

TEST OATH IN CONSTITUTION OF 1864

One of the most objectionable features of the Constitution of 1864 was the provision contained in Section 4 of Article 1, prohibiting persons sympathetic with the Confederate cause from voting at any election held in Maryland or holding any office, unless restored to full rights of citizenship by an Act of the General Assembly passed by a two-thirds vote. Section 4 also contained the test oath required of voters.

Section 7 of Article 1 prescribed the oath to be taken by persons elected or appointed to office, and Section 8 required the oath prescribed by Section 7 to be taken by persons holding office under the Constitution of 1851, or under any law of the State, and who were continued in office under the Constitution of 1864, or any law of the State.

The text of Sections 4, 7 and 8 follows:

Section 4. No person who has at any time been in armed hostility to the United States, or the lawful authorities thereof, or who has been in any manner in the service of the so called "Confederate States of America," and no person who has voluntarily left this State and gone within the military lines of the so-called "Confederate States or armies" with the purpose of adhering to said States or armies, and no person who has given any aid, comfort, countenance or support to those engaged in armed hostility to the United States, or in any manner adhered to the enemies of the United States, either by contributing to the enemies of the United States, or unlawfully sending within the lines of such enemies money or goods, or letters, or information, or who has disloyally held communication with the enemies of the United States, or who has advised any person to enter the service of the said enemies, or aided any person so to enter, or who has by any open deed or word declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies over the arms of the United States, shall ever be entitled to vote at any election to be held in this State, or to hold any office of honor, profit or trust under the laws of this State, unless since such unlawful acts he shall have voluntarily entered into the military service of the United States, and been honorably discharged therefrom, or shall be on the day of election, actually and voluntarily in such service, or unless he shall be restored to his full rights of citizenship by an act of