

It is with great reluctance this house consent to strike out of the bill the test to the disaffected; their incapacity, on refusal to take it, to hold offices; and the power invested in the general court to order their departure from this state, if adjudged dangerous to reside among us.

We apprehend that we now give you the strongest evidence of our desire to obtain the bill on the best terms your honours will please to grant; nor can we think your honours had any reasonable grounds to conclude, from any thing in our message, a determination in this house to reject the bill, unless you consented to those parts in which we differed in opinion. We are not to learn your honours power over our bills, and flatter ourselves that it will never be exerted to prevent any useful and necessary regulation, and that your honours will ever afford every effectual security to our new government.

We are not convinced by your honours argument, that a test to discover the political principles of our internal enemies, is either improper or contrary to the spirit of the declaration of rights. We shall refer the disquisition of this subject to future consideration, with only remarking, that the bill does not, by the test proposed, appeal to the conscience to discover the political principles of the owner "in order to lay the foundation of a prosecution, or for the purpose of inflicting pains and penalties," but solely to preserve the state from injury, and to prevent the secret enemy, by art and cunning, from working our destruction. There is no punishment, no pain or penalty inflicted by the bill on the covert foe, even when discovered. If he refuses to take the test, he is to give security for his appearance at the court of his county, and in the mean time to behave well. If he refuses the test in court, he is disqualified to hold an office. It is provided by the bill, that if the county court shall think him a dangerous man to reside among us, he is to appear before the general court, who are invested with a power, if they shall adjudge his residence among us attended with danger to the state, to order his departure, taking his property with him. We think it unnecessary to insert your proposed power to a justice to arrest the disaffected, as the only security for his good conduct is to be a bond, which former experience has proved to be but little security to the state. We have to propose to your honours, that every minister, public teacher, or preacher of the gospel, and all officers in the land or sea service, or in the militia of this state, be required to take the oath or affirmation of fidelity in the bill, and also that all persons rightfully continuing in office, as the commissioners of towns, teachers, visitors, or trustees of public or county schools, and the members of the corporation of Annapolis, take the same oath or affirmation within three months, or be disqualified, and their places supplied agreeable to their respective institutions.

Your amendments relative the persons who deserted the defence of this country, and non-associators, remain only to be considered. We are apprehensive that on this subject we are misunderstood by your honours. By the bill, the first were not only incapacitated to hold any office in this state, but also prevented from ever returning, under the penalty of imprisonment for life. Your honours by your first amendment proposed, that unless such persons returned during the war, and subscribed the association within ten days thereafter, they should be incapable to hold any office of trust or profit in this state. This amendment was rejected, and this house adhered to their bill, with a proposition of allowing nine months for such absentees to return and take the oath of fidelity in the bill. It is not the intention of this house that those deserters of their country should ever return, unless within the time now agreed on. We agree to the time of their flight and the twelve months allowed for their return, and we also consent to lengthen the time for non-associators to the first of August. The bill will be corrected agreeable to the amendments now agreed to, on your honours answer relative to absentees, and to our proposition to require the oath of fidelity in the bill to be taken by the persons proposed and above-enumerated.

By order,

G. DUVALL, cl. ho. del.

The said message, with the bill to which it relates, was sent to the senate by Mr. Hall and Mr. Lethbrury.

Adjourned till 3 o'clock.

P O S T M E R I D I E M:

The house met. Mr. Benson has leave of absence.

On a second reading the message which accompanied the bill, entitled, An act to establish a board of commissioners to superintend the marine department, &c. ORDERED, That a message be prepared in answer thereto.

The following message being prepared, was sent to the senate, with the bill, by Mr. Brice and Mr. Crabb.

By the HOUSE of DELEGATES, April 17, 1777.

May it please your honours,

WE have considered the message attending your negative to the bill, entitled, An act to establish a board of commissioners to superintend the marine department, &c. We are willing to circumscribe and limit any powers your honours may think too extensive, which will provide against the expence you are apprehensive will attend the powers given by our bill. The propriety of