

Mr. STIRLING. The State of Maryland has a right to define who shall vote within her limits. We might put in a property qualification, and take away the right of voting from a person who has hitherto exercised it.

Mr. DAVIS, of Charles. You could not even by a property qualification annul a vote that had been cast.

Mr. BERRY, of Prince George's. Can you convict a person of a crime, before the passage of the act making the act a crime?

Mr. CUSHING. Neither the bill of rights nor this has been passed. But if the people adopt both this and the bill of rights, they become the highest law in the State.

Mr. EDELEN. I would suggest the impropriety of putting in this article a principle directly in the teeth of our bill of rights. Is it proper that we should lay down in our bill of rights certain general principles of enlightened government conceded by all men to be incontrovertible and true, and then the very next day legislate upon a subject in a manner directly contrary to those general principles?

The PRESIDENT stated the question to be upon the longest time, being the motion of Mr. DAVIS, of Charles, to fill the blank with the words "first day of January, 1865."

Mr. BERRY, of Prince George's. I must ask for the yeas and nays upon this question; I want to make a record for these gentlemen.

The yeas and nays were accordingly ordered.

The question was then taken, by yeas and nays, and resulted—yeas 12, nays 48—as follows:

*Yeas*—Messrs. Berry, of Prince George's, Brown, Dail, Davis, of Charles, Edelen, Hodson, Hollyday, Lee, Mitchell, Miller, Morgan, Wilmer—12.

*Nays*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Brooks, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger; Earle, Ecker, Farrow, Gallo-way, Greene, Hatch, Hebb, Hoffman, Hopkins, Hopper, Keefer, Kennard, King, Markey, Mayhugh, McComas, Mullikin, Murray, Nyman, Parker, Pugh, Purnell, Robinette, Russell, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wooden—48.

The motion was accordingly rejected.

Mr. CUSHING. I move to fill up the blank with the words "first day of January, 1862." I think that will allow ample time after the breaking out of the rebellion, for every person in the State to have determined clearly and definitely whether he was in favor of the government of the United States or against it, and any one who has committed any of the acts mentioned in the amendment after that time must have done it with a desire to aid the confederate government.

Mr. STOCKBRIDGE. I would like to inquire

of my colleague (Mr. Cushing,) whether the time he has named will render obnoxious to the provisions of this amendment any persons who before that vote went into the southern confederacy, and are still there in their service?

Mr. CUSHING. I judge from the terms of the amendment it will include all who did not come back before that time.

Mr. STOCKBRIDGE. "Persons in the service of the confederacy." I now call to mind a man of some scientific attainments, who went out South, I think before that time, and did what was very necessary to organize some powder manufactories, not for the government, but for private individuals; but those private individuals have been running them for the benefit of the government. He is not himself in the employ of the government, but of individuals who work for the government.

Mr. CUSHING. There are many such cases which possibly may escape. But I think it is better to allow a few of the guilty to escape in that way, than to run the risk of doing an injury to many persons, who previous to that time may have gone there without any feelings of hostility to the federal government.

Mr. PUGH. The first portion of the amendment refers to those who have served the rebellious States at any time prior to the time named. With that understanding I am willing to vote for the amendment.

Mr. STIRLING. I wish to apologize to the house for presenting this matter in this condition. The reason why I did so was this: I had no idea that this report was coming up this morning, and when it was taken up I had not finished my amendment. In order to meet the purposes I design to meet, and at the same time be just to everybody, I think it is necessary to be careful. There was a great deal of intercourse going on all the time up to a certain date. I desire to reach all those persons who did leave here with the declared, fixed, absolute intention of entering the confederate service. I find that the proclamation of the President of the United States, which declared all those States, including Virginia, in rebellion, and which prohibited intercourse with them, did not bear date until August 16, 1861. Therefore I think the proposition of my colleague (Mr. Cushing,) goes too far. I think the first of September, 1861, would be conclusive enough.

The question was then taken upon the motion of Mr. CUSHING to fill the blank with the words "first day of January, 1862," and it was rejected.

Mr. STIRLING. I propose to modify my amendment by leaving out all reference to any particular date, and have it read as follows:

"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