

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 military service of the United States, and been honorably discharged therefrom, or 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 the general assembly passed by a vote of two-thirds of all the members elected to each house; and it shall be the duty of all officers of registration and judges of election carefully to exclude from voting or being registered all persons as above disqualified; and the judges of election at the first election held under this constitution shall and at any subsequent election may administer to any person offering to vote the following oath or affirmation: I do swear or affirm that I am a citizen of the United States, that I have never given any aid, countenance or support to those in armed hostility to the United States, that I have never expressed a desire for the triumph of said enemies over the arms of the United States, and that I will bear true faith and allegiance to the United States and support the constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding, and will in all respects demean myself as a loyal citizen of the United States, and I swear this without any reservation or evasion; and any person declining to take such oath shall not be allowed to vote, but the taking of such oath shall not be deemed conclusive evidence of the right of such person to vote; any person swearing or affirming falsely, shall be liable to penalties of perjury; and it shall be the duties of the proper officers of registration to allow no person to be registered until he shall have taken the oath or affirmation above set out; and it shall be the duty of the judges of election, in all returns of the first election held under this constitution, to state in their returns that every person who has voted has taken such oath or affirmation."

Mr. BERRY, of Prince George's. I shall certainly not vote for that amendment when it comes up, for it is liable to a great many objections. We are now engaged in framing a constitution for the government of this State, which, if it shall be adopted by the people, is to be our form of State government until a change shall be made, which may not be for twenty, thirty or fifty years. Now we already have too many provisions in this proposed constitution looking to a continuance of a state of war. Should peace ever be restored to this land, that oath will be en-

tirely inapplicable. It seems to be an impression on the minds of members of this convention, that we are to have a continuance of this war as long as the constitution which we may frame here shall continue in operation. I am opposed to this amendment, therefore, for that reason.

And I am opposed to it for another reason; that, instead of this body being a convention for the formation of organic law, setting forth organic principles for the government of the State, we have turned ourselves into a legislative body, and our work here will consist of statutory provisions instead of being as it should be, the organic law of the State. There is too much of this legislation introduced into the constitution. The true purposes of our coming here were to set forth in our declaration of rights, our rights as citizens of Maryland; then to provide for carrying into effectual operation the co-ordinate branches of the government, and prescribing their duties, and not ourselves to engage in all sorts of legislation, which it is proper for the legislature to pass upon.

And then, it is objectionable upon another ground. It is proposed to declare that no one shall be entitled to vote who is not willing to take that oath. But even after he has taken it, it is not conclusive. It leaves in the hands of the judges of election the power to require a voter to prove a negative; if there is any doubt upon their mind, or if they choose to do so, to prove that he is not disloyal. Although he may take the oath as here prescribed, it leaves them the power to require further proof. Now is this convention willing to vest such power in the hands of irresponsible judges of election? Do gentlemen ever reflect that a change may take place, and that the democratic party may come into power, and that there will then be democratic judges of election, in whom I must say I have a great deal more confidence as regards honesty, integrity, and justice, than I have in the Union judges whom I have seen in this State? But I am not willing to trust even them with this power. I am unwilling to see it carried over from the union party to our party, when we shall come into power. I claim as a matter of right and of justice that no such power ought to be vested in the hands of irresponsible judges of elections.

There is another objection to the oath proposed by the gentleman from Baltimore city (Mr. Stirling.) It sets forth what reasons shall be operative to prevent the reception of a vote, but it does not say that those shall be the only reasons that shall operate upon the minds of the judges.

Mr. STIRLING. That is my meaning. If it is necessary I will put in that these shall be the only reasons.

Mr. BERRY, of Prince George's. It will be much better, to carry out his purpose, if the