

VOTES AND PROCEEDINGS, NOVEMBER 1784. 61

BY THE HOUSE OF DELEGATES, JANUARY 21, 1785.
MAY IT PLEASE YOUR HONOURS,
WE expected by your message in answer to ours on Tuesday last, to have closed this session on Thursday, but being disappointed, we are determined to put an end to it this evening.

By order,
Mr. Fraizer, from the house of delegates, delivers to the president the engrossed bill No. 67, with the paper bill thereof, which engrossed bill was thus endorsed; "By the house of delegates, January 21, 1785: Read and assented to."
W HARWOOD, clk.

By order,
Mr. Elzey, from the house of delegates, delivers to the president the following message:
W HARWOOD, clk.

BY THE HOUSE OF DELEGATES, JANUARY 20, 1785.
MAY IT PLEASE YOUR HONOURS,
AS the reasons assigned by the senate are not calculated to induce us to retract our opinion, (though we declared we should do it if our judgment was convinced) we cannot but consider your message as a justification, or rather apology, to your constituents, for your persevering in a decision, which, we think, you have formed without sufficient grounds, and it just, must be maintained by other arguments than those adduced by your honours.

Whether the restoring the nonjurors to the rights of freemen, will reconcile or attach them to our government, is a matter of opinion; and we think, lenity and indulgence will win more on the temper and passions of men, than harshness and severity. The humiliating situation in which the nonjurors now stand, is disgraceful, and they never can love, though they may fear, a government that continues a distinction so injurious to their feelings, and now declared unnecessary by a very great majority of this house.

The senate entertain an opinion, that the nonjurors, from principles inimical to freedom, refused to take the test, required from all the citizens of this state, in seventeen hundred and seventy eight; and that they are now enemies to our government. We think, that very many, if not the far greater part, of the present nonjurors, declined to take the oath required, from a very different cause, than friendship to Great-Britain, or enmity to the revolution. It appears to us probable, that the greater part of the quakers, methodists, dunkers, and menonists, refused to take the test, from scruples of conscience; which, however erroneous, are entitled to every possible indulgence. We are well informed, that many of the nonjurors, in some of the counties, were misled by artful and designing men, to believe that their religion was in danger. It is not probable, that very many of the present nonjurors became so, from any affection to, or predilection in favour of, Great-Britain; and it is less probable, that such attachment continues at this time. Your honours must discover a great alteration, and the apparent reason for such change, in the opinions of men, before and since the peace, and the recognition of our independence by the crown of Great-Britain, by solemn treaty. No question can ever arise on the subject of our independence; and the nonjurors must clearly see, that all their hopes must be placed in this government alone. Every possible expectation of relief from any other power, is forever cut off. The extremity of folly alone can maintain a contrary opinion.

The only question between the senate and house of delegates is, whether humanity and policy require, that the nonjurors should be only so far restored to the rights of citizens, as to vote at elections. We maintain the affirmative, your honours the negative. It seems to us, that the bare stating the question would determine the generous and great mind, and the prudent and wise politician, in the affirmative. Your honours argue, that our constitution declares, that every man, having a common interest in, and attachment to, the community, ought to have a right of suffrage; and that all those, who declined to take the oath of fidelity to the state before the 1st of March seventeen hundred and seventy-eight, have manifested their want of that attachment to this government, which the constitution required, and, therefore, are not entitled to vote at elections.

We shall not presume to refer the senate for information to the 43d article of the form of government, to learn, that the proof of the attachment to the community, required, as the foundation of the right of suffrage, by the bill of rights, is this—"that the person offering to vote for delegates, shall (if required by any three voters) before he be admitted to poll, take the oath or affirmation of support and fidelity to this state, as prescribed in the constitution, or which should thereafter be directed by the legislature." If any person of age, having the qualifications of property and residence required, will take the oath or affirmation, in the form of government, and in the act for the better security of the government, at any time before he offers to vote, we hold such person entitled, by the constitution, to suffrage, and that no law can take away this right. The constitution requires this proof of attachment to the community to be given before he votes; and this right is vested, and becomes complete, on the offer to take the test before the exercise of suffrage in the election; and, therefore, any law requiring this test, before any other time, cannot affect or take away a right given by the constitution, superior to any law. The test, on admission to office, is very different.

The senate are apprehensive, that, if the nonjurors are made eligible to the legislature, they will be chosen; and, by their arts and address, embarrass and perplex our public councils. We would remark, that the senate can have no fears, that they should be forced to an association with any characters they suspect and despise; at least, for two years. The senate will fill up their own vacancies for that period; and, as they know, that their consequence, weight, and influence in the government, must ever flow from the opinion entertained by the people of their