

its foes, I shall attempt, however feebly, to present a few suggestions to those on whom this constitution is to operate for good or evil, for weal or woe.

The word "loyal" is being attempted to be incorporated here so quietly and unobtrusively, without even otherwise altering the phraseology of the sentence, that were it not for the antecedents of those who propose this interpolation in the present convention, I should pass it by in silence. But after our experience for the last three years, and the expressions of political opinions which debate has elicited in this hall, it would be criminal ignorance on our part not to see in, or under, or behind this word the whole political creed of the consolidationists.

I see following in the wake of this *mighty* word its suit of oaths, and party judges, and prison bars, and the suppression of State's rights.

It is as construed by the self-constituted dictators in this country, a word of fearful import to all lovers of constitutional liberty and republican institutions. With them it is a suspension of the *habeas corpus*—a suppression of the trial by jury—a violation of the sacred obligation of contracts—an entire abrogation of State lines and State institutions—an entire disregard and irreverent repudiation of the sacred obligations of our highest judicial tribunals. In a word, it is the absorption of all the rights and all the powers of the people by one grand military despotism. This, sir, this is their meaning of "loyalty." And yet Thomas Jefferson, whom gentlemen have so delighted to quote here on another subject, said, speaking of a rupture with the general government and for the general assembly of Virginia—"They would consider such a rupture as among the greatest calamities which could befall them, but not the greatest. There is yet one greater—submission to a government of unlimited power."

Cherishing as I do the brilliant memories of our past Union, ardently desiring as I do a reunion of all the good men of both sections under a common flag, I can but exclaim with the elder Napoleon, "Revolutions are brought about only by injustice." Where would be the motive for them if governments were guided solely by the laws of equity? All revolutions past and to come must be attributed to injustice; and I defy the most artful politician to assign any other cause for them. In the object of the French revolution there was nothing to condemn; all the mischief consisted in the excesses committed by misguided men. It is necessary to bear in mind these two facts lest we should confound justice on the one hand and iniquity on the other.

If this partizan watch-word is to be incorporated into the constitution the oaths are a perfect sequitur. The disqualifications which

follow are a part of the political machinery intended to work out the policy indicated by this word "loyal."

What is to be the evidence that will establish loyalty? If a man brings a dozen witnesses, and they all swear that they have known him intimately from his birth, and that they never heard him utter a disloyal sentiment, will that do? Is the partizan judge instructed to base his decision upon such evidence as conclusive and to admit the vote? No, sir; though the man at the polls could produce a thousand witnesses to prove his loyalty—though he had done more to secure the interests and promote the welfare of his country than all the State beside, if he refuses to take an oath abjuring his political faith and swearing paramount allegiance to the Federal government, he is unworthy of the elective franchise say the advocates of this proposition—he is not loyal.

Let us here inquire for a moment, what is the meaning of an oath? The strongest, most sacred and inviolable test that can be imposed upon the consciences of men, is that of an oath. But then no oath can be presumed to oblige to an unlawful act, or contrary to an antecedent obligation. 'Tis the height of impiety to suppose that any man, or any number of men, should have a power of binding themselves in the name of God contrary to the will of God, or, which is the same thing, to the rules of moral equity. It is a divine maxim, but incontestably founded in the natural reason of the thing, that *an oath is for confirmation*; that is, either of such things, wherein we have an arbitrary power of determining our *choice*, and may either act or suspend *action*; or else concerning such *things*, to which we were under a prior obligation, whether we had taken an oath to observe them or not. Of this nature are all positive tests of obedience to the civil magistrate under a legal establishment. They do not so much create anew, as confirm an antecedent obligation to which we had been bound from the nature and ends of civil government, and the positive laws of it; whether we had taken any solemn test to that end or not. But to suppose any oath could be formed in such a manner as to oblige contrary either to the law of God or man, is to suppose the greatest solecism in morality imaginable; that men may be obliged, whether by their own act or the command of others, to an impossibility. For in moral life, everything is presumed impossible to be done that cannot lawfully be done.

This is my idea of the nature of an oath.—Whether I am right or wrong, it is my deliberate opinion. Now, sir, if you put your test of loyalty to me, all I have to say is that I shall entertain an abhorrence almost bordering on contempt for him who would thus seek to deprive me of the inherent and constitutional right I have to my political opinions.