

Oaths of Allegiance During the American Revolution

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Many who trace their lineage back to the time of American Revolution find they had an ancestor who swore or affirmed allegiance to a state or the United States. The Sons of the American Revolution (SAR), Daughters of the American Revolution (DAR), and Children of the American Revolution (C.A.R.) require proof that an ancestor provided support for the Revolution as a condition for membership and accept taking an oath of allegiance as providing support. They refer to this as “patriotic service.” The purpose of this paper is to explore the oaths of allegiance supporting the American Revolution as recorded in state statutes (including Vermont), and in some cases state constitutions. Citations of specific sources under the state abbreviation and document number followed by a page number. The annotated bibliography provides the key to the documents.

An oath is a solemn promise. The term will be used in that sense in this paper even though in the 18th Century oaths were often viewed as sworn promises. Although many took an oath of allegiance by swearing it, others could not do this for religious reasons. The states were very accommodating for those who could not swear an oath because of religious scruples, although not always at the beginning of the Revolution. Connecticut [Ct4 197], Massachusetts [Ma3 772], New Hampshire [NH3 428], New Jersey [NJ2 2, NJ3 428], New York [NY1 Art 8, NY3 87], Rhode Island [RI1 2], and Vermont [Vt3 74] allowed Quakers to affirm allegiance. Maryland [Md1 Art 36, Md4 173-174, Md5 187] allowed affirmation by Dunkers, Menonists, and Quakers. North Carolina [NC5 86] allowed Moravians in addition to those three. Maryland kept separate lists to distinguish between those who swore and those who affirmed allegiance. In 1781 Maryland permitted Quakers, Dunkers, and Menonists to preach without affirming allegiance provided they had not manifested a disposition inimical to the state of Maryland, and in 1783 granted the same permission to Methodists [Md15 295; Md16 331]. Delaware [De1 Art 22, De2 1], Georgia [Ga1 Art 14], Pennsylvania [Pa3 111], South Carolina [SC2 Art 36; SC3 135], Vermont [Vt1 Ch2 Sec 6], and Virginia [Va4 281] had no restrictions. Georgia allowed men to affirm they had allegiance to the state, but the officers in high state positions had to swear, a barrier against those with religious scruples from holding those positions [Ga1 Art 15, 24]. States often exempted those whose religious principles prohibited them to bear arms from military service as well, although they might charge them a higher tax rate so they would provide their fair share to support of independence.

The following oath of allegiance was tendered to white males over 18 in Pennsylvania:

“I, -----, do swear (or affirm) that I renounce and refuse all allegiance to George the Third, King of Great Britain, his heirs and successors, and that I will be faithful and bear true allegiance to the commonwealth of Pennsylvania as a free and independent state, and that I will not at any time do or cause to be done any matter or thing that will be prejudicial or injurious to the freedom and independence thereof, as declared by Congress; and also that I will discover and make known to some one justice of the peace of the said state all treasons

and traitorous conspiracies which I now know or hereafter shall know to be formed against this or any of the United States of America.”[Pa3 111-112]

This oath has three elements that were common in many of the oaths during the Revolution. It includes an abjuration of allegiance to the King of England; it includes promise of allegiance to the state as an independent state; and, it includes a commitment to reveal treasons and conspiracies against any of the states.

Every state required some promise of allegiance. This usually took the form of a promise of allegiance to his particular state, sometimes as a free and independent state, or in some cases, to the United States as free and independent states. Massachusetts and Rhode Island did not mention allegiance to the State, but required a man to pledge that he supported the war opposing Great Britain [Ma1 479, RI1 1].

Many states required a man to renounce allegiance to King George the Third and his successors. This left no wiggle room to swear allegiance to North Carolina and hold that North Carolina was properly under the rule of George the Third. Delaware [De2 1], Georgia [Ga2 204, Ga6 237-238], Maryland [Md4 173], Massachusetts [Ma10 Art 6], New Hampshire [NH2 107, NH3 428], New Jersey [NJ2 2], New York [NY5 355], North Carolina [NC2 11], Pennsylvania [Pa3 111], South Carolina [SC3 135], and Virginia [Va4 281] all required abjuration of allegiance to the Crown. Even states that required abjuration of allegiance to the Crown did not always include abjuration in oaths of officials. Allegiance to the state and an oath of office was often sufficient. The South Carolina Constitution of 26 March 1776, prior to the Declaration of Independence, did not require an oath abjuring allegiance to the King, but did require allegiance to the State constitution “...until an accommodation of the differences between Great Britain and America shall take place...”[SC1 Art 33] However, South Carolina’s Constitution of 1778 did require abjuration of allegiance to the King [SC3 Art 36].

A third element common in oaths of allegiance during the Revolution was a pledge to reveal conspiracies and treasonous acts. Delaware, for example, offered pardon to most men who “...have levied war against this or any other of the United States, or adhered to, aided or abetted the enemies thereof...”[De3 636]. (The really bad men were excluded by name in the statute.) The oath required men taking the oath to support independence and to disclose “...all treasons or traitorous conspiracies, attempts or combinations against the same, or the government thereof, which shall come to my knowledge [De3, 638].” Such a provision became a third common element in oaths of allegiance and can be found in oaths of Delaware [De2 1, De3 636], Georgia [Ga2 204, Ga6 237-238], Maryland [Md4 173], Massachusetts [Ma3 771], New Hampshire [NH2 107-108], North Carolina [NC2 11], Pennsylvania [Pa3 111-112], South Carolina [SC4 147], and Virginia [Va4 281]. Even some of these states did not include this element in all oaths.

Additional elements are found in some oaths of allegiance. Rhode Island, for example, required any man over 21 to “... declare that I believe the War [of] Resistance and Opposition in which the United States of American Colonies are now engaged against the Fleets and Armies of Great Britain is on the Part of the said Colonies just and necessary: And that I will heartily assist in the

Defence of the United Colonies.”[RI1 1, RI2 1] A man was not required of abjure allegiance to the King of Great Britain or to reveal treason or conspiracies in this oath. Rhode Island took measures that made the promise to reveal conspiracies in its oath of allegiance unnecessary. It was a high misdemeanor to “...acknowledge or declare that said King to be our rightful Lord and Sovereign, or shall pray for the Success of his Arms, or that he may vanquish or overcome all his Enemies...”[RI3 1] Rhode Island also made illegal for any man, not just those who declared allegiance, to fail to reveal treasons or conspiracies [RI5 30]. Vermont merely required that freemen take an oath that in any vote they would follow their consciences with respect to what was best for the state of Vermont “...as established by the constitution...”[Vt1 Ch2 Sec 6, Vt2 83]. The Vermont constitution declared that “...all allegiance and fealty to the said King and his successors, are dissolved and at an end...”[Vt1 Preamble].

What of those who neglected or refused to take an oath of allegiance? These people were referred to as “non-jurors.” Among the earliest oaths of allegiance during the Revolution were those required of state officials, which often included only promises of allegiance and performance of the duties of the office. Those not taking the oath could not serve in office. This requirement was in some state constitutions, including Delaware, Georgia, Maryland, Massachusetts, New Jersey, South Carolina (both the 1776 and 1778 constitutions), and Virginia (see table below for specific citations). After independence Virginia required each justice of a county court to take a new oath of office, swearing (not affirming) that he would be faithful to the Commonwealth of Virginia, would support its constitution and government, and would faithfully execute the duties of the office [Va3 126]. Bryan Fairfax of Fairfax County did not take the oath and did not continue as a justice of the court. Also among the early oaths were those administered to those who were inimical or suspected of being inimical to the Revolution. New York authorized its Commission for the Detection and Defeat of Conspiracies to tender an oath of allegiance to “...all such persons of neutral and equivocal characters in the State whom they shall think have influence sufficient to do mischief in it...”[NY3 87]. The Commission was empowered to remove those who would not take the oath to enemy lines.

Connecticut, Delaware, Georgia, Maryland, Pennsylvania, North Carolina, South Carolina, Virginia, all required oaths of allegiance of most adult men. All states had a minimum age and almost all explicitly exempted some men from the requirement.

Connecticut—Office holders and (to vote) freemen [Ct1 77]. (Freemen were over 21 [Ct2 88].)

Delaware--White males over 21 [De2 1].

Georgia—All men over 16 [Ga2 48].

Maryland—Free males over 18 [Md5 187].

North Carolina—Free males over 16 excepting those non copos mentis or prisoners of war [NC5 88].

Pennsylvania—White males over 18 [Pa3 111].

Rhode Island—Men above 21 [RI2 1].

South Carolina---Free males over 16 [SC4 147].

Vermont—Freemen (males over 21) [Vt1 Ch 2 Sec 6, Vt2 83].

Virginia—Free born males over 16 except indentured servants [Va4 281].

Implicitly exempt were prisoners of war and slaves. The minimum age can sometimes prove useful in determining that an older man took an oath of allegiance rather than younger man who was under-age at the time but an adult by the end of the Revolution.

No state required women to take the oath of allegiance, but restrictions were placed on women who did not take the oath. New York was explicit that women had to take the oath of allegiance in order to file a law suit:

...no person shall be entitled to commence any suit or process in any court of record either of law or equity within this State until he she or they shall first take the following oath, (vizt.)

I, A.B. do solemnly without any mental reservation or equivocation whatsoever, swear and declare and call God to witness (or if of the people called Quakers, affirm,) that I renounce and adjure all allegiance to the King of Great Britain and that I will bear True faith and allegiance to the State of New York, as a free and independent State [NY6 472].

Virginia required every person to take the oath of allegiance in order to exercise certain rights, including the right to sue for debt [Va4 282]. Many widows did so as administrators or executors of the estates of their late husbands. Similarly, any person who received a certificate for land on the western waters by right of settlement or pre-emption from Virginia had to take an oath of allegiance [Va7 179]. It is safe to assume that Elizabeth Allen, who was awarded 400 acres of land by right of pre-emption by the Kentucky Commission, was female [Va10 254]. No assumption about gender is needed in the case of Elizabeth Crouse, who was awarded 400 acres by the Monongalia Commission as the “Heiress at Law” of Conrad Crouse [Va11 178].

Connecticut, on the other hand, required executors, guardians, and administrators to take its oath of allegiance, but explicitly exempted women from the requirement [Ct1 77].

What motivation did a man have to taking the oath of allegiance if he was loyal to his state or neutral? The notion of a social compact was a founding principle underlying the Revolution. Citizens surrendered some liberties to the government in exchange for protection of other rights. The statutes authorizing oaths of allegiance often said simply and clearly that loyalty of the governed and protection by the government were reciprocal. Some states even articulated the principle in their constitutions. The New Jersey Constitution said in the opening paragraph,

...all the constitutional Authority ever possessed by the Kings of Great-Britain over these Colonies, or their other Dominions, was, by Compact, derived from the People, and held of them for the common Interest of the whole Society; Allegiance and Protection are, in the Nature of Things, reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn.”[NJ1 Preamble]

The North Carolina Constitution was similar [NC1 Preamble]. This principle was not only a rationale for the Continental Congress to declare independence, but also for many immigrants who had sworn allegiance to the King of England to hold that oath to be null and void. Delaware [De2 1], Maryland [Md5 187], Massachusetts [Ma1 770], New York [NY1 Art 40], Pennsylvania [Pa3 111], South Carolina [SC3 135, SC4 147], and Virginia [Va4 281] all used the principle as a rationale for justifying oaths of allegiance. It was also used as a justification for tendering the oath to men travelling from other states. Those men received protection while in the state. The prelude to the sections of one statute that required oaths of allegiance said,

“...whereas allegiance and protection with a statement that protection and allegiance were reciprocal, and those who will not bear the former are not nor ought to be entitled to the benefits of the latter...”[Pa3 111]. The statute went on to say,

“...all persons coming from any of the other United States into this state are hereby required to apply to one of the nearest justices after he enters this state and take and subscribe the said oath or affirmation upon the penalty of being dealt with as in the case of persons travelling or removing out of the city or county in which they usually reside unless he can produce a certificate that he has taken an oath or affirmation of like nature in the state from whence he came.”[Pa3 113]

Even a person who was within his state but in a county other than his residence might be required to take an oath of allegiance. Thomas Dodson, an Anabapist Minister who had taken the oath of allegiance in 1777 in Pittsylvania County and was on the 1783 tax list there, appeared in court in Halifax County in February 1778 to take the oath of allegiance required by Va4 [Va12 278]. Other states, including Massachusetts [Ma2 615], New Hampshire [NH1 71-72], and Rhode Island [RI5 30] used the principle to justify charging a non-resident with treason or misprision of treason, crimes that today we associate with betrayal of one’s own country. New Jersey cited the principle both as a reason a person travelling could be charged with treason and for tendering the oath of allegiance to suspicious travelers [NJ3 4, 5].

The principle that allegiance and protection were reciprocal also became the justification for withholding “protection” from those who refused or neglected to take the oath of allegiance. Restrictions imposed to those who did not take the oath of allegiance were severe to the point they could be considered coercive.

Summary of Rights and Privileges which Required an Oath of Allegiance

	Hold Office or Position of Trust	Vote	Guardian, Executor, Administrator	Hold License	Practice Law	Make Deed of Gift or Will
Connecticut citation date	Ct1 77 ante 1784 Ct3 182 Ante 1784	Ct1 77 ante 1784	Ct1 77 ante 1784		Ct1 77 ante 1784	
Delaware citation date	De1 Art 22 10 Sep 1776 De2 2 18 May 1778	De2 2 18 May 1778				
Georgia citation date	Ga1 Art 15 24 5 Feb 1777	Ga1 Art 14 5 Feb 1777 Ga3 176 Ante 3 Aug 1782				
Maryland citation session	MD1 Art 35 14 Aug 1776 MD2 Art 26 28 43 11 Nov 1776 Md4 173 Apr 1777 Md5 189 Oct-Dec 1777	Md2 Art 18 33 11 Nov 1776 Md4 173-174 Apr 1777 Md5 189 Oct- Dec 1777			Md5 189 Oct-Dec 1777	

Massachusetts <i>citation date</i>	Ma1 481 17 Apr 1776 Ma3 772 3 Feb 1778 Ma10 Art 6 16 June 1780	Ma1 481 17 Apr 1776			Ma3 772 3 Feb 1778		
New Hampshire <i>citation date</i>	NH 2 107-108 8 Nov 1777 NH 3 428 28 Nov 1781			NH3 428 28 Nov 1781 Taverners	NH 2 107- 108 8 Nov 1777 NH3 428 28 Nov 1781 NJ4 28 6 Oct 1777		
New Jersey <i>citation date</i>	NJ2 2 9 Sep 1776 Officers only						
New York <i>citation date</i>	NY2 15 5 Mar 1778 NY5 355-356 26 Mar 1781	(w exceptions) NY1 Art 8 20 Apr 1777		NY4 110 2 Mar 1779 Innkeepers Taverners			
North Carolina <i>citation session</i>	NC1 Art 12 11 Dec 1776 NC 1.5 41-42 Sheriffs NC5 89 Nov 1777	NC5 89 Nov 1777	NC5 89 Nov 1777	NC5 89 Nov 1777	NC5 89 Nov 1777	NC5 89 Nov 1777	
Pennsylvania <i>citation date</i>	Pa1 Sec 10,40 Pa2 13, 17 3 Sep 1776 Justices only; Pa3 112-113 13 June 1777	Pa3 112 13 June 1777	Pa5 239-240 1 Apr 1778; Repealed Pa6 305 5 Dec 1778	See Practice of Learned Professions, below.	Pa3 112-113 13 June 1777 Pa5 239 1 Apr 1778; Repealed Pa6 305 5 Dec 1778	Pa5 239 1 Apr 1778; Repealed Pa6 305 5 Dec 1778	
Rhode Island <i>citation date</i>		RI2 1 21 July 1776					
South Carolina <i>citation date</i>	SC1 Art 33 26 Mar 1778 SC2 Art 36 Nov 1778 SC4 148 28 Mar 1778	SC4 148 28 Mar 1778					
Vermont <i>citation date</i>	Vt1 Ch 2 Sec 9 & 36 8 July 1777	VT1 Ch 2 Sec 6 8 July 1777 Vt 2 82, 83 17 Feb 1779					
Virginia <i>citation session</i>	Va3 126 May 1776 Va4 282 May 1777	Va4 282 May 1777					

Note: The text of 1778 Vermont statutes is not known to be extant, although titles of some statutes are known and in some cases the content can be inferred from the Journal of the General Assembly.

	Buy Land, Heredita- ments, Tene- ments	Sell Land, Heredita- ments, Tene- ments	Sue for Debt	Right to state land by settlement or grant	Serve as security for suspected enemy	Regular Tax Rate
Connecticut citation date						
Delaware citation date						
Georgia citation date						
Maryland citation session			Md5 189 Oct- Dec 1777			Md5 188 Oct-Dec 1777
Massachusetts citation date						
New Hampshire citation date			NH3 428 28 Nov 1781			
New Jersey citation date						
New York citation date			NY6 472 9 Apr 1782			
North Carolina citation session	NC5 89 Nov 1777 Also cannot inherit land	NC5 89 Nov 1777	NC5 89 Nov 1777 Any suit at Law or Equity	NC4 43-44 Nov 1777		NC7 204 Apr 1778 NC9 434 Apr 1783 Pa5 239 1 Apr 1778
Pennsylvania citation date	Pa1 Sec 10 40 28 Sep 1776 Pa3 112 13 June 1777; Repealed by Pa6 305 5 Dec 1778	Pa3 112-113 13 June 1777; Relaxed Pa5 244 1 Apr 1778; Repealed by Pa6 305 5 Dec 1778	Pa3 112-113 13 June 1777; Expanded Pa5 239 1 Apr 1778; Repealed by Pa6 305 5 Dec 1778		Pa4 148-149 13 June 1777 Repealed Pa6 305 5 Dec 1778	
Rhode Island citation date			RI2 1 21 July 1776			
South Carolina citation date	SC4 148, 149 28 Mar 1778	SC4 149 28 Mar 1778	SC4 148 28 Mar 1778			
Vermont citation date				Vt4 210 1780		
Virginia citation session	Va4 282 May 1777		Va4 282 May 1777	Va7 179 Oct 1779		Va5 351 Oct 1777 Va6 549 Oct 1778

	Serve as Juror	Bear Arms	Practice Learned Professions	Merchant
Connecticut citation date				
	Serve as Juror	Bear Arms	Practice Learned Professions	Merchant
Delaware citation date	De2 2 18 May 1778			
Georgia citation date	Ga3 176 Ante 3 Aug 1782			
Maryland citation session	Md6 193 Mar-Apr 1778	Md6 Index Mar-Apr 1778	Md5 189 Oct- Dec 1777 Teachers, preachers, physicians, apothecaries Ma1 481 17 Apr 1776 Teachers, preachers	Md5 189 Oct- Dec 1777
Massachusetts citation date				
New Hampshire citation date	NH3 428 28 Nov 1781			
New Jersey citation date	NJ4 28 6 Oct 1777		NJ4 28 6 Oct 1777 NJ5 65 10 Dec 1778	
New York citation date				
North Carolina citation session		NC5 89 Nov 1777		
Pennsylvania citation date	Pa3 112 13 June 1777	Pa3 113 13 June 1777	Pa5 239 1 Apr 1778 Repealed by Pa6 305 5 Dec 1778 Pa8 27 27 Nov 1779	Pa5 239-240 1 Apr 1778; Repealed Pa6 305 5 Dec 1778
Rhode Island citation date				
	Serve as Juror	Bear Arms	Practice Learned Professions	Merchant
South Carolina citation date	SC4 148 28 Mar 1778	SC4 148 28 Mar 1778 Soldiers only	SC4 149 28 Mar 1778	SC4 149 28 Mar 1778
Vermont citation date				
Virginia citation session	Va4 282 May 1777	Va4 282 May 1777		

Significant details have been omitted in placing similar statutes of different states in the same general categories. For example, many requirements for an office holder to take an oath of allegiance were limited to specific offices. Please see the annotated bibliography for additional details and the original statutes for still more detail.

Some have questioned why the SAR, DAR, and C.A.R. accept taking an oath of allegiance as evidence of Revolutionary service when there was some degree of coercion to take the oath. Many were undoubtedly motivated at least in part the desire to acquire land, avoid a higher tax rate, practice a trade or profession, or some other reason unrelated to love of country and independence from Great Britain. It is difficult enough to get inside the head of a living person to sort and weigh the motive(s) for an action. Discerning the motives of a person who has been dead for perhaps 200 years is even more difficult. Evidence of actions that were performed between 1775 and 1783 is far more available than evidence of motives, especially for people who were not prominent. Lineage societies naturally place a great deal of weight on actions that supported the Revolution. Many other actions that are readily accepted as evidence of Revolutionary service could also have been the result of motives other than pure patriotism. A juror might have wished to avoid a fine for not serving; a justice of a county court might have wanted to uphold family tradition; supplies might have been yielded due to threat of force; a draftee might have served on active duty to avoid peer pressure. Even a volunteer in the Continental Army might have had multiple motives. A friend who is a member of SAR is satisfied that his ancestor was in part motivated to volunteer because of patriotism, but he is also certain that an additional motive of the 14-year old was to get away from his step-father.

Assessing the impact of the oath of allegiance during the Revolution requires an extensive examination of the enforcement of laws that is beyond the scope of this paper. However, the oaths were useful, even when coerced. Oaths were taken quite seriously. Even late in the war one can find Quakers assessed a penalty tax rate for not affirming allegiance. Some men were willing to swear oaths, but not the oath of allegiance. They opposed the Revolution and were willing to suffer consequences even more severe than those imposed on most men who did not take the oath. The New York Commission for Detecting and Defeating Conspiracies, for example, made a concerted effort to apprehend suspected Tories as well as “neutral and equivocal characters” in order to tender them the oath of allegiance. Some took the oath but others would not. For example, Isaac Man was tendered the oath of allegiance by the New York Commission and refused to take it. He was removed to the enemy lines, permitted only to take family members, clothing, household furniture, and 14 days of provisions [NY8 192, 193]. In South Carolina a man could be banished from the state for not taking the oath if tendered to him. The law provided that those returning without permission “...shall, on conviction, suffer death without benefit of clergy.”[SC5 151] Some suspicious people who took the oath surely found the experience intimidating and were careful to avoid showing opposition to the Revolution in the future. Undoubtedly many others who did take the oath of allegiance would make traitorous plots known to the proper authorities, as they pledged to do. The ability of Tories to organize opposition to the Revolution would have been limited where many had taken an oath that

included a promise to reveal conspiracies. The continued use of oaths of allegiance for the remainder of the Revolution suggests that states found them worth keeping.

What kinds of information show that a person took the oath of allegiance? Evidence is direct if it essentially supports what is to be established without further evidence. There are generally four kinds of direct evidence that a person took the oath of allegiance during the Revolution. The most common are lists of those taking the oath before a particular magistrate or in a particular township or county. These lists may bear the signatures or marks of those taking the oath or they may be entirely in the hand of the magistrate or a clerk. Second, evidence can be found in county or state record books or minutes. Court minute books often contain record of officers, civil and military, taking the oath of allegiance in order to assume their positions. One might need to determine what is meant by “met the qualifications of office” in a minute book, but this is essentially a matter of definition and still direct evidence. The Minutes of New York Commission for Detecting and Defeating Conspiracies record many taking the oath of allegiance. The third kind of evidence is relatively rare. Certificates were often issued to those who took the oath of allegiance. Among the uses of these certificates were establishing the right to vote, avoiding apprehension as a suspicious person when travelling, and proving to an assessor that one should not be charged a double or treble tax for not taking the oath. Relatively few of these have survived, but photographs can be found at on-line auctions of original manuscripts. The fourth kind of evidence may be in other records of the time, such as newspapers or personal correspondence.

Evidence is indirect if additional evidence is required for one to infer that an oath of allegiance was taken. This is especially important because many lists of those who took the oath of allegiance are no longer extant, but other records are. For example, New Jersey required that jurors take the oath of allegiance in order to serve. A man might not be on an extant list of those who took the oath of allegiance, but a record that a man served as a juror might well exist. The fact that the government empaneled the man is evidence that the government recognized him as having taken the oath of allegiance to serve in that position. Those interested in membership in SAR, DAR, or C.A.R. may not find this example exciting. After all, serving on a jury is itself evidence of civil service in support of the Revolution. However, some other activities not Revolutionary service in themselves provide indirect evidence that the oath of allegiance was taken. New York, North Carolina, and Virginia all had provisions that to secure a certificate for right to state land a person had to take the oath of allegiance. North Carolina empowered its land entry officials to tender oaths of allegiance to applicants [NC4 43-44] and Virginia empowered its several land commissions to do the same [Va7 179]. These bodies evidently did not keep lists of those who took the oath of allegiance, but their records of those granted right to state land (other than purchasing another’s right) is indirect evidence of many having taken the oath of allegiance. SAR, DAR, and C.A.R. all accept North Carolina state records of rights to these lands as well as Virginia records of its Kentucky Commission as evidence that men and women took the oath of allegiance. SAR will accept as indirect evidence a tax list if an ancestor was charged the regular tax rate and at least some on the list were charged the penalty rate levied on those who did not take the oath. (Note: The higher rate is not evidence that a person failed to

take the oath, only that the person may have failed to take the oath. The penalty rate in North Carolina was identical with the higher rate charged those who could not bear arms for religious reason to make up for not contributing their fair share of military service.) At last report, DAR and C.A.R. did not accept such tax lists as indirect evidence that those charged the regular rate took the oath of allegiance. One should determine the extent to which a particular lineage organization accepts indirect evidence for Revolutionary service before submitting an application.

A key element in use of such indirect evidence in proving that an oath of allegiance was taken is a government action indicating that it accepted that the oath was taken. One cannot show that a North Carolina ancestor rendered service supporting the American Revolution by citing evidence that he bore arms while serving in a Tory militia unit in 1779, a year when those not taking the oath were forbidden to bear arms. It is not enough to show that an ancestor was a New Hampshire tavern keeper in 1782. One must show the ancestor was a licensed tavern keeper, that the state had granted a license. One cannot use that fact that an ancestor was a 36-year-old free born, unindentured male Virginian in 1781 to show that he took the oath of allegiance merely because the law required such men to do so. In each of these cases, the man could have failed to take the oath. He could have been breaking the law, without regard to whether he was apprehended. It is essential to present evidence not only that the ancestor performed an action that required the oath of allegiance to do lawfully, but also evidence that the government acknowledged a right or a privilege of that action. Furthermore, the action needs to be at a time when statute required that the oath be taken in order for the action to be lawful. This requires a careful examination of statutes for the state in which the oath would have been taken to determine when the relevant law went into effect, whether the deadline for taking the oath was extended in later statute (it often was), whether it was suspended (as it sometimes was in Maryland), and whether it was repealed (as was the case for many restrictions in Pennsylvania).

In summary, the states, including Vermont, mandated one or more oaths of allegiance in support of the Revolution. Renunciation of allegiance to King George the Third and his successors and a commitment to reveal knowledge of any conspiracies against the state were often part of the oath. The idea that allegiance and protection were reciprocal was a fundamental rationale for having an oath of allegiance as well as for limiting the rights of those who did not take the oath of allegiance. The consequences were severe for a person who was tendered an oath of allegiance and refused or was required to take an oath that did not do so. For suspected Tories, it was often banishment. For others it could mean loss of suffrage, a higher tax rate, the inability to buy land, the inability to practice one's profession, and other consequences. The SAR, DAR, and C.A.R. all recognize taking an oath of allegiance to a state or the United States during the Revolution as Revolutionary service. Direct evidence that an ancestor took the oath of allegiance includes magistrates' lists, minutes of the body before whom the oath was taken, certificates, certificates that the oath was taken, and other records of the time. Indirect evidence takes the form of a record showing the government acknowledged that an individual had a right or privilege which required that an oath be taken. When using this evidence, one must take care to ensure that the restriction on those not taking the oath was in force at the time the person

exercised the right or privilege. Many limitations were not in place at the beginning of the Revolution, especially before the declaration of independence. They became more common in 1777 and 1778. Some states added restrictions gradually. Some states repealed restrictions. Even when it is clear that a restriction was in place and records show that state did not impose the restriction on an ancestor, lineage organizations differ in the extent to which they will accept indirect evidence.

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Annotated Bibliography

Original spelling has been preserved in quotations.

Connecticut

Acts and Laws of the State of Connecticut, in America, New London, 1784.

<https://babel.hathitrust.org/cgi/pt?id=osu.32437121663724&view=1up&seq=5>

Statutes are listed in alphabetical order of subject in this book without a date they were passed.

Ct1. *An Act for enjoining an Oath of Fidelity to this State*, ante 1784, p. 77. Freemen to take oath. "...no Person shall execute any Office, Civil or Military, nor vote in any Town, Society, or other public Meeting appointed by law, nor plead in any Court (except in his own Case) nor any Male Person act as Executor or Administrator, or Guardian of any Minor, until he shall have taken the Oath aforesaid." [77]

Ct2. *An Act relating to Freemen*, ante 1784, p. 88, ante 1784. Freemen must be over 21. [88]

Ct3. *An Act for prescribing and establishing forms of oaths in this state*, ante 1784, pp. 182-187.

The oath of fidelity, and oaths for freemen, the governor, Lt. governor had in common that he "...will be true and faithful to said state [Connecticut], and the Constitution and Government thereof, as a free and independent state...." [182] Abjuration not included.

Ct4. *An Act relative to the people commonly called Quakers*, ante 1784, pp. 196-197. Quakers could affirm rather than swear. [197]

Delaware

The Avalon Project

https://avalon.law.yale.edu/18th_century/de02.asp

De1. *Delaware State Constitution*, 10 September 1776. Delaware required an oath or affirmation of allegiance from members of either house and for holding office or position of trust: “I, A B. will bear true allegiance to the Delaware State, submit to its constitution and laws, and do no act wittingly whereby the freedom thereof may be prejudiced.”[Art. 22] No abjuration or independence declared.

Delaware Public Archives, Collection Revolutionary Oaths of Allegiance, RG 1800-000-109
<https://delaware.contentdm.oclc.org/digital/collection/p15323coll6/id/47218/rec/8>

De2. *An Act for the further Security of the Government*, passed 18 May 1778, pp. 1-3. “Whereas every member of this State hath the right to the protection & benefit of the Laws thereof, it is reasonable that every person who enjoys those privileges should give testimony of his attachment and fidelity thereto....”[1] White males over 21 to take oath by 1 July 1778.[1] Men promised, “...that I do not hold myself bound to yield any allegiance or obedience to the King of Great Britain his Heirs or Successors, and that I will be true and faithful to the Delaware State, and will support and maintain the Freedom Independence and Constitution thereof, against all open enemies, and secret and traitorous conspiracies and will disclose and make known ...all treasons and traitorous conspiracies....”[1] Both allegiance to Delaware and abjuration of allegiance to King required.[1] “...every person required by this Act ...who shall refuse or neglect to do so...is hereby disabled and rendered incapable of holding any office of profit or trust, civil or Military, within this State; and also be deprived of the right of suffrage at all elections within the same, or of being a Juryman”[2]

Laws of the State of Delaware, Vol. 2, New Castle, 1797.

<https://catalog.hathitrust.org/Record/008891419>

De3. *An Act of free pardon and oblivion, and for other purposes therein mentioned*, passed 26 June 1778, pp. 636-643. Most of those who joined British offered amnesty if they would take oath that included revealing conspiracies.[636, 637-638] Those taking oath still could not hold office or vote.[639] Those not surrendering and taking oath by 1 Aug. 1778 forfeit their estates real and personal.[639]

Georgia.

The Avalon Project.

https://avalon.law.yale.edu/18th_century/ga02.asp

Ga1. *Georgia State Constitution*, 5 February 1777. “Every person entitled to vote shall take the following oath or affirmation, if required, viz: I, A B. do voluntarily and solemnly swear (or affirm, as the case may be) that I do owe true allegiance to this State, and will support the constitution thereof; so help me God.”[Art 14] Representative must take oath of fidelity to take their seats: “I, A B. do solemnly swear that I will bear true allegiance to the State of Georgia, and will truly perform the trusts reposed in me; and that I will execute the same to the best of my knowledge, for the benefit of this State, and the support of the constitution thereof, and that I have obtained my election without fraud or bribe whatever; so help me God.”[Art. 15] Governor must take oath to the state: “I, A B, elected governor of the State of Georgia, by the representatives thereof, do solemnly promise and swear that I will, during the term of my appointment, to the best of my skill and judgment, execute the said office faithfully and

conscientiously...; that I will, to the utmost of my power, support, maintain, and defend the State of Georgia, and the constitution of the same;"[Art. 24]

Candler, Allen D. (compiler): *The Revolutionary Records of the State of Georgia, Vol. II*, Atlanta, 1908.

<https://babel.hathitrust.org/cgi/pt?id=mdp.39015070579365&view=1up&seq=7>

Ga2. *Minutes of the Executive Council, January 14, 1778 to January 6, 1785*, 9 March 1778, pp. 47, 48-49; 28 January 1780, pp. 203, 204. Resolves of Assembly dated 1 March 1778 required "...all persons of the age of Sixteen or upward to take the Oath of affirmation of [sic.] abjuration who have not already done so..." [48] Nine state officials swore or affirmed the following oath: "I A.B. do solemnly swear, or affirm, without any equivocation or reservation of mind, that I do in truth and sincerity, cheerfully and desirously renounce and abjure the King of Great Britain, his Heirs & Successors, and also the Crown thereof forever. And I do solemnly swear, or affirm, that I will bear true allegiance to the State of Georgia, and do every thing in my power to support the independence of the same agreeable to the declaration passed in Congress, on the fourth of July, one thousand, seven hundred and seventy six; And that also all treasons, combinations, and confederacies, or any movements of British Troops, their Emissaries or Spies against it, which shall come to my knowledge, I will immediately made known to the nearest Justice of the Peace." [204]

Candler, Allen D. (compiler): *The Revolutionary Records of the State of Georgia, Vol. III*, Atlanta, 1908.

<https://babel.hathitrust.org/cgi/pt?id=mdp.39015070579340&view=1up&seq=1>

Ga3. *Journal of the House of Assembly, August 17, 1781 to February 26, 1784*, 2 August 1782, pp. 175, 176. Since the taking of Savannah many "...who owed allegiance to this and the United States, [have] taken protection from some one or other of his Britanick Majesties Officer, whereby they have rendered themselves incapable of voting at elections, and Serving as Jurors." [176] These disabilities would be removed for those who would the oath of abjuration and allegiance to Georgia and the United States. [176]

Watkins, Robert & George. *A Digest of the Laws of the State of Georgia from the Establishment as a British Province Down to the year 1798 Inclusive...with the Titles of All the Obsolete and Other Acts*, Philadelphia, 1800.

<https://archive.org/details/digestoflawsofst1800stat>

Watkins does not list the text of obsolete acts. Acts which may be relevant based on their titles are listed, but not cited in the paper.

Ga4. *An Act for expulsion of the internal enemies of this state*, 16 Sep 1777, p. 207. No text.

Ga5. *An Act to prevent the dangerous consequences that may arise from the practices of disaffected and other suspicious persons within this state*, 1 March 1778, p. 227. No text. This appears to be the "resolution" to which Ga2, p. 48 refers.

Ga6. *An Act declaring certain persons who are therein described, citizens of this state, and for burying in oblivion certain high crimes and misdemeanors*, 20 Aug 1781, pp. 237-238.

Persons who took British protection, provided no crimes are proved against them, can be

restored if they join any Georgia regiment by 1 October 1781 and swear or affirm that they “...renounce and abjure the king of Great Britain, his heirs and successors, and also the crown thereof, for ever...”, and ...will bear true allegiance to the State of Georgia, and do every thing in my power to support the independence of the same....”[237] The oath also required reporting all treasons, movements of British troops and spies that coming to their knowledge. [237-238]

Ga7. *An Act for the prevention of internal conspiracies, and for the empowering certain committees therein mentioned, to examine into the conduct of certain suspicious persons. Temporary.* 21 August 1781, p. 238. No text.

Ga8. *An Act for preventing improper and disaffected persons emigrating from other places, and becoming citizens of this State, and for other purposes therein mentioned. Temporary.— Expired.* 5 Aug. 1782, p. 250. No text.

Maryland

The Avalon Project

https://avalon.law.yale.edu/17th_century/ma02.asp

Md1. *Maryland State Declaration Rights and Constitution*, 14 August 1776. “...all government of right originates from the people, is founded in compact only, and instituted for the good of the whole.”[Art 1] “...no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this State, and such oath of office, as shall be directed by this Convention or the Legislature of this State, and a declaration of a belief in the Christian religion.”[Art 35] Quakers, Dunkers, and Menonists can affirm rather than swear. [Art 36]

Md2. *Maryland State Constitution*, 11 November 1776. “...the electors, immediately on their meeting, and before they proceed to the election of Senators, take such oath of support and fidelity to this State, as this Convention, or the Legislature, shall direct...”[Art 18] “The Council may appoint their own Clerk, who shall take such oath of support and fidelity to this State, as this Convention, or the Legislature, shall direct...”[Art 26] Senators and delegates “...shall take an oath of support and fidelity to this state...”[Art 28] All voting for delegates, senators, or sherrifs must take the oath of fidelity to this state.[Art 43]. Person appointed to any position of profit or trust must promise, “...I do not hold myself bound in allegiance to the King of Great Britain, and that I will be faithful, and bear true allegiance to the State of Maryland...”[Art 55]

Laws of Maryland, Annapolis, Frederick Green (printer to the State), 1787.

<https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000203/html/index.html>

Md3. *An Act to establish orphans courts in the several counties of this state*, (Session of 5 Feb. 1777-20 April 1777, Chapter 20), pp. 160-163. “...the register of wills in each county, before he acts as such, shall the oath of allegiance and fidelity to this state...” [161]

Md4. *An Act to punish certain crimes and misdemeanors, and to prevent the growth of toryism.* (Session of 5 Feb. 1777-20 April 1777, Chapter 20), pp. 171-175. Those concealing knowledge of treason shall forfeit their estates.[171-172] Those defending the authority of the King or Parliament subject to fine, persuading others to resist the government of Maryland by

force, corresponding with enemies, etc. subject to fine. [172] Those not revealing treason against the state are fined and imprisoned.[172] "...every senator, delegate to congress or assembly, member of the council, electors of the senate, and every attorney at law, and all civil officers, and all persons holding any office of trust or profit in this state, shall take, repeat and subscribe, the following oath of fidelity and support this state, before he acts as such, or enters into the execution of this office, to wit, 'I, A. B. do swear, that I do not hold myself bound to yield any allegiance or obedience to the king of Great-Britain, his heirs or successors, and that I will be true and faithful to the state of Maryland, and will, to the utmost of my power, support, maintain and defend, the freedom and independence thereof, and the government as now established, against all open enemies, and secret and traitorous conspiracies, and will use my utmost endeavours to disclose and make known to the governor, or some one of the judges or justices thereof, all treason or traitorous conspiracies, attempts or combinations, against this state or the government thereof, which may come to my knowledge.'" [173] "Every voter for delegates or sheriffs, or for electors of the senate, if required, and every other person required by law to take the oath of fidelity and support to this state, shall take, repeat and subscribe, the same oath, or if a quaker, menonist or dunker, shall solemnly, sincerely and truly, declare and affirm thereto in the words thereof." [173-174]

Md5. *An Act for the better security of the government*, (Session of 31 Oct. 1777-3 Dec. 1777, Chapter 20), pp. 187-191. "...in every free state, allegiance and protection are reciprocal, and no man is entitled to the benefit of one, who refuses to yield the other; and as every inhabitant of this state enjoys the protection and benefit of government and the laws thereof, and it is reasonable that every person should give testimony of his attachment and fidelity to this state, and the present government thereof, as now established." [187] Every free male above 18 to take oath by 1 March 1778. Quakers, menonists, and dunkers to affirm. [187] Magistrates are to keep separate books for those swearing and those affirming. [187] Those not taking oath were to pay treble. [187] "...every person, required by this act to take the oath or affirmation aforesaid ... shall, for and during the life of such person, in all public and county assessments, pay a tax treble the tax which by such public or county assessments shall be imposed...." [188] "...every person chargeable with the treble tax as aforesaid, shall be disabled from commencing or prosecuting any suit in any court of this state, for the recovery of debt or damages, for any money or tobacco due or owing to him in his own right, or from practicing the trade of merchandise...." [189] "...every person, chargeable with the treble tax aforesaid, shall be for ever disabled and rendered incapable to practice the law, physic or surgery, or the art of an apothecary, or to preach or teach the gospel, or the teach in public or private schools, or to hold or exercise, within this state, any office of profit or trust, civil or military, or to vote at any election of electors of senators, or of delegates to the house of delegates...." [189] Those of absent from state on lawful business have three months after returning and those in active service exempt. [190]

Md6. *An Act to prevent and suppress insurrections*, (Session of 17 March-22 April 1778 Chapter 8), p. 193. "...no person shall be capable of serving as a juror in any civil or criminal case, who hath not taken the oath of fidelity to this state...." [193] Much of this statute was not printed. According to the index, this act also authorized disarming of non-jurors.

Md7. *An Act concerning nonjurors*, (22 July-15 Aug. 1779, Ch 14), p. 214. Treble tax suspended until 10 Nov. 1779. [214]

Md8. *An Act concerning nonjurors*, (Session of 8 Nov.-30 Dec 1779 Chapter 1), p. 215. Treble tax suspended until end of session. [215]

- Md9. *An Act concerning nonjurors*, (Session of 12 June-5 July 1780 Chapter 15), p. 246. Treble tax imposed for 1779 Supply Tax and assessments suspended until end of session. [246]
- Md10. *An Act for the relief of certain nonjurors*, (Session of 12 June-5 July 1780 Chapter 18), p. 247. (Title only in publication. No text of act.)
- Md11. *An Act to Procure an extra supply of provisions of the bread kind, also waggons and horses, for use of the continental army*, (Session of 12 June-5 July 1780 Chapter 25), pp. 247-248. Those not taking oath and have assessment under £4,000 if furnishing wagon, harness and gears by 10 August 1780 discharged from treble tax and other disabilities imposed on non-jurors except holding office of profit or trust and voting.[247-248] Any non-juror furnishing a wagon with harness and gears and 4 horses and driver, or a horse the value of a wagon with harness and gears is also discharged.[248]
- Md12. *A Supplement to the act to procure an extra supply of provisions of the bread kind, also waggons and horses, for use of the continental army*, (Session of 12 June-5 July 1780 Chapter 27), p. 248. Two or more non-jurors with combined assessments under £4,000 can furnish a good wagon, gears, and harness, or a horse of that value, or a wagon, gears, harness and four horses with driver and discharged from the treble tax and disabilities other than holding any office of profit or trust or voting.[247-248] Relief non-juror providing a wagons with harness and gears, etc., is also exempt.[248].
- Md13. *An Act relating to the treble tax imposed on nonjurors and absentees*, (Session of 17 Oct 1780-2 Feb. 1781, Chapter 46), p. 273. Treble tax suspended by previous acts is hereby remitted and the non-jurors discharged, and the treble tax under the 1781 Supply Tax is to be collected unless the local commissioners of the tax are satisfied that the motive for not taking the oath was other than attachment to Great Britain or disaffection to the State or independence.[273]
- Md14. *An Act to explain and amend the act for better security of the government*, (Session of 10 May-27 June 1781, Chapter 27), p. 284. Males 16 and over returning to the state have one month to swear or affirm fidelity. Those not doing so are subject to the disabilities imposed by other acts.[284]
- Md15. *An Act concerning nonjurors*, (Session of 5 Nov. 1781-22 Jan. 1782 Chapter 17), p. 295. Treble tax imposed by 1781 Supply Tax suspended until end of session. "...so much of the act for the better security of the government, as imposes on nonjurors a disability to sue for their debts, practice physic, or carry on merchandise, be and it is hereby repealed..."[295] Quakers, menonists, and dunkers shall not be fined for preaching the gospel without taking the oath unless their actions and conduct have "manifested a disposition inimical to the present government." [295]
- Md16. *An Act to relieve nonjurors from certain disabilities*, (Session of 4 Nov. 1782-15 Jan. 1783 Chapter 13), p. 331. Treble tax which has been suspended by previous act is remitted, and the treble tax on non-jurors imposed by the Act for better security over government is repealed. Methodists can preach the gospel without taking the oath unless they display a disposition inimical to government.[331]

Massachusetts

Acts and Resolves of the Province of Massachusetts Bay, Vol. 5 [1769-1780], Boston, 1886.
<https://babel.hathitrust.org/cgi/pt?id=umn.31951002355939u&view=1up&seq=3>

Ma1. *An Act for executing in the colony of the Massachusetts Bay, in New England, one resolve of the American Congress dated March 14, 1776, recommending the disarming of such persons as are notoriously disaffected to the cause of America, or who refuse to associate to defend by arms the United American colonies against the hostile attempts of the British fleets and armies; and for the restraining and punishing persons who are inimical to the rights and liberties of the said united colonies, and for directing the proceedings therein*, 1 May 1776, pp. 479-484. Those who would not take an oath of allegiance would be disarmed.[479] “Every male person above sixteen years of age...who shall neglect or refuse to subscribe to a printed or written declaration...upon being required thereto by the committee of correspondence, inspection and safety, for the town or place in which he dwells..., shall be disarmed and shall have taken from him, as herein directed, all such arms, ammunition and warlike implements, as, by the strictest search, can be found in his position or belonging to him: which declaration shall be in the form and words following; viz.,--‘...we verily believe that the war, resistance and opposition in which the United American Colonies are now engaged against the fleets and armies of Great Britain, is, on the part of the said colonies, just and necessary; ...we will not, during the said war, directly or indirectly, in any ways, aid, abet, or assist any of the naval or land forces of the king of Great Britain, ...but ...will defend by arms the United American Colonies...”[479-480] The local committee of correspondence, inspection, and safety of each town “...shall, without delay, tender said declaration to every male person in their respective town and places, above the age of sixteen years...”, and the declaration was to be signed within 24 hours.[480] Refusing or neglecting the oath disqualifies a man from civil and military offices, from voting, serving as a minister, or grammar schoolmaster.[481] Quakers only needed to promise they would not aid the British.[483] Those who had fled to the British or aided them since 19 April 1775 were not eligible to sign and disqualified from holding office, civil or military, voting, and were to be disarmed. [483]

Ma2. *An Act against treason and misprision of treason, and for regulating trials in such cases, and for directed the mode of executing judgments against persons attainted of felony*, 1 February 1777, 615-620. “...all persons abiding within this state and deriving protection from the laws of the same, owe allegiance to this state, and are members thereof, and that all persons passing through, visiting or making a temporary stay in this state, being intitled to and actually receiving protection of the laws, owe, during time of such visitation or temporary stay, owe, during the time of such visitation or temporary stay, allegiance to this state.”[615] Those owing allegiance to this or others who levy or conspire to levy war against this or any of the other United States are guilty of treason and “shall suffer the pains of death, without benefit of clergy.”[615]

Ma3. *An Act prescribing and establishing an oath of fidelity and allegiance*, 3 Feb 1778, pp. 770-772. “...the king of Great Britain had abdicated the government of this and the other United States of America, by putting them out of his protection and unjustly levying war against them...”[770] Suspected person can be tendered the oath of allegiance and abjuration: “...I will bear true faith and allegiance to the state of Massachusetts Bay, and will faithfully support and maintain and defend the same against George the Third...and will discover all plots and conspiracies that shall come to my knowledge...”[771] Those refusing are to be jailed and within 40 days deported at their own expense.[771] Those returning without

permission are subject to execution without benefit of clergy.[772] Members of the General Assembly, civil and military officers, attorneys at law, and all persons in office or trust must take the oath by 20 March 1778.[772] Quakers could affirm. [772]

Ma4. *An Act in addition to, and explanation of, An Act passed this present session, intituled "An Act for prescribing and establishing an oath of fidelity and allegiance,"* 13 March 1778, pp. 780-781. 20 June 1778 is the deadline for making the declaration and avoiding the disabilities and those not taking the oath by the deadline and in office are to be removed from office.[781] A person has two hours after the oath or affirmation is tendered to him to subscribe.[781]

Ma5. *An Act for prolonging the time for administering the oath, or affirmation, of fidelity and allegiance,* 19 June 1778, p. 880. Deadline extended to 30 Sep. 1778. No person considered disqualified until that time. Militia officers are required to take the oath. [880]

Ma6. *An Act for prolonging the time for administering the oath, or affirmation, of fidelity and allegiance,* 2 Oct. 1778, p. 902. Deadline extended to 1 Mar. 1779.

Ma7. *An Act for prolonging the time for administering the oath, or affirmation, of fidelity and allegiance,* 30 Apr. 1779, p. 965. Deadline extended to 1 Dec. 1779 for military officers.

Ma8. *An Act for prolonging the time for administering the oath, or affirmation, of fidelity and allegiance, to commissioned military officers,* 29 Nov. 1779, p. 1125. Deadline extended from 1 Dec. 1779 to 1 July 1780.

Ma9. *An Act for prolonging the time for administering the oath, or affirmation, of fidelity and allegiance, to commissioned military officers,* 20 June 1780, p. 1396. Deadline extended from 1 July 1780 to 1 March 1781.

Acts and Laws of the Commonwealth of Massachusetts [1780-1781], Boston, 1881.

<https://archive.org/details/actsresolvespass178081mass/page/1002/mode/2up>

Acts and Laws of the Commonwealth of Massachusetts [1782-1783], Boston, 1882.

<https://archive.org/details/actsresolvespass178283mass/page/n9/mode/2up>

Relevant statutes not found in these volumes.

https://press-pubs.uchicago.edu/founders/print_documents/v1ch1s6.html

Ma10. *Massachusetts Constitution, Pt. 2 (Frame of Government)*, 16 June 1780, Chapter 5. The following oath of allegiance required for Governor, Lt. Governor, Councilors, Senators, Representatives and “any person appointed or commissioned to any judicial, executive, military, or other officer under the government...”: “I, A. B. do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever: And that I do renounce and adjure all allegiance, subjection and obedience to the King, Queen or Government of Great Britain, (as the case may be) and every other foreign power whatsoever; And that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, superiority, preeminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth, except the authority and power which is or may be vested in their Constituents in the Congress of the United States....”[Art 6].

New Hampshire

Laws of New Hampshire, Vol. 4, Revolutionary Period 1776-1784, Bristol, 1916.

<https://babel.hathitrust.org/cgi/pt?id=hvd.32044097570220&view=1up&seq=7>

- NH1. *An Act against treason and misprison of treason, and for regulating the trials in such cases, and for directing the mode of executing judgements against persons convicted of those crimes*, 17 Jan 1777, pp. 71-74. "...all persons passing through visiting, or making a temporary stay in this state, and enjoying the protection of its Laws during their residence, therein, as well and the inhabitants of this state owe Allegiance to the same." [71] "...the concealing or keeping secret any such Treason be deemed Misprison of Treason and the Offender therein shall forfeit to the use of this state all his Goods & Chattels, and the proffits of his lands during his life, and shall be imprisoned at a term not exceeding Five years...." [72]
- NH2 *An Act to oblige the members of the Council and House of Representatives, All Officers, Civil & Military, Barristers and Attorneys at Law, to Take and Subscribe an Oath of Fidelity to the State*, Nov. 8. 1777, pp. 107-108. Those with positions named in the title "...shall be under the Obligation of an Oath of Fidelity to be by them respectively taken and Subscribed." [107] The oath promises "...that I do Renounce, refuse, & Abjure any Allegiance or Obedience to George the Third Kind of Great Britain, and that I will do the Utmost in my Power Support Maintain and Defend the Independence of all the United States of America as the Same was set forth by the Continental Congress in their Declaration of the fourth of July one Thousand Seven Hundred & Seventy Six. And I do promise that I will bear faith and true Allegiance to the State of New Hampshire during my Residence therein, and will disclose and make known to some Magistrate acting under said State, all Treasons & Conspiracies which I shall know to be Against the United States or any one of them, as Independant of the Crown of Great Britain." [107-108]
- NH3. *An Act for preventing the subjects of his Britannic Majesty and all other person inimical to the United States of America from prosecuting actions serving as jurors or action as town officers within this state*, 28 Nov 1781, pp. 427-428. "...every Plaintiff being an inhabitant of this State or who shall have claimed Privileges as such, who shall bring forward an Action, in any Court of Record or before any Justice of the Peace within this State, shall before Trial take the following Oath, Viz^t I do swear that I will bear faith & True Allegiance to the State of New Hampshire and that I will do all in my Power to defend it against all Treacheries Conspiracies & hostile Attempts whatever; and that no foreign Prince, Person, Prelate State or Potentate has or ought to have any Jurisdiction, Pre-eminence, Authority or Power, within this State except the Power which is or may be constitutionally vested in the Congress of the United States." [428] Quakers can affirm. [428] Those who do not take the oath or present a certificate showing that have taken the oath shall have the judgement rendered against them and the defendant shall recover his cost. [428] Jurors must also take the oath, and in case of refusal shall be liable for the same fine as for non-attendance. [428] Taverners and sellers of liquor must take the oath before being licensed and shall not be permitted to keep tavern or sell liquor if they refuse. [428-429] A suit for assault and battery does not require that the oath be taken. [429]

New Jersey

Acts of the Council and General Assembly of the State of New-Jersey, Trenton, 1784.

<https://babel.hathitrust.org/cgi/pt?id=mdp.35112203945441&view=1up&seq=8>

NJ1. *New Jersey State Constitution*, 2 July 1776, pp. iii-x. "...all the constitutional Authority ever possessed by the Kings of Great-Britain over these Colonies, or their other Dominions, was, by Compact, derived from the People, and held of them for the common Interest of the whole Society; Allegiance and Protection are, in the Nature of Things, reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn." [Preamble]

NJ2. *An Act for the Security of the Government of New-Jersey* (Chapter 2, passed 19 Sep. 1776), pp. 1-2. "...every person who holds any Office or Post of a publick Nature should evince his Fidelity and Attachment to the Government, from whence he derives Protection and under which he is authorized to act..."[1-2] "...the following Test shall be taken by all Officers Civil and Military, who are now in Office, or hereafter shall be appointed, elected or commissioned within the several Counties of this State within this State, that is to say, I A B do sincerely profess and swear, (or, if one of the people called Quakers, affirm) that I do not hold myself bound to bear Allegiance to the King of Great-Britain.... I A B do sincerely process and swear, (or, if one of the people called Quakers, affirm) That I do and will bear true Faith and Allegiance to the Government established in this State under the Authority of the People."[2]

NJ3. *An Act to punish traitors and disaffected person*, passed 4 Oct. 1776, pp. 4-5. "...all Persons abiding within this State, and deriving Protection from the Laws thereof, do owe Allegiance to the Government of this State, established under the Authority of the People, and are to be deemed as Members thereof: And all Persons passing through, visiting or making a temporary Stay in this State, being entitled to the Protection of the Law during such Passage, Visitation or temporary Stay, do owe, during the same Time, Allegiance to this Government." [4] Any two justices of the peace are authorized to tender the oaths set forth in NJ2 to any person suspected of being "...dangerous or disaffected to the present Government..."[5] Those declining to take the oath were bound over and could be jailed. [5]

NJ4. *An Act to oblige certain Persons therein described to take the Oaths of Abjuration and Allegiance* (Chapter 1, passed 6 Oct. 1777), pp. 27-29. "...it is highly reasonable that all Subjects of this State, and more especially necessary that those who are employed in the Distribution of Justice, should manifest Fidelity and Allegiance to the Government by taking and subscribing the Oaths of Abjuration and Allegiance..." as specified in NJ2.[27] "...no Counsellor, Solicitor, Proctor or Attorney, at Law, shall be permitted to plead in any Cause, or to make any Motion, or obtain a Rule in any Court within this State, until he shall have taken and subscribed the said Oaths of Abjuration and Allegiance, or, if one of the People called Quakers, Affirmations to the Effect thereof; and that every Person who shall be returned to serve on any Grand or Petit-Jury in any Court of Law within this State, after the Publication of this Act, shall, before he is sworn or affirmed on such Jury, take and subscribe the said Oaths, or, if one of the People called Quakers, the Affirmations of Abjuration and Allegiance..."[28] Those called to jury service refusing to take the oaths are subject to fines of £5-£20.[28] School masters and those teaching as ushers must take the oaths or forfeit £6 per week.[28-29]

NJ5. *An Act for the encouragement of education,*” 10 Dec 1778, pp. 64-66. Any master or teacher in a public school or academy with at least 15 students in his charge is entitled to an exemption from actual militia service.[65] Taking the oaths of allegiance and abjuration is also required for the exemption.[65]

New York

The Avalon Project.

https://avalon.law.yale.edu/18th_century/ny01.asp

NY1. *New York State Constitution*, passed 20 April 1777. “This convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and declare that no authority shall, on any presence whatever, be exercised over the people or members of this State but such as shall be derived from and granted by them.”[Art 1] “That every elector, before he is admitted to vote, shall, if required by the returning-officer or either of the inspectors, take an oath, or, if of the people called Quakers, an affirmation, of allegiance to the State.”[Art 8] “...it is the duty of every man who enjoys the protection of society to be prepared and willing to defend it...”[Art 40] Quakers are excused from militia duty.[Art 40]

Laws of the State of New York Passed at Sessions of the Legislature Held in the Years 1777, 1778, 1779, 1780, 1781, 1782, 1783, and 1784 inclusive, Albany, 1886.

<https://babel.hathitrust.org/cgi/pt?id=hvd.32044011878063&view=lup&seq=7>

NY2. *An Act requiring all persons holding offices or places under the government of this State to take the oaths therein prescribed and directed*, pp. 13-15. An oath of allegiance is required of members of the senate, members of the assembly, and officers, both civil and military: “I A.B. do solemnly swear and declare in the presences of Almighty God, that I will bear true faith and allegiance to the State of New York as a free and independent State”[13] Additional oaths of office were required for those holding particular positions. [13]

NY3. *An Act more effectually to prevent mischiefs arising from the example and influence of persons of equivocal and suspected characters in this state*, passed 30 June 1778, pp. 87-88. All neutrals that the detection of conspiracy commission believes could do mischief can be tendered an oath: “I A B do ... swear and call God to witness (or if of the people called Quakers) affirm that I do believe and acknowledge the State of New York to be of right a free and independent State. And that no authority or power can of right be exercised in or over the said State, but what is or shall be granted by or derived from the people thereof.”[87] Those refusing the oath are to be removed to within the enemy’s lines.[87]

NY4. *An Act to lay a duty of excise on strong liquors, to appropriate the monies arising therefrom, and for better regulations of inns and taverns within this State*, 2 March 1779, pp. 109-110. To receive a license innkeepers and tavern keepers had to produce certifications of their attachment of freedom and independence or take oath of allegiance: “I, A.B. do solemnly swear and declare [Quakers affirm]...that I will bear true faith and allegiance to the State of New York, as a free and independent state....”[110]

NY5. *An Act for the better security of the independence of this State, and to that end requiring all public officers and electors within this State, to take the test oath therein contained*, 26

March 1781, pp. 355-366. Added abjuration of allegiance to the King of Great Britain and his successors to the oath required of all elected or appointed to a public place or office in order to serve: "...I renounce and abjure all allegiance to the King of Great Britain..."[355]

NY6. *An Act to empower justices of the peace, mayors, recorders and aldermen, to try causes to the value of ten pounds and under, and to repeal sundry acts therein mentioned*, 9 April 1782, pp. 465-472. "...no person shall be entitled to commence any suit or process in any court of record either of law or equity within this State until he she or they shall first take the following oath, (vizt.) 'I, A.B. do solemnly without any mental reservation or equivocation whatsoever, swear and declare and call God to witness (or if of the people called Quakers, affirm,) that I renounce and adjure all allegiance to the King of Great Britain and that I will bear True faith and allegiance to the State of New York, as a free and independent State.'"[472] The oath was for both abjuration and allegiance with essentially the same language as the oath required in NY5.

NY7. *An Act relative to debts to persons within the enemies lines*, 12 July 1782, pp. 499-501. Suits are threatened by people remaining in the enemy's lines.[499] Suits by those who were forced to go to within the enemy's lines by New York law are stayed. Debts can be paid in paper money and no interest due from 1 Jan 1776 until end of war if the debtor takes the oath of allegiance [499-501].

Palsits, Victor Hugo: *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York, Albany County Sessions, 1778-1781*, Albany, 1909.

NY8. Numerous accounts of suspected parties being brought before the Commissioners and tendered the oath of allegiance.

North Carolina

The Avalon Project

https://avalon.law.yale.edu/18th_century/nc07.asp

NC1. *North Carolina State Constitution*, 18 December 1776. "...allegiance and protection are, in their nature, reciprocal, and the one should of right be refused when the other is withdrawn..." [Preamble] "...every person, who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State..."[Art 12] "...every foreigner, who comes to settle in this State having first taken an oath of allegiance to the same, may purchase, or, by other means, acquire, hold, and transfer land, or other real estate..." [Art 40]

Clark, Walter (ed.), *The State Records of North Carolina, Vol. XXIV, Laws 1777-1788*, Goldsboro, 1905. Note: The text in this book incorrectly labels statutes from pages 200 through 253 as passed in 1778. In fact, they were passed in 1779.

<https://babel.hathitrust.org/cgi/pt?id=hvd.32044009912411&view=1up&seq=7>

A number of statutes required those appointed to newly established positions, especially at the county level, to take the oath of allegiance. These statutes have been omitted here.

NC2. *An Act for declaring what Crimes and Practices against the State shall be treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both*

Classes, and for preventing the Dangers which may arise from Persons disaffected to the State (Session of 15 Nov. 1777 Chapter 1), pp. 9-12. All late officers of the King, or who have traded with Great Britain or Ireland in the last 10 years, or acted as factors, storekeepers, or agents of British or Irish merchants must depart the state or make the following affirmation: “I will bear faithful and true Allegiance to the State of North Carolina, and will do the utmost of my Power, [to] support and maintain, and defend the independent Government thereof, against George the Third, King of Great Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State, or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same...; and that I will disclose and make known...all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my knowledge.”[11] Those who did not take the oath were subject to being ordered to depart for Europe on the West Indies within 60 days.[11] Justices were authorized to order any person or persons to appear in court where they normally resided to take the oath, and if they refused order them to depart the state.[12] Those who were sent off or departed and returned were subject to being charged with treason.[12]

NC3 *An Act for erecting county courts and Sessions of Peace and also for appointing and commissioning justices of the peace and sheriffs in and for the several counties and the district of Washington within this state and for other purposes therein mentioned*, April Session 1777, pp. 39-42. Those appointed by justices must take the oath of allegiance to the state prior to serving in office.[41-42]

NC4. *An Act for establishing Offices, for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned*, (Session of 15 Nov. 1777 Chapter 1), pp. 43-48. “...every Person except a Guardian who shall claim for an Orphan child, and except Persons absent in Service of this State, or the United States, before he shall enter a Claim for any of the Lands aforesaid, shall take and subscribe the Oath, or Affirmation, of Allegiance and Abjuration, prescribed by the Law of this State, which Oath the Entry Officer is hereby impowered [*sic.*] and required to administer...”[43-44]

NC5. *An Act to amend an Act for declaring what Crimes and Practices against the State shall be Treason, and what shall Be Misprison of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State* (Session of 15 Nov. 1777 Chapter 6), pp. 84-89. “...all and every Person or Persons (Prisoners of War excepted) now inhabiting or residing within the Limits of the State of North Carolina, or who shall voluntarily come into the same hereafter to inhabit or rised, do owe and shall pay Allegiance to the State of North Carolina.”[84] This statute repeats the requirement in NC2 of those who had ties to Great Britain as officers or merchants to take an oath of allegiance “...the County Court of each respective County which shall sit after the last Day of February, shall divide the County into several Districts, in each of which shall reside one or more Justices of the Peace, which said Justices within their respective Districts are hereby enjoined and required to administer such Oath of Allegiance or Affirmation, as the Case may be, to all free Male Persons above Sixteen Years of Age (Persons non compos Mentis, Prisoners of War, only excepted)....”[p. 88] Those failing or refusing to take the oath or affirmation could be ordered from the state, but if permitted to remain “...shall be adjudged incapable and disabled in Law to have, occupy or enjoy, any Office, Appointment, License, or Election of Trust or Profit, civil, or Military, within this State, and shall not be capable of being elected to, or aiding by their Votes to elect another to be a Member of Assembly, and shall not

by themselves, or by Deputy, Attorney or Trustee, execute any such Office, Trust or Appointment, and shall be disabled to prosecute any Suit at Law or Equity, or to be a Guardians, Executors or Administrators, or capable of any Legacy, or Deed of Gift of Lands, and shall be disabled from taking any Lands by Descent or Purchase, or conveying Lands to others for any Term longer than for one year, and shall not keep Guns or other Arms within his or their house, but the same may be seized by a written Order of a Justice of the County in which he or they reside....”[89]

NC6. *An Act for ascertaining the oath of allegiance and abjuration*, p. 103. “...every Person who shall hereafter be elected as a Member of the General Assembly, or who shall hereafter be appointed to hold any Office of Trust or Profit in this State, shall, before taking his Seat in the General Assembly, or executing Office to which he shall be appointed as aforesaid, repeat and subscribe to the following Oath,”[103] The oath includes a promise of allegiance to the State of North Carolina and its government consistent with its constitution, abjuration of allegiance to the King and Parliament of Great Britain, a commitment to make known treason and traitorous conspiracies, and a promise to maintain and defend the independence of North Carolina.[103]

NC7. *An Act for Ascertaining what Property in the State shall be deemed Taxable Property, the Method of Assessing the same, and Collecting the Public Taxes and other Purposes* (Session of 14 Apr. 1779 Chapter 3), pp. 200-204. “...Moravians, Quakers, Minonists, and Dunkers shall pay a three fold tax and all others who shall refuse to take an oath of Allegiance as the Law directs, shall also pay a three fold tax, and if any person coming within either of the aforesaid denominations, or refusing to take the oath as aforesaid, shall fail to return an inventory of this taxable property, according to law, the person so failing shall pay four times the tax which shall be assessed on persons of this State who comply in every respect with the laws thereof.”[204]

NC8. *An Act to prescribe the affirmation of allegiance and fidelity to this state to be taken by the Unitas Fratrum, or Moravians, Quakers, Menonists and Dunkards, and granting them certain indulgences therein mentioned, and for other purposes*, (Session of 14 Apr. 1779 Chapter 10), p. 219. The phrase “solemnly and sincerely affirm, in the Presence of Almighty God” was substituted. Taking the oath qualified them for all rights, privileges and immunities, “...the Assessment and Payment of Taxes only excepted.”[219] Affirming allegiance also enabled adherents of these faiths to enter claims for land.[219] Many ignorant but good North Carolinians who have not taken the oath owing to the neglect of officials have until 1 May next after the passing of this act to take the oath.[219]

NC9. *An Act for ascertaining what property in this state shall be deemed taxable property, the method for assessing the same, and collecting public taxes*, (Session of 13 Apr. 1782 Chapter 7), 429-434. “...the Moravians, Quakers, Menonists and Dunkards, shall pay a three fold tax, and all others who refuse the oath of allegiance as the law directs, shall also pay a three fold tax.”[434]

NC10. *An Act to Amend the Assessment Law, Passed Last Assembly at Hillsborough* (Session of 18 Apr. 1783 Chapter 10), pp. 492-493. “...in a time of war it was necessary that all persons refusing from a conscientious motive to bear arms, should be taxed heavier than those who actually performed military service, in consequence whereof the Moravians, Quakers, Menonists, and Dunkards, were taxed in a three-fold proportion; ... peace and harmony are once more restored in the state, by which means the cause for such unequal taxation is removed; and as it is contrary to the spirit of our constitution that any citizen should pay an

extraordinary tax on account of religion...” the law imposing a treble tax on Moravians, Quakers, Menonists, and Dunkards in lieu of performing military service is repealed. [492] “...all persons citizens of this state, who have not taken the oath of [*sic.*] affirmation of allegiance by law prescribed, shall take the same within six months after passing this act, and all persons refusing or neglecting to take an oath or affirmation of allegiance as aforesaid, shall pay double the tax.”[492] Those who have been in arms against the United States are not eligible to take the oath.[492]

Pennsylvania

The Avalon Project

https://avalon.law.yale.edu/18th_century/pa08.asp

Pa1. *Pennsylvania State Constitution [Preamble, Declaration of Rights, and Frame of Government]*, 28 Sep 1776. “...all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights and other blessings...”[Preamble] “...the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.”[Dec. Rights, Art. 3] “...all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.”[Dec. Rights, Art. 4] Oath or affirmation of fidelity required for the house of representatives: “I do swear (or affirm) that as a member of this assembly, I will not propose or assent to any bill, vote, or resolution, which shall appear to be injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the constitution of this state...”[Sec 10] “Every officer, whether judicial, executive or military, in authority under this commonwealth, shall take the following oath or affirmation of allegiance, and general oath of office before he enters on the execution of his office. I do swear (or affirm) that I will be true and faithful to the commonwealth of Pennsylvania: And that I will not directly or indirectly do any act or thing prejudicial or injurious to the constitution or government thereof, as established by the convention.”[Sec 40]

Mitchell, James T. & Henry Flanders (compilers): *The Statutes at large of Pennsylvania from 1682 to 1801, Vol. 9, 1776 to 1779*, Wm. Stanley Ray, State Printer of Pennsylvania, 1902.

<https://babel.hathitrust.org/cgi/pt?id=hvd.hl3cjj&view=1up&seq=7>

Pa2. *An ordinance for the Appointment of Justices of the Peace for the State of Pennsylvania*, 3 September 1776, pp. 13-18. Justices are required to swear or affirm that they abjure allegiance to the King of Great Britain, that they will oppose tyrannical proceedings of the King and parliament of Great Britain against the United States and will do the best consistent with the freedom and independence of Pennsylvania. [17]

Pa3. *An Act Obliging the Male White Inhabitants of This State to Give Assurances of Allegiance to the Same and For Other Purposes Therein Mentioned* (Passed 13 June 1777 Chapter 756), pp. 110-114. “...allegiance and protection are reciprocal, and those who will not bear the former are not nor ought not to be entitled to the benefits of the latter...”[111] “...all male white male inhabitants of this state (except of the counties of Bedford, Northumberland and Westmoreland) above the age of eighteen years shall on or before the first day of July next take and subscribe the following oath or affirmation before some one of the justices of the peace of

the city or county where they shall respectively inhabit... [111].” Those in Bedford, Northumberland, and Westmoreland, had until 1 August.[111] “I, -----, do swear (or affirm) that I renounce and refuse all allegiance to George the Third, King of Great Britain, his heirs and successors, and that I will be faithful and bear true allegiance to the commonwealth of Pennsylvania as a free and independent state, and that I will not at any time do or cause to be done any matter or thing that will be prejudicial or injurious to the freedom and independence thereof, as declared by Congress; and also that I will discover and make known to some one justice of the peace of the said state all treasons and traitorous conspiracies which I now know or hereafter shall know to be formed against this or any of the United States of America.”[111-112] Those taking the oath were given a certificate to that effect.[112] Those not taking the oath “...shall during the time of such neglect or refusal be incapable of holding any office or place of trust in this state, serving on juries, suing for debts, electing or being elected, buying, selling or transferring any lands, tenements or hereditaments, and shall be disarmed by the lieutenant or sub-lieutenants of the city or counties respectively.”[112-113] “...all persons coming from any of the other United States into this state are hereby required to apply to one of the nearest justices after he enters this state and take and subscribe the said oath or affirmation upon the penalty of being dealt with as in the case of persons travelling or removing out of the city or county in which they usually reside unless he can produce a certificate that he has taken an oath or affirmation of like nature in the state from whence he came.”[113] Delegates in Congress, prisoners of war, Continental soldiers, and merchants and mariners of foreign powers in amity with US and not becoming residents are not within the meaning of the act.[113]

- Pa4. *A Supplement to the Act, Entitled, “An Act Obliging the Male White Inhabitants of This State to Give Assurances of Allegiance to the Same and For Other Purposes Therein Mentioned* (Passed 12 Oct. 1777 Chapter 765), pp. 147-149. White males over 16 travelling from Philadelphia or his normal county of residence after 15 Oct. on information of one credible can be brought before a justice to take the oath or be imprisoned.[148] “...no person or persons shall be admitted as security for such suspected person or persons unless he or they first produce a certificate of his or their having taken the oath or affirmation...”[148-149]
- Pa5. *An Act for the Further Security of the Government*, (1 Apr. 1778 Chapter 796), pp. 238-245. “...every such person [white male over 18] neglecting to take the said oath or affirmation...also shall be disabled from and after the said day [1 June], to sue or use any action, bill, plaint, or information, in the course of law, or to prosecute any suit in equity or otherwise howsoever, or to be the guardian of the person and estate of any child, or executor or administrator of any person, capable of any legacy or deed of gift, or to make any will or testament, and moreover shall be liable and compelled to pay double the taxes, which another person of equal estate, who has taken such oath or affirmation, shall be rated or assessed at”[239] As of June 1st the oath is required of “...all trustees, provosts, rectors, professors, masters and tutors of any college or academy, and all schoolmasters and ushers; merchants and traders; and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practicing in any manner as such in any court or courts whatsoever; apothecary or druggist, and every person practicing physic or surgery in any manner for fee or reward...”[239] Those not taking the oath and engaging in proscribed activities “...shall be ipso facto adjudged incapable and disabled in law ... to have, occupy or enjoy the said preferment or preferments office or offices, employment or employments or any part of them, or any matter or thing aforesaid, or any profit or advantage

appertaining to them, or any of them, and every such office or place of trust shall be void and is hereby adjudged void...”[239-240] Such persons could be summoned and jailed if they refused to take the oath.[240] Except for those guilty of treason or misprision of treason, a person not taking the oath who wishes to depart the state can, with permission of the executive council, sell his land to a person who has taken the oath of allegiance.[244]

Pa6. *A Further Supplement to the Act, Entitled “An Act for the Further Security of the Government”* (Passed 5 Dec. 1778 Chapter 822), pp. 303-308. Those who have not taken the oath by 1 June 1778 and who refuse or neglect to take the oath “...shall be and is hereby excluded from and incapable of electing or being elected into or holding, any office or place of trust under this government; and of serving on juries during the time of such neglect or refusal; but that all other penalties, incapacities and disabilities imposed by any former acts of assembly shall from henceforth cease and determine.”[305] “...nothing in this act contained shall extend to discharge any person who has incurred a forfeiture of double taxes from payment thereof in such assessments which have been made or which shall be made by virtue of laws of this state heretofore passed.”[305]

Pa7. *A Further Supplement to the Test Laws of This State* (Passed 1 Oct. 1779 Chapter 852), pp. 404-407. Those in Cumberland, Bedford, Northumberland, and Westmoreland Counties must take the oath by 1 December 1779, those in Lancaster, York, Berks, and Northampton within 35 days of this act passing, and those in Philadelphia, Bucks, and Chester within 20 days of this act passing.[405-406] Those who do not are “...excluded from, and incapable of electing or being elected into, or holding any office or place of trust within this government or serving on juries, or keeping schools (except in private houses.”[406] “This act shall not extend to exempt them from serving the offices of supervisor of highways, collector of public taxes, or overseers of the poor.”[406] Those in the army on 1 June 1778 are exempt from the time limits of previous acts. [406]

Mitchell, James T. & Henry Flanders (compilers): *The Statutes at large of Pennsylvania from 1682 to 1801, Vol. 10, 1779 to 1781*, Wm. Stanley Ray, State Printer of Pennsylvania, 1904.
<https://babel.hathitrust.org/cgi/pt?id=umn.31951d00562649s&view=1up&seq=1>

Pa8. *An Act to confirm the estates and interest of the college, academy and charitable school of the City of Philadelphia, and to amend and alter the charters thereof conformably to the revolution and the constitution and government of this commonwealth, and to erect the same not a university*, 27 November 1779, pp. 23-30. The colonial charters are inconsistent with the constitution and laws of Pennsylvania and must be updated.[27] The provost, vice-provost, and professors must take the oath of allegiance in Pa6 and Section 40 of the Constitution of Pennsylvania.[27]

Pa9. *An Act for the regulation of the militia of the Commonwealth of Pennsylvania*, 20 March 1780, pp. 144-173. Militia officers must take the oath of allegiance and abjuration.[149]

Pa10. *An Act to raise effective supplies for the year one-thousand seven hundred and eighty-one*, 21 June 1781, pp. 326-344. Those who took the oath of allegiance on time can pay half of their assessment in paper bills emitted under an act passed 7 April 1781.[335-336]

Pa11. *An Act to redress certain grievances, within the counties of Westmoreland and Washington*, 13 April 1782, pp. 462-464. Now that a boundary has been set many who considered themselves residents of Virginia are now in Pennsylvania but do not have the rights of Pennsylvanians. Those who produce certificates that they took the oath of allegiance to Pennsylvania shall be considered free citizens of Pennsylvania.[462-463]

Mitchell, James T. & Henry Flanders (compilers): *The Statutes at large of Pennsylvania from 1682 to 1801, Vol. 11, 1782-1785*, Harrisburg, 1906.

<https://babel.hathitrust.org/cgi/pt?id=hvd.hl3ck4&view=1up&seq=9>

No relevant statutes found.

Rhode Island

Rhode Island Department of State Digital Records

https://sosri.access.preservica.com/uncategorized/IO_3ff2c9c6-0929-410f-a041-8c74874d79f0/

[RI1]. *An Act empowering the members of the upper and lower house to tender to such of the inhabitants of this colony as are herein after mentioned a declaration or test for subscription*, 16 July 1776, pp. 1-2. Purpose is to detect those inimical to the United Colonies.[1] An oath could be tendered to those suspected of being inimical: “I the Subscriber do solemnly and sincerely declare that I believe the War [of] Resistance and Opposition in which the United American Colonies are now engaged against the Fleets and Armies of Great Britain is on the Part of the said Colonies just and necessary: And that I will not directly nor indirectly afford Assistance of any sort or kind whatever to the said Fleets and Armies during the Continuance of this present War; but I will heartily assist in the Defence of the United Colonies.”[1] Members of the Society of Friends could affirm.[2]

https://sosri.access.preservica.com/uncategorized/IO_45369d2b-e818-4f65-b467-0fcddef114be/

[RI2]. *Act for making the Test Act general*, 21 July 1776, pp. 1-2. “...no male person of the age of Twenty One Years being an Inhabitant or Resident in this State shall profer a Petition to the General Assembly for [illeg]ing and any Judgment of Court or Staying any Execution or shall commence any Suit Action Bill or Plaint before any Court of Record in this State unless he shall have previously Signed the Declaration or Test presented by an Act ...[RI1].”[1] “...no Person in this State shall have the Liberty of Voting in any Town Meeting in this State in the Choice of Officers nor in any other Question unless he shall have previously to the said Declaration or Test.”[1] The act goes into effect in 10 days.[1]

https://sosri.access.preservica.com/uncategorized/IO_315807e2-498b-42fd-b424-64675312967b/

[RI3]. *An Act forbidding Prayers [Allegiance] for the King*, 21 July 1776, pp. 1-2. Any person in the State who in any way and manner who “...shall under Pretence of preaching or praying or in any other Way and Manner whatever acknowledge or declare that said King [of Great Britain] to be our rightful Lord and Sovereign, or shall pray for the Success of his Arms, or that he may vanquish or overcome all his Enemies shall be deemed guilty of high Misdemeanor....”[1]

Acts and Resolves at the General Assembly and Company of the State of Rhode Island and Providence Plantations [1777], Providence. Note: For each session the page number begins at 1, but the on-line copy also has image numbers.

<https://catalog.hathitrust.org/Record/010433570>

[RI4]. *Act establishing further regulations respecting the Test-Act*, March 1777 session, p. 28 (image 90). Those who have refused to subscribe to the test or produce a certificate “...have thereby manifested themselves to be unfriendly to the Liberties of this and the other United States....” and are not permitted to subscribe to the Test without permission from the Assembly [28]

- [RI5]. *An Act against Treason and Misprison, and for regulating the trials of such cases, and for directing the mode of executing judgements against persons attainted of felony*, May 1777 session, pp. 30-35 (images 160-165). "...all Persons abiding within this State, and deriving Protection from the Laws of the same, owe allegiance to this State, and are Members thereof; and that all Persons passing through, visiting or making a temporary Stay in this State, being entitled to and actually receiving the Protection of the Laws, during the Time of such Visitation or temporary Stay in this State, owe during the same Time Allegiance to this State." [30] "...Concealment, or keeping secret of any Treason, be deemed and taken only Misprison of Treason, and the Offender therein shall forfeit to the Use of this State all his Goods and Chattels, and the Profits of his lands, during his Life and shall and may be imprisoned for a Term of not less than two Years, nor exceeding five Years, at the Discretion of this Court before whom he shall be convicted." [30]
- [RI6]. *Further time allowed to subscribe to the Test*, May 1777 session, pp. 36-36 (images 165-166). The deadline under an Act passed in June 1776 can take the oath until 10 July 1777 without permission of the Assembly [35-36].
- [RI7]. *An Act in addition to, and amendment of, an act entituled, An Act empowering the Justices of the Superior Court of Judicature, Court of Assize, and General Gaol Delivery, in and for this state, to meet and hold a against the United States in general or this state in particular*, June 1777 session, pp. 30-31 (images 208-209). Those who have not subscribed to the Test are not eligible to serve on the jury for the special court [31].
- [RI8]. *Further time allowed to subscribe to the Test*, August 1777 session, p. 9 (image 235). The deadline under an Act passed in June 1776 extended 30 days after the rising of this assembly. [9] Those who do so have their rights restored and those who do not must obtain special permission of the Assembly [9].

Acts and Resolves at the General Assembly and Company of the State of Rhode Island [1778-1779]

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Acts and Resolves at the General Assembly and Company of the State of Rhode Island [1780]

<https://babel.hathitrust.org/cgi/pt?id=mdp.35112104245149&view=1up&seq=2>

Acts and Resolves at the General Assembly and Company of the State of Rhode Island [1781-1782]

<https://babel.hathitrust.org/cgi/pt?id=mdp.35112104245156&view=1up&seq=1>

Acts and Resolves at the General Assembly and Company of the State of Rhode Island [1783-1784]

<https://babel.hathitrust.org/cgi/pt?id=mdp.35112104245172&view=1up&seq=18>

No relevant acts found in these volumes.

South Carolina

The Avalon Project

https://avalon.law.yale.edu/18th_century/SC01.asp

SC1. *South Carolina State Constitution*, 26 March 1776. "...all persons who shall be chosen and appointed to any office or to any place of trust, civil or military, before entering upon the execution of office, shall take the following oath: 'I, A. B., do swear that I will, to the utmost of my power, support, maintain, and defend the constitution of South Carolina, as established

by Congress on the twenty-sixth day of March, one thousand seven hundred and seventy-six, until an accommodation of the differences between Great Britain and America shall take place....”[Article 33].

https://avalon.law.yale.edu/18th_century/sc02.asp

SC2. *South Carolina State Constitution*, 26 March 1778. “...all persons who shall be chosen and appointed to any office or to any place of trust, civil or military, before entering upon the execution of office, shall take the following oath: ‘I, A. B., do acknowledge the State of South Carolina to be as free, sovereign, and independent State, and that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain, and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear (or affirm, as the case may be) that I will, to the utmost of my power, support, maintain, and defend the said State against the said King George the Third, and his heirs and successors, and his or their abettors, assistants, and adherents, and will serve the said State, in the office of -----, with fidelity and honor, and according to the best of my skill and understanding: So help me God.”[Article 36].

Cooper, Thomas (ed.), *The Statutes at Large of South Carolina, Vol 1*, Columbia, 1836.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433090745104&view=1up&seq=10>

SC3. *Act establishing an oath of abjuration and allegiance*, 13 February 1777, pp. 135-136.

“...in all States, Protection and Allegiance are or ought to be reciprocal, and those who will not bear the latter are not entitled to the former.”[135] Oath to be administered “...to all late Officers of the King of Great Britain, and all other persons (other than prisoners of war) who are now, or hereafter my come into this State, as they, the said President and Privy Council shall suspect of holding principles injurious to the rights of this State: ‘I, A.B., do acknowledge the State of South Carolina is and of right ought to be a free, independent, and sovereign state, and that the people thereof owe no allegiance or obedience to George the Third, Kind of Great Britain, and I do renounce, refuse, and abjure, any allegiance or obedience to him; and I do swear (or affirm, as the case may be) that I will to the utmost of my power, support, maintain and defend the said State to the utmost of my power, support, maintain and defend the said State against the said King George the Third, and his heirs and successors, and his or their abettors, assistants and adherents. And I do farther swear that I will bear Faith and true Allegiance to the said State, and to the utmost of my power, will support, maintain, and defend the Freedom and Independence thereof.”[135-136] Those refusing “...shall within sixty days after such refusal, or as soon as may be thereafter, be sent off from this State, taking his or their family or families with them, if he or they shall think fit to do so, to Europe or the West Indies....”[136] “...if any person or persons so sent off from this State shall return to the same, then he or they shall be adjudged guilty of Treason against this State, and shall upon conviction thereof, suffer Death as a Traitor.”[136]

SC4. *An Act enforcing an assurance of allegiance and fidelity to the state*, 28 March 1778, pp.

147-151. “...the established and fundamental principle of all societies wherein mankind unite for common safety and happiness, has rendered the blessing of protection and the duty of allegiance necessarily reciprocal and inseparable, whereby those who will not conform to the latter, forfeit every right and claim to the former....”[147] An oath was required of all free males above 16: “I, A.B., do swear (or affirm as the case may be) that I will bear true Faith and Allegiance to the State of South Carolina, and will faithfully support, maintain and defend the same against George the Third, King of Great Britain, his successors, abettors and all other enemies and opposers whatsoever, and will without delay, discover to the Executive Authority

or some one Justice of the Peace in this State, all plots and conspiracies that shall come to my knowledge against the said State, or any other of the United States of America.”[147] Militia are to be assembled within three months, tendered the oath, and those “...refusing shall be immediately disarmed...” but still must attend musters without weapons. [148] “...members of the present Legislative Council and General Assembly in their respective houses, and all persons holding any office or place of trust or emolument in this State, also all Ferry-men, Pilots, and all other persons not subject to Militia duty except in times of alarm...” shall take the oath within one month.[148] Those not taking the oath shall not be capable of “...being chosen or appointed to any office, place of trust or emolument in this State, or be qualified to vote at any public election whatever, or to serve as a Juror in any Court within this State, or be at liberty to commence any action or suit either in law or equity, or hold or possess any Lands, Tenements or Heriditaments in this State by gift, devise or purchase ...”[148] Those not taking the oath and remaining in the state more than 60 days “...shall thenceforth be incapable of exercising any profession, trade, art or mystery in this State, or buying or selling or acquiring, or conveying any property whatever...”[149] “if any person or person so sent off from this State shall return to the same, then he or they shall be adjudged guilty of Treason against this State, and shall upon conviction thereof, suffer Death as a Traitor.”[150]

Cooper, Thomas (ed.), *The Statutes at Large of South Carolina, Vol 4*, Columbia, 1838.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433007185287&view=1up&seq=7>

SC5. *An Act for enlarging the time for taking the oath of allegiance and fidelity; and for other purposes therein mentioned*, passed 28 Sep 1778, pp. 450-452. Militia officers to summon those in their commands before 30 November 1778 with three days notice and draft those who do not have a certificate dated within the time limit.[451] Those found be loyal are to take the oath, restoring their rights and privileges.[451] Those not taking the oath are subject to being required sell their estates and banishment.[452] Those returning without permission “...shall, on conviction, suffer death without benefit of clergy.”[452] Those who had not taken the oath because of religious scruples and in custody in the Ninety-Six District may be released by the President and allowed to return to their home states.[452]

Vermont.

Vermont Constitution

<https://sos.vermont.gov/vsara/learn/constitution/1777-constitution/>

Vt1. *Vermont State Constitution*, 8 July 1777. “...the inhabitants of this State have, (in consideration of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them...” “...all allegiance and fealty to the said King and his successors, are dissolved and at an end...”[Preamble] “Every man of the full age of twenty-one years, having resided in this State for the space of one whole year, next before the election of representatives, and who is of a quiet and peaceable behavior, and will take the following oath (or affirmation), shall be entitled to all the privileges of a freeman of this State: “I _____ solemnly swear, by the ever living God (or affirm in the presence of Almighty God) that whenever I am called to give my vote or suffrage, touching any matter that concerns the State of Vermont, I will do it so, as

in my conscience, I shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.”[Ch 2 Sec 6] Each member of the House of Representatives shall take the following oath of fidelity and allegiance: “I _____ do solemnly swear, by the ever living God (or I do solemnly affirm in the presence of Almighty God), that as a member of this Assembly, I will not propose, or assent to any bill, vote or resolution, which shall appear to me injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the Constitution of this State; but will in all things, conduct myself as a faithful, honest representative and guardian of the people, according to the best of my judgment and abilities.”[Ch 2 Sec 9] “Every officer, whether judicial, executive or military, in authority under this State, shall take the following oath or affirmation of allegiance: ‘I _____ do solemnly swear by the ever living God (or affirm in the presence of Almighty God) that I will be true and faithful to the State of Vermont; and that I will not, directly or indirectly, do any act or thing, prejudicial or injurious to the constitution or government thereof, as established by Convention.”[Ch 2 Sec 36] “Every foreigner of good character, who comes to settle in this State, having first taken the oath or affirmation of allegiance to the same, may purchase, or buy other means acquire, hold, and transfer, land, or other real estate; and after one years residence shall be deemed a free denizen thereof and be entitled to all the rights of a natural born subject of this State...” except he cannot be elected a representative until after two years residence.”[Ch2 Sec 38]

Soule, Allen: *The State Papers of Vermont, Vol. 12, (Laws of Vermont)*, Montpelier, 1964.

Soule reports that 1778 acts except for a few private acts seem to have been passed again at the February, 1779 session.

Vt2. *An Act for regulating the election of governor, deputy governor, council and treasurer*, 17 Feb 1779, pp. 82-84. All freemen are to be notified they are to meet at a suitable place in their towns where the freeman’s oath will be read annually on the 1st Tuesday of Sept. and they proceed to select a representative to the General Assembly and their choice of governor, deputy governor, and treasurer.[82] All men over 21 residing in the state for more than one year and of peaceable behavior will take the freeman’s oath, but they must obtain the approbation of the town selectman that they are qualified: “You ----- solemnly swear by the ever living God (or affirm in the presence of Almighty God) that whenever you are called to give your vote of suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favour of any man.”[83] Town clerks are to maintain a roll of the freemen.[83]

Vt3. *An Act to Admit Quakers Affirmation*, 20 Feb 1779, p. 74. Many Quakers are satisfied with the Constitution, but cannot be freemen because swearing the oath in it due to the rules of their church. They are permitted to affirm rather than swear.[74]

Crockett, Walter H.: *State Papers of Vermont, Vol. 4, (Reports of Committees to the General Assembly of the State of Vermont)*, Bellows Falls, 1932.

Vt4. *Approval of Land Grant*, 1780, pp. 210-211. A grant of land was approved for 67 petitioners, but any who did not take the oath of fidelity to the state would not be included in the charter.[210] Note: this condition was not applied to some other land grants.

State Papers of Vermont, Vol. 3 (Journals and Proceedings (Vol. 1) of the General Assembly of the State of Vermont), Bellows Falls, 1924.

No relevant acts concerning oaths of allegiance found for 1778.

Statutes of Vermont, June and October Sessions, 1779, Burlington, 1894.

<https://babel.hathitrust.org/cgi/pt?id=mdp.35112204575627&view=1up&seq=11>

Acts and Resolves Passed by the General Assembly [March 1780-March 1784].

<https://catalog.hathitrust.org/Record/100634652>

No relevant statutes found in these volumes.

Virginia

The Avalon Project

<https://www.law.gmu.edu/assets/files/academics/founders/VA-Constitution.pdf>

Va1. *Virginia Bill of Rights*, 12 June 1776. "...government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community...." [Sec 3]

Va2 *Virginia State Constitution*, 26 June 1776. The crown of Great Britain has abandoned "...the helm of government declaring us out of his allegiance and protection." [Preamble]

Hening, William Waller: *The Statutes at Large Being a Collection of All the Laws of Virginia, Volume 9*, Richmond, 1821.

<https://babel.hathitrust.org/cgi/pt?id=hvd.hw2scx&view=1up&seq=9>

Va3. *An ordinance to enable the present magistrate and officers to continue the administration of justice, and for settling the general mode of proceedings in criminal and other cases till the same can be more amply provided for*, May 1776 session, pp. 126-128. Justices of the Peace have power to act after taking the oath of allegiance to Virginia: "I A.B. do solemnly swear, that I will be faithful and true to the commonwealth of Virginia; that I will, to the utmost of my power, support, maintain, and defend, the constitution and government thereof, as settled by the general convention...."[126]

Va4. *An Act to oblige the free male inhabitants of this state above a certain age to give assurance of allegiance to the same, and for other purposes*, (Session of May 1777 Chapter 3), pp. 281-283. "...allegiance and protection are reciprocal, and those who will not bear the former are not entitled to the benefits of the latter...."[281] Free born male inhabitants above 16, except imported servants during their servitude, shall take the oath or affirmation of allegiance, abjuration, and promise to reveal conspiracies before 10 October 1777: "I do swear or affirm, that I renounce and refuse all allegiance to George the third, king of Great Britain, his heirs and successours, and that I will be faithful to the commonwealth of Virginia, as a free and independent state, and that I will not, at any time, do, or cause to be done, any matter or

thing that will be prejudicial or injurious to the freedom and independence thereof, as declared by congress; and also, that I will discover and make known to some one justice of the peace for the said state, all treasons or traitorous conspiracies which I now or hereafter shall know to be formed against this or any of the United States of America.”[281]. Those refusing to take the oath are to be disarmed, but still must attend musters. [282] Every person (not males only) above 16 who does not shall “...be incapable of holding any office in this state, serving on juries, suing for any debts, electing or being elected, or buying lands, tenements, or hereditaments.”[282] Those coming from other states are required to take the oath of allegiance to the United States and abjure allegiance to the King of Great Britain.[282] Prisoners of war, regular officers and soldiers, merchants and mariners trading in ports from friendly foreign powers are not within the meaning of the act. [283]

Va5. *An Act for raising a supply of money for public exigencies* (Session of Oct. 1777 Chapter 2), pp. 349-368. “...every person who hath not taken the oath or affirmation of allegiance to this state required to be taken by an act of the last session of assembly, and shall not take the same before the first day of May next, and who shall fail to produce to the assessors in his hundred a certificate of his having taken such oath or affirmation, shall pay double of the several rates and taxes aforesaid...”[351]

Va6. *An Act to Amend an act intituled An Act for raising a supply of money for publick exigencies* (Session of Oct. 1778 Chapter 20), pp. 547-552. “...every person who hath not taken the oath or affirmation of allegiance to this state...and shall not take the same before the first day of May next, and who shall fail to produce to the assessors in his hundred a certificate of his having taken such oath or affirmation, shall pay treble the several rates and taxes...”[549] Those who have been double taxed, have since taken the oath and have been true and faithful friends of liberty shall be reimbursed [551-552].

Hening, William Waller: *The Statutes at Large Being a Collection of All the Laws of Virginia, Volume 10*, Richmond, 1822.

<https://babel.hathitrust.org/cgi/pt?id=hvd.hw2scy&view=1up&seq=583>

Va7. *An Act for explaining and amending an act entitled An Act for adjusting and settling the titles of claimers to unpatented lands, under the present and former governments, previous to the establishment of the commonwealth’s land office* (Session of Oct. 1779 Chapter 27), pp. 177-180. “No certificate of right to land for actual settlement or of pre-emption right shall hereafter be granted by the said commissioners, unless the persons entitled thereto hath taken the oath of fidelity to this commonwealth, or shall take such oath before the said commissioners, which they are hereby empowered and directed to tender and administer; except only in the particular case of the inhabitants of the territory in dispute between this commonwealth and that of Pennsylvania, who shall be entitled to certificates upon taking the oath of fidelity to the United States of America.”[179]

Va8. *An Act Concerning Nonjurors* (Session of Oct. 1779 Chapter 33), p. 194. “...so much of all and every act or acts of assembly as subjects nonjurors [those not taking the oath] to the payment of treble taxes shall be, and the same is hereby repealed.”[194] Those who paid double or treble taxes for not taking the oath upon producing a certificate of having since taken

the oath and satisfying the commissioners that he has been a friend of this government shall be reimbursed.[194]

Hening, William Waller: *The Statutes at Large Being a Collection of All the Laws of Virginia, Volume 11*, Richmond, 1823.

<https://babel.hathitrust.org/cgi/pt?id=hvd.hxh5uc&view=1up&seq=13>

Va9. *An Act to repeal so much of any act or acts of assembly as subject the people called quakers or menonists to penalties or disabilities for non-juring* (Session of May 1783 Chapter 14), pp. 252-253. “That so much of the said act [Va4], and any other law, as does disable any person or persons that are bona fide in religious fellowship with the said people called quakers, or with the people called menonists, from exercising and enjoying the rights and privileges they might have done in case the said act or acts had never been passed, shall be, and the same is hereby repealed.”[253] Purchase of lands by Quakers and Menonists are deemed valid.[253]

Register of the Kentucky Historical Society, Vol. 21, 1923.

<https://babel.hathitrust.org/cgi/pt?id=uva.x001131188&view=1up&seq=7>

Va10. *Certificate Book of the Virginia Land Commission 1779-1780*, pp. 8-313).

Transallegheeny Historical Magazine, Vols. 1, #1-4 (1901-1902) & 2 #1 (1902).

<https://archive.org/details/transallegheenyhi01maxw/page/n3/mode/2up>

Va11. Monongalia, & Ohio District Certificates (Mongongalia County only), abstracted in Fast, Richard Ellsworth, “Pioneer Settlements on the Western Waters.”

Halifax County, Virginia Plea Book, Vol. 9 (1774-1779).

<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS4V-T9W6-M?i=136&cat=401169>

Va12. *Thomas Dobson Oath of Allegiance Entry*, p. 278. Baptist records and Pittsylvania records establish that the name was in fact Dodson.