

views. But, gentlemen, if you think it most proper to let the present tender law remain as it now stands, be it with you; we have done all in our power to stop the great and acknowledged evil. Upon the subject of tender we have finally to propose, that the present law shall be suspended until the end of next session, and the new bills made a tender for their expressed value by a law to continue till the end of the same session, by which time we shall know at what rate they pass, and what other states have done in consequence of the resolves of congress: or if you incline, we will pass a perpetual act, that the new bills shall be a tender in all cases for their passing value, giving at the same time a liberty to the debtor to discharge any debt created before a day to be agreed between the two houses, in commodities of the country, at a liberal price. Or if you think best to refer the whole subject of tender to the next session, that the assembly may be the better able to form a just and equal system, not operating to the ruin of the creditor or oppression of the debtor, you have it in your power to do it; though we most sincerely wish, this subject and that of confiscation were now settled in such a manner, as to give satisfaction to both houses, that we might hereafter meet with no object before us likely to create heat and controversy, and that the only contest between us should be, who would be the most active and strenuous for the public good. Thus, gentlemen, we have given you our determination, and the reasons on which it is grounded; we wish you to consider them, and the consequences of breaking up the session without doing what is admitted to be necessary for the public service. We feel ourselves exceedingly hurt by the situation to which you have reduced us: we hope, however, our countrymen will, as our consciences do, acquit us of blame. The war we are engaged in is just and necessary, and is carried on for the safety and happiness of America; and yet, by refusing to comply with the requisition of congress, unless we will consent to what, in our opinion, is an unconstitutional tack to your money bill, and were it to pass into a law might be most unjust and oppressive, it would seem to a stranger, that you considered us as carrying on an unjust war for our own aggrandisement, and the consequences of which did not at all affect you. This idea is as foreign from the truth, as is any supposition, that being interested in debts formerly contracted, we are therefore desirous to oppress those who may be in debt, to profit ourselves; the imputed motive is disgraceful; but fact will not support an application of it to this house by malevolence itself, for a majority of the senate are but little interested in the collection of old debts.

We hope, whatever you may do with the bill now sent you, that our delegation in congress at least will be attended to; there are now but five members, and we are apprehensive, if some addition is not made, this state will frequently be without a representation in the general council. Instructions to our delegates, upon the conduct to be pursued by them with respect to the western lands and other important subjects, we esteem very necessary at this juncture, and notwithstanding the session has lasted so long, we earnestly wish you to continue some time longer, to complete the very important and necessary business which still remains to be done, and which, if left undone, may involve this state in great difficulties, and injure the whole union. But if you are determined to break up the session, and leave unfinished these important matters, we propose to adjourn to Monday the 5th of June.

By order,

J. MACCUBBIN, clk.

The engrossed bill No. 19, with the paper bills No. 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, were sent to the house of delegates by Charles Carroll of Carrollton, Esq;

The journal of accounts was read and assented to.

Messieurs Keene and Freeland, from the house of delegates, deliver to the president the bill, entitled, An act to prevent suits being brought or continued by any person or persons residing in the British dominions, thus endorsed; "By the house of delegates, May 16, 1780: Read the first and second time by especial order and will not pass.

"By order,

F. GREEN, clk."

With the following message:

BY THE HOUSE OF DELEGATES, MAY 16, 1780.

MAY IT PLEASE YOUR HONOURS,

WE have rejected your bill to prevent persons residing in the British dominions from prosecuting or commencing suits in our courts of justice during the war. The bill is improper and unnecessary. By the common law (which the citizens of this state are entitled to by the declaration of rights) all the members of this state are its citizens or subjects, and all not members are aliens. A citizen cannot be an alien, and an alien cannot be a citizen; whoever is a subject is not an alien, and whoever is not a subject is an alien. Every person must be one or the other. The civil capacity of citizens or subjects is indivisible, and cannot be qualified. Every subject of Great-Britain or any other nation is an alien to this state. All the subjects of Great-Britain are at this time alien enemies, and by the common law they cannot sue for or recover debts, or any other personal property. The plea to any action by a subject of the king of Great-Britain, in enmity with this state, will effectually bar such suit, without the aid of an act of assembly.