

and also to call on all public debtors to settle their accounts, and in case of neglect to compel payment without delay.

By order,

F. GREEN, clk.

Which were read, assented to, and with the letters from the president of congress, enclosing the resolution respecting the staff and medical officers, also a letter from his Excellency the governor, enclosing another from the Baron de Kalb, requesting a supply of money for the itinerant charges of the officers now on their way to Charles-town, sent to the house of delegates by William Hemsley, Esq;

On motion, The bill, entitled, An act to bring into the treasury the sum of twenty million five hundred and forty thousand dollars, and sinking the same, according to the requisition of congress, was again sent to the house of delegates, with the following message in answer to theirs of yesterday, by Matthew Tilghman, Esq;

BY THE SENATE, MAY 7, 1780.

GENTLEMEN,

WE conceive the proper mode to obtain a separation of the clauses referred to in our message by William Hindman, Esq; was pursued by this house, because the constitution intended, that the senate should not be compelled to put a negative on a money bill, by distinct matter being connected with it, and the only method of preventing this evil, is to separate the clauses before this house determine on the bill, otherwise the eleventh article of our constitution is rendered nugatory, for the senate would certainly have a right to negative any bill and assign their reasons for it independent of this article. Whether the two clauses referred to are proper to be passed into a law, we did not mean to discuss, nor is it proper on the present question to determine on their expediency; but we think the slightest attention will discover, that however proper the subject of these clauses may be for a law, yet that they are not immediately relating to, and necessary for, imposing, assessing, levying, or applying, the taxes or supplies to be raised for support of government, or current expences of the state. These clauses neither lay a tax or apply any. That part of the bill which directs duties to be collected and money to be brought into the treasury, with an allowance of six tenths to those who bring it in, may with propriety be said to denominate the bill a money bill; but as this may be done, without either pledging our faith for the redemption of the state money and certificates, or making the new bills a legal tender, the clauses objected to, however proper in themselves, are no more necessary for effecting these purposes, than a clause to inflict a capital punishment for counterfeiting the new bills of credit, which is of equal efficacy to give credit to a paper money, as making it a legal tender, and yet ought not to be tacked to a money bill.

Should you adhere to your determination of connecting these clauses to the bill, and introduce the practice of tacking to money bills matters which you may think properly connected with such bills, though the same subjects might properly stand in a distinct bill, this house may be reduced to the very situation which the eleventh article of the constitution intended to prevent, being either compelled to reject a money bill, which the urgency of affairs may require, or assent to acts of legislation, in our judgment injurious to the public welfare; and by these means this house may be deprived altogether of the liberty of proposing amendments. This would be to strip the senate of a privilege meant to be given by the constitution, which never can be acquiesced in by this house.

If the bill sent was nothing more than a money bill, we should be obliged to assent or dissent to the whole by the twenty-second article of our form of government, and could not propose amendments; but certainly when matters are grafted on such a bill which can stand independent of it, we have a right to desire that such matters may be separated, and that without giving the bill a negative.

As we have always been attentive to the privileges of your house, and have cautiously avoided any attempt to infringe them, we hope the same respect will be shewn to ours, as long as the present happy constitution is preserved. When each branch of the legislature acts upon the line directed by the form of government, there is no danger of a violation of the rights derived from the constitution; but when an infringement is made and submitted to, it encourages subsequent attacks, and in the end may overturn the whole. We send you the bill, and wish you to reconsider this subject, and have no doubt but the propriety of separating the clauses referred to from the bill, will so evidently appear, that we shall have no further difference in opinion on this point.

It gives us pain, gentlemen, to have occasion to draw your attention again to this subject, but the importance of preserving every part of our constitution, and the necessity of continuing that freedom of deliberation to the two houses, so essential to legislation, call on us to do it.

By order,

H. RIDGELY, clk.

The senate adjourns till to-morrow morning 9 o'clock.