly passed at November session, 1766, read a second time, passed, and sent to the senate by Mr. Lethbury and Mr. Bordley. They return and acquaint Mr. Speaker they delivered the bill.

The bill, entitled, An act to assess and impose an equal tax, &c. sent to the senate by Mr. S. Chase and Mr. Bruff. They return and acquaint Mr. Speaker they delivered the bill.

Mr. Hammond has leave of absence.

Joseph Nicholson, Esq; from the senate, delivers to Mr. Speaker the bill, entitled, An act to enable the governor to issue commissions of oyer and terminer, &c. thus endorsed; "By the senate, April 14, 1777: Read the first time and ordered to lie on the table.

"By order, R. POTTS, cl. sen.
"By the senate, April 16, 1777: Read the second time and will pass with the amendment
"herewith sent."

Amendment proposed by the senate. After the first enacting clause insert the following:
"Provided that such trial be had in some county of that shore on which such offences shall be committed."
By order, R. POTTS, cl. sen.

The amendment was read and agreed to, and the bill passed for engrossing.

Charles Carroll of Carrollton, Esq; from the senate, delivers to Mr. Speaker the bill, entitled, An act to punish certain crimes, &c. and the following message:

By the S E N A T E, April 16, 1777.

Gentlemen,

SENSIBLE of the importance of the bill to punish certain crimes and misdemeanors, and to prevent the growth of toryism, and desirous that an act should pass upon such principles as promise the most permanent security to the freedom, independence and safety of this state, we have re-considered that subject, and shall assign the reasons for our original amendments, for our departure from those which we have consented to wave, or alter, and for retaining those against which the reasoning in your message seems to us not well founded.

We rejected the clause in the bill for inflicting imprisonment, fine or banishment, on persons who may persuade and entice any of the inhabitants or subjects of this state, to return to, or acknowledge any dependence on, the crown and parliament of Great-Britain, or to own any allegiance or obedience to the king of Great-Britain, his heirs and successors, because we thought it so incautiously worded as to take away all freedom of discourse, even the most innocent on that topic, and might be construed by a people jealous of, and well acquainted with their rights, into an attempt to deprive them of the freedom of deliberating on matters which they might think concerned their safety and welfare, but lest such a privilege might possibly be perverted to the worst of purposes by the real enemies of this state, we have consented to retain the clause guarded by the words "wickedly, corruptly or seditiously," leaving juries judges of the wicked, corrupt and seditious intention, a power, in our opinion, fully sufficient to check the insidious practices of our enemies.

We rejected the clause punishing attempts to depreciate our currency, because, having made effectual provision for supporting its credit by the tender bill, wherein punishments are annexed to particular practices, tending to depreciate this necessary substitute for money, we could not conceive the support of a general penal law necessary; a law too, which, without answering any valuable purpose, might be construed into an intention to shackle the liberty of the press, the freedom of which has ever been found the best security for the virtuous administration of government. This clause can only be supposed necessary, upon an apprehension that the credit of our money could not stand the test of a free examination, a supposition which we never can admit; these reasons induce us still to adhere to our amendment.

The clause inflicting a fine on persons dissuading or discouraging others from enlisting, we thought too extensive, and might prevent parents and guardians, and the nearest relatives, from giving advice to those who might be under their particular care; and as we supposed persuasion from others would have no effect on persons willing to enlist, so we did not think it necessary to provide a remedy, but as you may be better acquainted with the evils prevailing in the different parts of the country, and suggest this to be one, we have acceded to the clause, guarded with the words "advisedly and maliciously, with an intention to obstruct the service;" thus making the criminal intention the criterion of this offence.

Our fourth amendment to the second clause of the fifth page, was grounded on the reasons assigned for the first; we have adopted the clause in the bill, with the addition of the words "wickedly, corruptly or seditiously," on the principle already assigned for retaining the clause struck out by our first amendment.