

The bill to naturalize the sons of the late major-general the baron de Kalb, was read the second time by especial order and passed.

The resolve relative to the said bill, was read the second time and assented to, so endorsed, and sent to the senate, with the said bill, by Mr. Freeland and Mr. Plowden.

The order of the day being read, the house proceeded to the election of an auditor-general, and the ballots being deposited in the ballot box, the gentlemen named to strike retired, and after some time returned and reported, that upon examining the ballots it appeared, that Zephaniah Turner, Esq; had a majority of votes. Whereupon

RESOLVED, That Zephaniah Turner, Esq; be, and is hereby declared to be, auditor-general.

ORDERED, That the clerk of this house inform Mr. Turner by letter of his appointment.

Brice T. B. Worthington, Esq; from the senate, delivers to Mr. Speaker the engrossed bill No. 37, with the paper bill thereof, which engrossed bill was read and assented to, the paper bill so endorsed and sent to the senate by Mr. M^cComas and Mr. Hungerford.

Mr. T. Johnson brings in and delivers to Mr. Speaker the following draught of a message:

BY THE HOUSE OF DELEGATES, JANUARY 30, 1781.

MAY IT PLEASE YOUR HONOURS,

WE have considered your proposed amendments to the bill to seize, confiscate and appropriate all British property within this state, and have agreed to your amendment to confine the indemnification for property destroyed on the land to such only as may be taken away or destroyed within the state. The other amendments we have not agreed to. They are reducible to three heads: An exception of debts from confiscation; an exception of imported merchandise from property, the value of which, on its being taken away or destroyed by the enemy on the land, is promised by the bill to be indemnified; and to strike out the promise of indemnification proposed by the bill for unrigged vessels already taken or destroyed by the enemy, and unrigged vessels which may be so taken or destroyed within twenty days after their being launched.

As to the first, we see no essential difference between confiscating debts and any other property; if it was necessary to wait till the example is set by our enemies in the individual instance, it is not wanting in effect in this, as the trustees of the public stock in the funds have refused to pay the bills drawn under an act of assembly, as mentioned in the bill; and to that may be added the almost general practice of protesting bills of exchange, where there are effects, which took place after the last consignments of tobacco in the year 1775; most of the people of this state who were indebted to British merchants, when there was a prospect of the usual intercourse ceasing, made extraordinary remittances; their exertions were acknowledged and applauded, but not imitated by their enemies, who have generally kept their hands shut on what they could get into them. But so far as the debts go to pay debts, it cannot be considered a confiscation of them with so much propriety as a just application of the debtor's effects to satisfy his creditor, who has already been kept too long out of his money; and if the remedy is to be by attachment in the common course of law, there is little probability of any balance remaining, as much of the subject will be sunk by the charges.

If your honours, however, should not fully agree in sentiment with us on this point, and wave your proposed amendments, and are, as we presume you must be, desirous of an application of debts to pay debts, including that due to this state on account of the bank stock, and to put the matter in such a way that there may be no payments or remittances of any kind to those who may be in the British dominions, and to prevent secreting or embezzling books or evidences of those debts, we shall concur with you in proper measures for that purpose, leaving the balance, if any, subject to the disposition of the general assembly.

The exception of imported merchandise seems to us not to be founded on principle; when imported merchandise is on the land, secured perhaps in the same house with home produce or manufactures, and both are taken away or destroyed together, reason cannot discriminate between them, nor can it if one should belong to one friend, and the other to another; indeed, imported merchandises more generally belong to traders to foreign parts, and they are usually kept in the same towns or places where considerable quantities of country produce are collected; the last is generally a principal object with the enemy to attempt the whole; if the owners of the houses, the collected produce, and the imported merchandises, are equally well affected citizens, they seem equally entitled, by the principles of justice and policy, to equal indemnification; nor does any reason occur to us to distinguish between the owner of a vessel on the stocks, and him who has just launched his, and has not time, with his best diligence, to get her rigged in order to her removal; either knew of a possibility of the enemy destroying his labour laid out on a vessel, before or after she may have been launched; both had equally a view of profit from the undertaking, and the man who builds a house, or plants a crop, knowing the like possibility of destruction to either, does so for his convenience, pleasure or profit, but none of the whole lays out his labour with the expectation of having it taken away or destroyed. The amendment, so far as it goes to take away the benefit designed by the bill in favour of any person who may have