

judgment. It remains a question whether the oath proposed was improper; whether your honours conceive that no test is necessary to distinguish whigs from tories, friends from foes; and whether the oath is such a one as ought to be taken by your honours and this house, and the civil officers of government. The whole is objected to, and we infer that no amendment could render the oath, or the bill in those parts, perfect, or doubtless your honours would have proposed amendments. This house conceive the oath in the bill the proper evidence and test of fidelity. The oath directed by the form of government must have your honours hearty approbation. By taking that oath your honours renounced any allegiance to the king of Great-Britain, and swore to be *faithful* and to bear *true allegiance* to the *state* of Maryland. It is apprehended by this house, that the oath proposed extends no farther, and contains no more, than is *implied* in the oath prescribed in the form of government; and is only explanatory of those duties of the subject which are couched under terms technical and legal, not obvious and plain to the common understanding of our people. In endeavouring to point out, in plain and explicit terms, the duty and obligation of the subjects of this state, we have imitated the example of our ancestors. Should we be mistaken on this subject, your honours are well able to inform us. The oath proposed is similar to the oath long taken in this state to the old government, and we doubt not your honours would require from each subject of this state, the same security and evidence of his attachment to the new government, which he readily yielded and paid to the old.

This house are of opinion, that it is high time that some test should be established to discover, if possible, our internal and secret foes. We have made an appeal to the conscience to discover the political principles of the owner. We are perfectly satisfied your honours ardently wish to find out the enemies of our peace and happiness, and would cordially join with us to bring them to punishment. If our attempt by a test oath is improper or defective, your honours will doubtless propose some more effectual mode. In this too we have followed the conduct of our ancestors, adopted at different periods of time, when the prerogatives of the crown, and the liberties of the subject were best understood, when the duty of the one and the obligation of the other were fully explained and settled. Our association was intended as a test, but proved defective.

This house cannot but be of opinion, that the oath is not only proper as a test of the disaffected, but that it ought to be taken by the members of both houses, the council, and all civil officers of this government. To this your honours object. We beg leave to remind your honours, that our present governor, at his qualification, took the oath of fidelity prescribed in the form of government, and also an oath exactly similar to the one in the bill, in pursuance of the directions of this general assembly. We beg leave further to remark, that by a law passed a few days ago, all future governors must qualify themselves for their office, by taking the same oath. What is your honours opinion of the obligation and duties of the subjects of this state, who take the oath of fidelity and allegiance prescribed in the form of government? Will your honours be pleased explicitly to inform us of your opinion on this head? Are your honours of opinion, that the oath taken by the governor contained more than the oath prescribed by the constitution? If the oath is the same in substance, and only explains and expresses what is implied, what is the objection to it? If it contains greater duties, and is a stronger evidence of attachment and fidelity to our government than the oath directed by the constitution, and was necessary to be taken by the supreme magistrate, we are not able to discover why it should not be taken by your honours, this house, the council, and all the civil officers of this state. We presume such an oath was proper, and necessary to be taken by the governor, because your honours twice concurred with us in the opinion. It remains with your honours therefore to explain, why an oath, proper to be taken by our governor, is improper to be taken by the other civil officers of government. If your honours cannot agree to the oath as a test of disaffection, we hope your consent to that part of our bill, which directs it to be taken by the general assembly, the council, and the civil officers of this state.

We disagree to your amendments relating to persons who fled from this state and to non-associators. We are willing to give the first nine months to return and take the oath in the bill, and will also allow one month to the latter to take the oath.

We think some reward should be allowed for the taking up persons travelling without passes, and therefore have rejected your amendment on that subject.

If the last clause but one in our bill should be agreed to, there will be no necessity to direct attorneys to take the oath of fidelity, we have therefore dissented to your amendment respecting them.

This house agree to strike out of the bill every thing that relates to the election of, and power to, the committees of observation. We do not agree to your proposed amendment as to disaffected and dangerous persons, except that part which invests the governor (with the advice of the council) with particular powers, and directs a suspension of the *habeas corpus* in case of invasion.

We have agreed to all the other amendments proposed by your honours.

As we apprehend the bill concerns the peace and safety of this state, we have returned it to your honours for your further consideration: We esteem the bill of great importance, and shall be very unwilling, that the loss of it should be imputed by your, and our, constituents, to this house.

By order,

G. DUVALL, cl. ho. del.

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