

to have a retrospective efficacy, or so framed, as unavoidably to be productive of such effect. If a Law is promulgated for entitling the improver of land to certain immunities, and a person should reclaim ground from the sea, and erect buildings thereon, under an idea that he was entitled to the privileges intended to be conferred, the judges certainly ought to determine his right on a construction of that act which influenced his conduct. Should a subsequent statute be framed, under the pretext of explanation, declaring the invalidity of his title under the former law, it must influence a determination of the question, arising under the precedent act of the legislature. All laws are to be expounded, as having some effect; if therefore such subsequent explanatory statute has any effect, it must be to influence a construction different from what it is supposed the former law would have received without it. If this effect is denied, the explanation is negatory. The act of the magistrates was either right or wrong; if right, it would be unjust at this time to declare it otherwise; if wrong, the ordinary powers of judicature are competent to a discussion of the question.

We do not recollect any instance of a declaratory statute, *pendente lite*, or that affects penal matters, which had received no final determination. An improper adjudication has sometimes induced a legislative interposition, but the rule is always grounded on monition, and accommodated to future events.

We hold it indispensably necessary to check every attempt to blend the legislative and judicial authorities: they are directed by our form of government to be always distinct and separate. The caution was dictated with wisdom, and we think it more eligible to give a liberal than a confined construction to the mandate. It is the business of the legislature to make, and of the judges to expound, the laws. The bill, we think, had a tendency to introduce an infraction of this rule, for the opinion of the legislature must (as was intended) have great weight with those, who are to construe and explain their language.

As we shall always exercise the power of approving or rejecting such bills as may be the subject of our deliberation, it will also be our desire to have your approbation of our measures. We must however claim the right of determining on such deliberative points as come before us, from those reasons that leave the most forcible impressions on our minds, and such as we apprehend to be most consonant to general principles, and the spirit and meaning of our constitution; which we do not, from any inconveniences that we have experienced, wish to receive an alteration.

By order,

R. RIDGELY, cl. sen.

Brice T. B. Worthington, Esq; from the senate, delivers to Mr. Speaker the resolution sent up by Mr. Maccubbin and Mr. Chew, thus endorsed; "By the senate, June 23, 1778: Read " and assented to.

By order,

R. RIDGELY, cl. sen."

Adjourned till 3 o'clock.

P O S T M E R I D I E M.

The house met.

Thomas Contee, Esq; from the senate, delivers to Mr. Speaker the bill, entitled, An act for the payment of the journal of accounts, thus endorsed; "By the senate, June 22, 1778: Read " the first and second time, by especial order, and will pass.

" By order,

R. RIDGELY, cl. sen."

Which was ordered to be engrossed.

William Hindman, Esq; from the senate, delivers to Mr. Speaker the bill, entitled, An act for the relief of certain nonjurors, thus endorsed; "By the senate, June 23, 1778: Read the " first and second time, by especial order, and will pass with the amendment herewith sent.

" By order,

R. RIDGELY, cl. sen."

Amendment proposed. Strike out from the word "government," in the 14th line of the 4th page, to the end of the clause.

By order,

R. RIDGELY, cl. sen.

Which amendment was read.

On motion, That a committee be appointed to draft a message, in answer to that from the senate this forenoon by Charles Grahame, Esq; the question was put, and determined in the negative.

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

Messrs	Lethbury,	Gibson,	Murray,	West,	Quynn,	Smith,
	Worthington,	Maddux,	Daffin,	Cortez,	Edelen,	Chase,
	M'Pherson,	Strawbridge,	Ward,	Brice,	Thomas,	Bayly.
	Forbes,	Smoot,				

N E G A T I V E.

Messrs	Ford,	Lloyd,	Shepherd,	Veazey,	Douglafs,	Hughes,
	Read,	Maccubbin,	H Goldsborough,	Magruder,	Dickinson,	Burgefs,
	R. Barnes,	Chew,	W Goldsborough,	Young,	Mason,	Williams,
	Plowden,	Deye,	R. Goldsborough,	Sheredine,	Sprigg,	Crabb.
	Maxwell,	Stevenson,	Henry,	H. Wilton,	J. Barnes,	

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