of the times, and the necessities presented by the particular case then before it, and looking to the interests of the Parties and the Community among whom it did business - they unanimously held the Treasury notes to be a legal tender until the federal Courts should determine otherwise. We legislators can entertain but one opinion as to the legal status of such a decision. In the case of Shoenberger vs Watts Wright J. 553 which was a motion to set aside a fieri facias the writ having been issued directing the Sheriff to levy the debt and interest in specie current gold and silver money. "The Court held that the fieri was irregular as a mere judgment is necessarily for lawful money and is payable in any money which the law has made a legal tender. But the Court in their opinion held a contrary that the Constitutionality and binding force of the act are not denied by the plaintiff who has expressly waived bringing them in question, and the case went off on another point and in a subsequent case (not reported) which came up before the same Court where the constitutionality of the legal tender clause of the act was directly brought in question and presented. Hare J. who delivered the opinion in the former case differing with the majority of the Court held it unconstitutional. But we are not informed the decision of all the United States Court as to the second clause of the third point of the inquiry before me, that is as to whether these Treasury Notes or evidences of debt are legal tenders in the extinguishment of ground rents. That case was a Bill in Equity for the extinguishment of a ground rent upon the tender of Treasury notes in payment (as is the case here) in the Orphans Court of the United States for the Eastern District of Pennsylvania. Greer J. of the Philadelphia and Reading R.R. Company vs Morrison and others, and the questions presented were first whether Congress can constitutionally confer the receipt of such paper as money in private transactions and second whether the enactment is constitutionally applicable to such extinguishment many of a ground rent. The case was decided by Judge Greer on the second point. Cadwalader J. thought not disqualified yet being the owner of ground rents from motives of delicacy expressed no opinion upon that point and withdrew from the Court before the decision was rendered but before doing so he expressed an elaborate opinion on the first point holding the enactment unconstitutional. Judge Greer then rendered the decision in the case in which he concludes I am of opinion therefore that the tender offered by the Bill in this case is not authorized by the Statute, and that the respondents cannot be compelled to extinguish their estate in the lands by such a tender as that now made. That case and the case in hand are identical in principle. See The Age" daily paper Philadelphia Saturday December 31 1864. It would seem from the opinion rendered in that case that Judge Greer treats the Treasury issues constitutionally legal tenders in payment of debts though not so for the extinguishment of ground rent. I confess my inability to comprehend the distinction. The question is whether Congress has the Constitutional power to declare paper issues a circulating money medium, for if these paper issues are money for one purpose they are money for all purposes among

individuals, or in other words, as gold and silver coin is declared to be lawful currency of this Country, as it of all Countries, can Congress convert paper into gold and silver, if so the long continued search after the philosophers stone is at an end. But what says this Country in regard to the power of Congress to issue bills of Credit. It may be contended and in many instances with truth that the history of legislative enactments, or of Constitutional provisions is not always a sure guide to the interpretation of them. But as a general rule it is safe and sound, it serves to clear up the doubt. And in the case of the formation of the Constitution of a government exclusively of granted powers and the authentic history of the formation of that Constitution shows conclusively that the grant of power was asked for, and after mature deliberation peremptorily and positively refused, the deliberating mind in its inquiry after truth satisfied that it has found a secret in Jurisprudence such is the case here. That extraordinary and very remarkable man Luther Martin, a Member of the Federal Convention and participant in its debates has in his equally remarkable work left behind him a clear and precise statement of the action of the Convention on the subject of paper issues. The Committee of detail to whom was referred the resolutions of the Convention with instructions to draft a system or Constitution of government reported a clause granting power to emit bills of credit. When that part of the report came up a motion was made to strike the words "to emit bills of credit" which was ably debated and the whole ground considered and reviewed; and Mr Martin gives us the result in these words. But so a Majority of the Convention being more beyond every crime and being willing to risk any political evil rather than to admit the idea of the paper emission as an possible case refused to trust this authority to the Government" and the Convention erased that clause from the system. See Martins letter to the Legislature of Maryland see also proceedings of the federal Convention 57. The business of Courts of Justice is to decide for truth, and basing their decisions upon their clearest convictions of rights administer the law under all circumstances as it is written. The Convention as wise as the Country at that time had before them the experience of the crushing effects of a redundant paper circulation; by which they were burdened with a debt they found impossible to pay and were solemnly determined by the great and good men of the day that the evil of paper emissions so far as they had the power to prevent it.

Should forever cease, and the States prohibited the power to themselves and refused to grant it to the Congress of the United States. I am therefore of the opinion that the legal tender clause of the act of Congress referred to is unconstitutional and void. Were this case up on final hearing the bill would be dismissed, but it been heard only upon a motion to dissolve the injunction, which extent, only can this Court now go reserving to the party Complainant his right to proceed further to final hearing. I will sign an order, in conformity with these views dissolving the injunction heretofore granted.

Wm Alexander