

A F F I R M A T I V E.

Messieurs	Plowden, Cadwalader, Lloyd, Stevenson, Tilden,	N. Worthington, B. Worthington, Brogden, Chew,	Causin, Howard, S. Worthington, Hindman,	Job, Miller, Bowie, Duckett,	Kent, Wright, Seney, Courfey,	Beatty, Taylor, Norris, Wilson.
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N E G A T I V E.

Messrs.	Forrest, Thomas, Hall,	Jenifer, Stone, Ridgely,	Hawkins, Chafe, Quynn,	Duvall, M'Mechen,	Sprigg, Burgefs,	Bayly, Oneale.
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So it was resolved in the affirmative.

The bill being read throughout, the question was put, That the said bill do pass? Determined in the negative.

Charles Carroll, of Carrollton, Esq; from the senate, delivers to Mr. Speaker the bill relating to costs in criminal cases, with the following message:

BY THE SENATE, JANUARY 10, 1782.

GENTLEMEN,

THIS house has agreed to all the amendments proposed by you to the bill relating to costs in criminal cases, except that which subjects the party acquitted by a jury to payment of costs upon an entry of the court, that there was probable cause for the prosecution; to this we cannot accede, because we conceive it may be attended with more injurious consequences to the party accused and acquitted, than he is subject to by the law as it now stands, as it exposes him to the hazard of an examination, by which his reputation may be destroyed, though he is acquitted by his peers of the crime laid to his charge; and we are apprehensive this second trial may not always be made without prepossession and prejudice. A trial by jury is the only criterion known in our law to fix the guilt and innocence of the party accused, and we are not inclined to subject it to a revision by the court, so as in any manner to affect the party acquitted; there may be instances, where the party accused, though acquitted by the jury, is thought guilty by the court and bystanders; but these instances are rare, and even when they happen we are inclined to think, that the verdict of men sworn to try the truth of the fact, and whose particular duty it is to attend to and weigh every circumstance, will more generally be found to be right, than the opinion of others, who are not so particularly engaged to attend to the evidence; and even should a few cases happen where the jury may be mistaken, yet we do not think this a sufficient reason for a regulation under which any innocent person may be stigmatised. We beg leave further to suggest, that there may be probable cause for a prosecution, and yet the party accused be perfectly innocent of the crime charged; the persons who instituted such prosecution may be acquainted with but part of the case, from which, without knowing the other circumstances, there may be a probable cause of prosecution; and yet when the fact with all its circumstances is examined, and the whole evidence heard, the party accused is found to be altogether innocent. We wish you to consider the objections to your proposed amendment, and if they are satisfactory, that you may recede from it and pass the bill; whereby we shall take from our system of laws, a principle which is esteemed unjust by all men of sentiment and humanity, without fettering the alteration, by a power, in the exercise of which injury may be done.

By order,

J. MACCUBBIN, clk.

Which was read.

The supplement to the act to raise the supplies for the year seventeen hundred and eighty-two, was read the first time and ordered to lie on the table.

The bill to repeal part of the act for calling out of circulation the quota of this state of the bills of credit issued by congress, &c. was read the second time, and the question put, That the said bill be committed for amendments? Determined in the negative.

The question was then put, That the said bill do pass? The yeas and nays being called for by Mr. S. Worthington appeared as follow:

A F F I R M A T I V E.

Messrs.	Forrest, Cadwalader, Lloyd,	Tilden, B. Worthington,	Howard, S. Worthington,	Hindman, Kent,	Courfey, Beatty,	M'Mechen, Wilson.
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N E G A T I V E.

Messieurs	Thomas, Plowden, Stevenson, N. Worthington, Hall,	Brogden, Chew, Causin, Jenifer, Stone,	Ridgely, Job, Miller, Bowie, Hawkins,	Duckett, Wright, Seney, Chafe, Quynn,	Duvall, Taylor, Norris, Sprigg,	Burgefs, Griffith, Bayly, Oneale.
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So it was determined in the negative.

The house adjourns till to-morrow morning 10 o'clock.

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F R I.