

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 for ever 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 public and private virtues, their patriotism, and natural and acquired abilities, they will studiously avoid the introducing any one into their body (whether whig or tory) who will tend in any degree to lessen their importance; which we sincerely wish always to see supported and maintained with respect, honour, and dignity. We also see no just ground for your honours to fear, that, at the next choice of senators, the electors will appoint any suspicious characters to a seat in the senate. This house are not under the least alarm for themselves, nor apprehensive that their feelings (as irritable with just cause as those of the senate) would be wounded, by an indiscriminate association with tories. It is not probable, that any of the nonjurors will ever be elected to this body; and if, in some very few instances, it should happen, we disclaim any fear from their abilities or address.

The senate further contend, "that our circumstances render the adoption of the measure peculiarly improper and impolitic, at this time." These circumstances are, "the late treaty of peace is not fully executed by the British government; the western posts are not given up; and there are many subjects of discussion between the two countries; vessels of war upon the Lakes are put in commission by the officers of the king of Great-Britain, and the province of Canada is strengthened by a considerable military force; the public acts of the British government breathe rather an *hostile* than a *friendly* disposition towards this country; and the British nation bear with impatient chagrin their loss of America, and have not relinquished their intention of doing us mischief." In addition to these very alarming facts, it is suggested, "that a war has already commenced, or will soon break out, in Europe." And from the whole a conclusion is drawn, "that no *wise or honest* politician would wish our safety, in the smallest degree, dependent on the nonjurors." All these circumstances combined, at first view, in horrid phalanx, may, without reflection, have weight with, and terrify weak minds, and influence them to decide, that this is an improper and impolitic time to allow the nonjurors to vote at elections.

The true mode to determine what regard is justly due to these circumstances, is, to examine each by itself, and then put them all in the scale and weigh them together. This we shall do, (not for the information of your honours, with whom we cannot conceive they could have any influence) but for the benefit of our constituents. The admission or the refusal of nonjurors to vote at our elections, in our humble opinion, will have no influence with the British government to execute the treaty, and to deliver up or retain the western posts. We also conceive, that the vessels of war on the Lakes (if any) will not derive much assistance from the nonjurors.

The few of our people who left us during the late war, have long since had reason to repent their joining the British; and the nonjurors will not leave their connexions and property, and engage in the knight-errant scheme of enlisting under the British standard against their country, relatives and friends, and their passage to the Lakes and Canada, may be attended with some difficulty