

The part of your bill for bringing in the continental money into the treasury, is agreed by both houses to be necessary; the clause making the bills of credit a tender, will stand in a separate bill, unconnected with any other bill for bringing money into the treasury. If a bill for making any money a legal tender was sent us distinct from a money bill, there can remain no doubt but we should have a right to propose amendments, both as to the substance and duration of the bill, and support them by arguments and reasoning, as will appear by the proceedings between the two houses on the former tender bill: but this you now would preclude us from doing, by connecting a clause of tender with a money bill, and thereby compel us either to assent to an act of legislation, which in our consciences and judgments we think, under all circumstances, is most injurious to the public welfare, or be forced to reject a money bill, which both houses think necessary for the common safety.

You think the clause necessary, and properly connected with the bill; we think otherwise; there is no arbiter between us; then would not reason and common sense dictate, that the part of the bill upon which there is a difference of opinion, both as to substance and manner, should be separated from that which all agree to be necessary. The public safety and the voice of our country call aloud that this ought to be done, and the necessary act passed, submitting that part of the bill upon which there is a difference of opinion to a free discussion, upon its own merits. There has been no instance since the present government, and line drawn by our constitution, of a tender law being tacked to a money bill, although if it could have been rightfully done; it probably would have been attempted in former instances, when the desire to make paper money a legal tender was as strong, and as we conceive with a much more plausible shew of reason, than it now is. There can be no difference between making a paper money actually in circulation, and issued by a body not under our controul, a legal tender, and a law to make bills to be issued by the same body, and not yet brought into circulation, a tender for old debts. We beg leave to refer you to the case to which we pointed in our message of the 7th instant by Matthew Tilghman, Esq; and the proceedings thereon; it happened upon a bill for quartering soldiers, sent to the senate and rejected on the 3d of April, seventeen hundred and seventy-seven. Under these considerations, and being impressed with the strongest obligation to preserve every part of our constitution inviolate, we are determined not to be accessory to any infringement of it, or acquiesce in fixing a precedent, which may be improved to the annihilation of this branch of the legislature, and therefore we have returned your bill with a negative. We most cordially and sincerely lament, that the urgency of affairs press so forcibly for a speedy and effectual exertion of both houses for the common safety, and think this urgency has been an inducement to put us in the perplexing situation in which we now stand. Hopes may have been entertained, that our resolution would not support us, in risking an act, upon which our lives and every thing valuable may possibly depend, to preserve our happy constitution, and follow the dictates of our best judgment. But, gentlemen, however embarrassing this situation may be, and however unexpected the stroke may have come from you, we are open and free to assure you, that all hopes grounded on this supposition are delusive, as we are fixed and resolved, at every hazard, not to yield to the degrading drudgery of giving an assent, from fear of consequences, to acts which we think unjust and ruinous to the state, whatever present necessity may be pleaded or plausible surmises made. At the same time we declare to you, that we most sincerely and earnestly desire to do every thing which may be necessary to carry on and support the present war to the last extremity, or to final success, and nothing would give us such heart-felt satisfaction, as to have an opportunity of passing a bill for complying with the recommendation of congress in the most effectual manner. We therefore pray you to send us your bill without the exceptionable clause, which though we think liable to some objections, yet will be serviceable and we will immediately pass it. As to the propositions made in your message, and promise to revise at the next session the tender law, upon the principles of universal justice, we may observe, that however inclinable you may be to comply with this promise, it may not be in your power, as your house is now very thin, and the absent members may not hold themselves bound to give up their sentiments to the opinions of the members present; besides the exception is as broad as the engagement: therefore the latter amounts to nothing, when considered and compared with the exceptions. A revision of the tender law might have been entered on early in the session, when we had time to consider that important subject; we were in hopes it would have been done, and we sent you a bill, which, if passed, would have given an opportunity to go through a perfect revision and application of the rule of justice; and if the anxiety of gentlemen to return home to their necessary affairs will not allow the assembly now to make a revision, we wish it could be reconciled to the sentiments of your house, to stop the crying injustice which is daily done under the tender law, and thereby preserve, to many helpless widows, orphans, and others, the pittance of support which still remains to them, by a suspension, until a revision can be made; for a delay is a denial of justice; no evil can attend this measure. The bill sent you will remedy the case of absent creditors, and the rule of justice may be applied in all cases, so as to prevent hardships and oppression, whenever we meet under such circumstances as will enable us to consider this subject in all its different