

tering the oath to be administered to officers upon accepting an office, and voters when offering to vote, and yet was left at large to make any general test that might be thought proper, and which would at all other times include those officers and voters, with other inhabitants of this state; for there being no limitation by the constitution to general tests, the legislature, if they are introduced at all, may make them of any nature they may think proper. As a further proof of the intention of the convention that no general test should be administered, the persons to whom the test prescribed by the form of government is to be offered are particularly described, and from thence we may fairly presume, no other persons were to be the object of this test. Our association produced the most salutary consequences, and was highly expedient as a test of affection and bond of union, at a time when we had no greater compulsory system of government, but we conceive the reason for a discrimination of subjects ceased when our government, adequate to the purpose for which it was formed, was carried into execution; and we are well convinced, considering the provisions made by the parts of the bill agreed to, that our internal enemies cannot attempt any thing against the state, without subjecting their first movements to those provisions which are intended to reach their most secret practices. For these reasons we adhere to our amendment to strike out of the bill the clause respecting a test to be imposed on all persons who may be required to take the same.

The amendment we proposed, giving power to any justice to arrest any who shall by word or deed prove disaffected and dangerous to this state, we think may be useful, and therefore we hope you will agree to it.

Though we cannot agree to admit the principle of imposing a general test to be right, or consistent with the spirit of our constitution, we accede to your proposition, that the oath directed by the bill be taken by all the officers and others therein enumerated. We rejected this part of your bill, from the apparent inutility of two existing tests meaning the same thing, not from any objection we had to the duties of the first oath as explained by the second. But to remove every groundless suspicion, and lest an opinion should prevail that there is a difference of sentiment between the two houses upon the substantial similarity of these tests, and this should prove injurious to the state, by dividing in any degree a people, whose whole strength ought to be drawn to the maintenance of our freedom and independency, we have receded from our amendment. The oath, as an oath of office to the governor, was certainly proper, though similar in substance to the test to all officers, because he is bound by the very nature of his office to maintain and defend the freedom and independency of this state; and therefore these especial duties ought to be pointed out in the oath of office, although contained in the test.

We are not to learn our duties we owe to our country as citizens and legislators, nor have we forgot the sacred obligation confirmed by the oath taken by us before we acted as senators. We thank you however for the attention shewn to our welfare, by your friendly admonition. We only wish it had been communicated free from those insinuations which are vainly calculated to wound our reputation.

We have receded from our amendments relating to absentees and non-associators, or have altered them in such manner, as we think will take away every objection. To the persons who since the 14th day of August, 1775, fled from this state, twelve months are allowed for their return, and instead of signing the association they must take the oath of fidelity to enable them to hold any office of trust or profit in this state; and unless they return during the war, they will be deprived even of this advantage, and will remain for ever excluded from all employments civil and military. Non-associators residing in this state must, instead of signing the association, take the oath of fidelity before the first of August, or draw on themselves the above incapacity. We have lengthened the time to the first of August for taking the oath, because we conceive there is no difference between punishing men by a retrospective law, and one to operate within a limited time, so short as to exclude the possibility of notice.

We still remain of the same opinion with respect to the reward allowed for taking up persons travelling without passes; have therefore rejected it. The reward we consider as a tax upon travellers from our sister states, unacquainted with our laws, and as an encouragement to the idle and profligate to lie in wait for travellers merely for the sake of the money to be obtained from them. We must also observe, that even a compliance with the law will not exempt the compliers from the payment of the fine.

Desirous of giving every effectual security to our government, and convinced of the importance of many parts of the bill, we should be very sorry that the loss of it should be imputed by your and our constituents to either house; and therefore we are unwilling to suppose a determination in your house, which might be inferred from the conclusion of your message, to reject the bill altogether, unless you can obtain our consent to those parts of it upon which we differ with you.

If an agreement of the two houses cannot be obtained upon every part of the bill, surely there can be no reason to justify such an attachment to opinion in either, as to reject the whole upon that account. We propose therefore, that if you should still differ with us upon the amendments retained, that such parts of the bill as can be agreed to by both houses, pass into an act.

By order,

R. POTTS, cl. sen.

A bill,