

any manner in the service of the so-called "Confederate States of America," and no person who has voluntarily 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," &c.

No objection being made, the amendment was modified accordingly.

The question was upon agreeing to the amendment of Mr. STIRLING as modified.

Mr. BERRY, of Prince George's. I move to amend the amendment by inserting after the word "person" and before the oath therein set forth the following:

"When challenged by a legally qualified voter, resident of said district or ward in which the vote is offered."

The effect of that amendment if adopted, will be to require any person who may come forward to vote, to take this oath when challenged by a legally qualified voter of that district. I do not see the necessity of putting the oath to everybody. If a man is suspected of being disloyal, it will be known to his neighbors. Indeed if this oath is put to everybody, you would not get through within the space of time allowed by law for holding the election.

Mr. STIRLING. I considered the question how far this matter would be attended with inconvenience. I came to the conclusion that although it would produce more delay, still there was no election district so large that it could not be administered to all the voters. I had it apply to all, because that would be perfectly fair, and no one could say, if every body was made to take the oath, that he had been improperly selected and unjustly charged with being disloyal. At the same time, it enforces the matter, and there may be places where the judges would not be disposed themselves to ask the question, and where there might be no one to challenge; consequently everybody would be allowed to vote. It prescribes an oath which shall be administered to everybody, and secures the enforcement of that requirement. In Baltimore city there is not a precinct in which the oath could not be taken by every voter in it. It is not a long one, and would require but a few seconds to administer it.

Mr. ABBOTT. The idea is to have a registry law, and then this oath is to be taken by persons at the time their names are registered.

Mr. STIRLING. My amendment provides that at the first election under this constitution, the judges of election shall administer the oath to everybody offering to vote, because there will be no registration at that election. It then provides that the commissioners of registration shall allow nobody to be registered until he has taken the oath, and

the judges of election may administer it at the polls to any one; but it is not made obligatory upon them to administer it to every one after registration.

Mr. BERRY, of Prince George's. This right to challenge a voter at the polls has always existed under our election laws. But voters were challenged only for non-residence, non-age, or some other disqualification known to the law. It would be a source of great inconvenience to require the judges of election to administer this oath to every voter. If a voter is disloyal, and not entitled to vote under this constitution after it shall have been adopted, it will be known to his neighbors, to those who vote there at the election with him, and it would be very proper under the circumstances, as it would be proper under existing laws, to challenge a voter supposed to be disqualified under the law. This is merely a question of convenience or inconvenience. I care nothing about it whatever.

The question was upon the amendment of Mr. BERRY, of Prince George's, to the amendment of Mr. STIRLING, as follows:

Insert in the amendment, after the word "person," preceding the oath, the words, "when challenged by a legally qualified voter, resident of said district or ward in which the vote is offered."

Upon this question Mr. BERRY, of Prince George's, asked for the yeas and nays, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 12, nays 47—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, Galloway, Greene, Hatch, Hebb, Hoffman, Hopkins, Hopper, Keefer, Kenoard, King, Markey, Mayhugh, McComas, Mullikin, Murray, Nyman, Parker, Pugh, Purnell, Robbinette, Russell, Scott, Smith, of Carroll, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wooden—47.

The amendment to the amendment was accordingly rejected.

The question was upon the amendment of Mr. STIRLING, being a substitute for the second section.

Mr. EDELEN. I regret exceedingly that the report of the committee on the elective franchise has been taken up for consideration by the convention at this time. For one, I must confess that I knew nothing about it except what I caught as the clerk read it the other morning, from his desk, and I really do not feel that I am prepared, and do not think that any gentleman on this floor, who has