

N E G A T I V E.

Messieurs	Reed,	J. Hall,	Birkhead,	Job,	Ringgold,	Taylor,
	Jordan,	H. Ridgely,	J. Henry,	B. Hall,	Dennis,	Keene,
	Mackall,	Maccubbin,	Deye,	Magruder,	Beatty,	Alexander,
	Wilmer,	Williamson,	J. Stevenson,	Quynn,	Gaunt,	M'Mechen,
	Lethbury,	Freeland,	C. Ridgely,	Chafe,	M'Comas,	Sprigg,
	W. Stevenson,	Harrison,	Ward,	Earle,	Norris,	Bayly.
Worthington,	Johns,					

So it was determined in the negative.

ORDERED, That Mr. Chafe, Mr. J. Hall, Mr. Lethbury, and Mr. J. Henry, prepare a message to the senate to accompany the said bill.

Mr. Bayly brings in and delivers to Mr. Speaker a bill, entitled, An act to repeal an act, entitled, An act to appoint commissioners to state and settle the public accounts; which was read the first time and ordered to lie on the table.

Mr. Chafe brings in and delivers to Mr. Speaker 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. We cannot give our assent to your bill, because it would necessarily imply that British subjects are not aliens, and during the present war between the two countries alien enemies.

The question who are aliens your honours have consented ought to be left to the judicial power, and yet you propose a bill, by which the opinion of the legislature would be given, that British subjects are not aliens. We are unwilling to admit the supposition, that your honours intended to influence the decision in our courts on this question (which will probably be agitated before them in a few days) by thus expressing our opinion. We cannot conceive it difficult to ascertain who are the subjects of Great-Britain. We think every person born within the dominions or allegiance of the king of Great-Britain, and every person made a subject of that kingdom agreeable to its laws, must remain and be considered as a subject of that nation, unless he has, by some subsequent act, divested himself of that relation, either by giving his express assent to the present revolution, by adhering to us and our cause, by entering into the service or employment of the United States, or any of them, or by joining in the formation of our new government, or by taking the oath of allegiance to it, or by doing some similar act, or by giving his implied assent, by remaining within this state and receiving the protection and benefit of its government and laws.

If a resident of Great-Britain is a subject of this state, or alien friend, he ought not to be prevented from suing in our courts; and if he is not a subject or alien friend, he cannot appear in our courts, whose authority he disowns.

Residents of Great-Britain (as you are pleased to call them) are either the subjects of or aliens to this state; if the first, they have a right to sue in our courts, and ought not to be prevented; if the latter, they cannot sue, and ought not to be supposed capable, by any implication or inference to be drawn from any legislative act. If the residents of Great-Britain are not subjects of this state, it necessarily follows, that they are aliens. The description "residents" includes as well the subjects of Great-Britain, as all other inhabitants of that kingdom. To affirm that residents of Great-Britain shall not sue during the war, necessarily implies, that they may sue after the conclusion of it; and of consequence it also implies, that British subjects could now sue, unless prevented by law, and that this right to sue is only suspended for a time, and will revive after peace takes place.

By order,

F. GREEN, clk.

Which was read and agreed to, and, with the bill to prevent suits being brought by any person or persons residing in the British dominions, &c. and the resolve respecting the salary to the council, sent to the senate by Mr. Keene and Mr. Freeland.

The bill to repeal the act, entitled, An act to appoint commissioners to state and settle the public accounts, was read the second time by especial order, and, on motion, the question was put,