

giance or obedience to the king of Great-Britain, his heirs and successors, because we thought it incautiously worded as to take away all freedom of discourse, even the most innocent on that topic, and might be construed by a people jealous of, and well acquainted with their rights, into an attempt to deprive them of the freedom of deliberating on matters which they might think concerned their safety and welfare; but lest such a privilege might possibly be perverted to the worst of purposes by the real enemies of this state, we have consented to retain the clause, guarded by the words "wickedly, corruptly, or seditiously," leaving juries judges of the wicked, corrupt and seditious intention, a power, in our opinion, fully sufficient to check the insidious practices of our enemies.

We rejected the clause punishing attempts to depreciate our currency, because, having made effectual provision for supporting its credit by the tender bill, wherein punishments are annexed to particular practices, tending to depreciate this necessary substitute for money, we could not conceive the support of a general penal law necessary; a law too, which, without answering any valuable purpose, might be construed into an intention to shackle the liberty of the press, the freedom of which has ever been found the best security for the virtuous administration of government. This clause can only be supposed necessary, upon an apprehension that the credit of our money could not stand the test of a free examination, a supposition which we never can admit; these reasons induce us still to adhere to our amendment.

The clause inflicting a fine on persons dissuading or encouraging others from enlisting, we thought too extensive, and might prevent parents and guardians, and the nearest relatives, from giving advice to those who might be under their particular care; and as we supposed persuasion from others would have no effect on persons willing to enlist, so we did not think it necessary to provide a remedy; but as you may be better acquainted with the evils prevailing in the different parts of the country, and suggest this to be one, we have acceded to the clause, guarded with the words "advisedly and maliciously, with an intention to obstruct the service;" thus making the criminal intention the criterion of this offence.

Our fourth amendment to the second clause of the fifth page was grounded on the reasons assigned for the first; we have adopted the clause in the bill, with the addition of the words "wickedly, corruptly or seditiously," on the principle already assigned for retaining the clause struck out by our first amendment.

We most readily subscribe to the truth of the position, that a liar is one of the most detestable of characters, and agree that to circulate false news, with an intention to injure the community, is highly criminal, but we lament that your acquaintance with the laws, opinions and customs of barbarians, as well as civilized nations, has not enabled you to point out a remedy adequate to this evil, without introducing a greater mischief. The one proposed by the bill will have the effect of suppressing all communication of public transactions, or of subjecting the weak and incautious to prosecution by the malicious, while the more artful and wicked will escape the punishment due to their criminal intentions. We therefore adhere to this amendment.

As every person may be required to take the test proposed by the bill, it certainly must be considered as general; and notwithstanding the reasoning contained in your message, we are still of opinion that a general test is not only improper, but contrary to the spirit of our declaration of rights; improper, because no government has a right to dive into the secret thoughts of subjects conforming their conduct to the known laws of the state, nor sift from their bosoms their political principles, by an appeal to their consciences, in order to lay the foundation of a prosecution, or for the purpose of inflicting pains and penalties. Tests of this nature, it is true, have been imposed by our ancestors, but we wish to imitate their wise, not impolitic institutions. That tests to be generally administered to discover the political opinions of individuals not admitted into any of the departments of government, afford little security to a state, the frequent revolutions of that very country in which they have most prevailed, is a striking proof; we are not singular in this opinion; they will not prevent the dangerous practices of wicked and designing men, but have been and may be abused to the disturbance of the conscientious and inoffensive. These considerations, we presume, induced the convention which formed our government, to exclude from their system the idea of a general test. To guard against the introduction of new oaths or tests, calculated occasionally to answer the purposes of a ruling party, the thirty-fifth article of the declaration of rights provides, That no other test or qualification ought to be required on admission to office, than such as should be directed by that convention, or the legislature of this state, and by the constitution a particular oath is formed to be taken as a test by all the persons enumerated. From these acts, if they mean any thing, it certainly was intended, that after a test was once fixed, no future legislature should have right to alter it, even as to officers and voters, unless in the mode prescribed by the form of government. If then the convention intended to guard against the alteration of the test to officers upon their admission to office, and to voters when they offered to vote, and supposed a general test admissible, surely the same restraint would have been made as to the form and nature of the general test. This not having been done, we must infer that it was not the intention of the convention to admit a general test into our government; for it would involve a most obvious absurdity to suppose that the legislature was restrained from altering