

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 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 inutilty 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