

1, section 4, and article 12, section 9, which served to disenfranchise anyone who had aided, abetted, or even expressed sympathy for, the Confederate cause.<sup>19</sup>

This disenfranchisement was made applicable to the ratification vote on the Constitution itself through the device of a mandatory loyalty oath. The objection that this effectively retroactive application of the oath was unconstitutional was brushed aside by Governor Bradford, and the election proceeded on 13-14 October 1864.<sup>20</sup> The vote was much closer than the Unionists had anticipated, even with the loyalty oath; indeed, it was only by virtue of the absentee votes of the soldiers that the Constitution squeaked by with a plurality of 375.<sup>21</sup> It took effect 1 November 1864.

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19. Art. 1, sec. 4, provided, among other things, that no one "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" unless excused by two-thirds of the General Assembly or subsequently serving in and being honorably discharged from the military service of the United States.

20. See George Vickers to Gov. Augustus W. Bradford, 14, 27 September, and the governor's replies, printed in *1864 Debates*, app., 3:1903-15.

21. *Report of the Constitutional Convention Commission*, p. 55.