

so, in the Pennsylvania regiment, commanded by colonel Samuel Miles, he was wounded and taken at the battle of Long-Island, and soon after carried under the power of the enemy to Halifax.

That it appears the said Daniel Heester obtained permission of the board of war, in August 1777, to go to Halifax with a flag, for the purpose of effecting the release of said Jonathan Hagar, his brother-in-law, or if that could not be obtained, to settle some business with him respecting his estate, he being at that time of age.

Your committee further beg leave to report, that it appears Mr. Heester was confined, and otherwise ill used by the enemy at Halifax, and was prevented whilst there from doing business publicly with his brother-in-law. That said Jonathan Hagar, however, executed a deed for the fourteen hundred acres of land, and the five lots aforesaid, as also a power of attorney to said Heester; and it further appears, as stated, that the said Heester, apprehensive of the consequences, if they should be found in his possession by the enemy, did not bring them off with him, so that they were not recorded within the time limited by the laws of this state.

It further appears to your committee, that the said Heester, on receiving the said instruments of writing, had them, with a deed of partition made in consequence of them, recorded among the land records of Washington county, on the 7th day of September, 1778.

It further appears, that the said instruments of writing were not (in point of formality and requisite acknowledgment) executed according to law, but they are fully persuaded, that the situation of things was such as rendered it impossible.

Your committee further beg leave to report, that it is their opinion, a law should pass agreeable to the prayer of the petition, to make valid the recording the deeds after the time limited by law for that purpose, and to remedy any defects arising from the deed not having been executed agreeable to the laws of this state, which they conceive, from the particular circumstances of this case, could not be done.

Your committee further beg leave to report, that there is some reason to believe said Hagar has served as a soldier in the British army, but they are fully convinced, by the vouchers laid before them, that he was not actuated in so doing by any injurious designs against these United States, but merely with a view to extricate himself from a most hard and disagreeable situation, and that he several times attempted to make his escape from the enemy.

It further appears to your committee, that notice was given in the Maryland Gazette, agreeable to a resolution of this house.

All which is submitted to the consideration of the honourable house.

By order,

J. KNAPP, clk.

Which was read.

The following message being prepared, was sent to the senate by Mr. Bowie and Mr. Hawkins.

BY THE HOUSE OF DELEGATES, NOVEMBER 28, 1781.

MAY IT PLEASE YOUR HONOURS,

THIS house is ready to go into a joint ballot for the exclusion of one member of congress from the present nomination, the honourable Daniel of St. Thomas Jenifer, Esq; having served as a delegate in congress for this state three years, and therefore ineligible as a delegate for the ensuing year, and have appointed Mr. Wright, Mr. Thomas, and Mr. Coursey, to join such members of your house as your honours may appoint to examine the ballot boxes.

By order,

F. GREEN, clk.

Matthew Tilghman, Esq; from the senate, delivers to Mr. Speaker the following message:

BY THE SENATE, NOVEMBER 28, 1781.

GENTLEMEN,

WE are ready to ballot for the exclusion of one member out of the present nomination of delegates to congress, and have nominated Benedict Edward Hall and Edward Lloyd, Esquires, to join the gentlemen named by you in the examination of the ballot boxes.

By order,

J. MACCUBBIN, clk.

Which was read; and the house proceeded to ballot out one delegate, and the ballots being deposited in the ballot box, the gentlemen named to strike retired, and after some time returned and reported, that Richard Potts, Esq; was excluded from the present nomination.

Charles Carroll, of Carrollton, Esq; from the senate, delivers to Mr. Speaker a petition of William Lavelly, of Baltimore-town, praying an act may pass, directing the opening of a road or lane to a lot, the property of the petitioner, in Baltimore-town; a petition of Rebecca Hanson and Catharine Dulany, daughters of Walter Dulany, deceased, praying the general assembly to confirm to them a proportionable part of the estate of the aforesaid Walter Dulany, intended to have been secured to them by their brother, to whom the property descended; a memorial of Patrick M'Gill, praying the general assembly to take into their consideration a petition formerly preferred, relative to sundry warehouses at Elk-Ridge; a memorial of John Reed, captain of a company raised for the service of this state, praying that the said company may be allowed the same