

have greater opportunities of influencing the people, whose sense is to be collected, in so short a time, and before the merits of the question can be freely and fully discussed. Hence it is probable, that in most cases of difference between the two houses, the majority of the people will be induced to adopt the sentiments of the delegates; in consequence therefore of such appeals to the people, the senate will be deprived of that freedom of debate and decision, which the constitution meant to secure to that branch, and every benefit which might result to the state from that freedom, will be precluded. In such a situation, the powers of the senate would be annihilated, and although its name and semblance might remain, its real utility would cease.

We consider ourselves bound by the most sacred and solemn engagements to preserve inviolate every part of our constitution, and will not remain silent under measures which may tend to subvert our free and happy government.

If appeals are to be made, where is the line to be drawn? The present is a case of policy, blended with justice, but if appeals are proper in such case, why not in a case of justice only? And if so, and the sense of a majority, however collected, is in all cases to govern, then there are no rights in this state which are secured against the opinion of such a majority, full as well qualified to decide upon questions of justice and right, as upon political regulations. The bill which we have rejected declares, that the bills of credit shall not be a tender, we presume, upon the principle, that it would have been unjust. Suppose the people, upon the present appeal made to them by your house, should instruct the general assembly to make the bills of credit to be emitted a tender in all cases; this instruction, however unjust the object of it might be, even in your opinion, would be conclusive, according to your doctrine, and the general assembly would be obliged to comply with it, notwithstanding both branches might be fully satisfied that a clause to that effect would be impolitic, as well as iniquitous.

To some perhaps, who do not look forward to consequences, these appeals may appear flattering; but others, not unacquainted with the history of free governments, will recollect, that measures calculated to obtain the favour of the people, very often produced tumult and confusion, which generally terminated in the destruction of equal law and liberty. We are confident our fellow-citizens are warmly attached to this government, that they will view with equal concern and distrust, all acts in any degree tending to weaken and endanger it, and cautiously avoid engagements calculated to fetter the free deliberations of the legislature. Printed anonymous instructions, stating that the senate have appealed to the people upon the emission of paper-money, are now circulating, when in truth no act or proceeding of this house, in the least countenances a supposition that we wish to disturb the public tranquillity by a measure so likely to produce heat and division. It would be well for you to consider, that although the rejected bill may be such a favourite as to induce the majority of your house to hazard dangerous consequences to force it upon the senate, yet when once fair argument is declined, and an appeal is made from the dictates of judgment to the voice of numbers, freedom of discussion and decision will be taken away, and that some of the present majority of your house, by a similar practice on some future occasion, may be reduced to the same situation in which they are now endeavouring to place the senate.

These observations are not dictated by any apprehension in this house, that there is a majority of the citizens of this state in favour of an emission of bills of credit upon loan, on the terms, and for the purposes, contained in your bill. We are satisfied, that the objections to the bill are unanswerable; and that if the sense of the people could be fairly collected, the majority would be against the measure: We are also convinced, that the majority would increase, if time were given to discuss, understand, and form a right judgment on, the subject. Without venturing to combat our reasoning in a constitutional manner, you propose to adjourn to a time so very short, that it is impossible a deliberate consideration of the question, and a free interchange of sentiments between the citizens, can take place. To decide justly, the judgment should be free from all biases. The passions are too apt to mingle with the decisions of large collected bodies of people; when so assembled, even the most moderate are liable to be inflamed by declamation, and hurried into measures inconsistent with their real welfare.

Several bills have been passed this session by your house, and rejected by ours, respecting which an appeal may be made to the people with as much propriety as upon an emission of paper money. As the reasons for the rejection of these bills may not be known, and motives different from those which influenced our conduct may be assigned, we think proper briefly to state our objections to the bills alluded to. The bill for the relief of debtors, violated the first principles of justice and legislation, by infringing the contracts of individuals, and by making a partial discrimination between public and private debtors. The bill, it is true, was to have continued one year only; but the objectionable principle of a legislative interference with private contracts, is as fully established by a continuance for one year, as for ten, and if we were to form our judgment from the preamble of the bill, we should be led to suppose, that the establishment of the principle, and not the intended and temporary relief, was chiefly in view. If once the general assembly should adopt the practice of intermeddling with the contracts of individuals, it would render the courts of justice of little or no avail, and by releasing parties from the obligation of their contracts, would introduce such uncertainty in private dealings, as would destroy all confidence between man and man, put an end to credit, and deprive the industrious citizen of one of the great advantages of civil government.

The bill to repeal the act for establishing permanent salaries for the chancellor and judges, we rejected as contrary to sound policy, and the declaration of rights. The established salaries we do not consider as profuse, even in our present circumstances. "The independency of the judges is essential to the impartial administration of justice, and is one of the best securities of the rights and liberties