

this paper? A quasi constitution? A partial constitution? A contingent, conditional constitution? This sort of proceeding strikes me as violating every principle we owe to those who sent us here, every principle that could be expected at our hands to be adopted. I feel very unwilling to indulge in harsh expressions. I feel very unwilling to characterize such proceedings by terms which I think become it. It does strike me as a most monstrous encroachment upon the plainest rights that can possibly be claimed by a free people.

There are gentlemen here who profess to regard the act of assembly as obligatory. That has been the general sentiment, at least one very frequently expressed here. You are trampling upon that. What does that tell you? Your constitution, before it has any legal effect, before it can operate upon any one either to restrain his vote or to open the polls to him, before it can have any effect any how or anywhere or on any one, must be confirmed by the people. I repeat again that any voter in the State has said so; not by putting it on his ticket, not perhaps by open declaration, but in his own person, in his own mind, he has as fixedly so determined as he has to put his ticket in the ballot-box; without, I say again, a dissenting voice upon the subject. We talk sometimes very gravely about regarding the popular will, the rights of the people, their sovereignty, their possession of all power, being the source of all power, and of our obligation to regard their will and their wishes. I appeal to the people. I appeal to their wishes and their will. I say that has been violated in the person of every voter, if such a claim as this is suffered to be carried into effect. We have by the constitution as it exists a large class of citizens whose vote will probably be rejected under the provisions of this constitution. I have had occasion before to say that there are many persons in this State as innocent, in the category now made criminals for the first time, as any other person living. There are persons who make very free with the terms "rebel," "secessionist," and all that sort of thing, denouncing men as good and pure as themselves.

There are cases, I cite my own as one of them, where the language of this oath certainly would seem to apply. A man must never have given comfort, aid, countenance, or services to the rebels. I have issue of my own body, blood of my blood, bone of my bone, a man who was in the South long ago, a man who there enlisted with as firm a purpose upon his part to do right, as you or anybody else, with no thought of doing wrong; a person suffering from wound and disease. I have furnished him relief. How? Surreptitiously? Criminally? Violating any law in doing so? No, sir; by going to the officers of the government, offi-

cers wearing the uniform of the country, men who do their duty, and passing through their hands the necessary means to afford aid and comfort to that wounded and sick prisoner. Am I to be excluded? Is every principle of every law to be violated in my person? It is not only a law in violation of the will of the people when they voted upon this subject; not only such a law as your own bill of rights denounces, an *ex post facto* law; but it is a law in violation of the dictates and the feelings which God Almighty has planted in every human breast, which has not become degraded. I am insensible however to any such act. The great God who has made us, made me at least of such materials that all the conventions, and all the oaths that human ingenuity can pour in my face, shall never prevent me from helping an afflicted, wounded, diseased grandson. I would do it though this convention should pronounce it a cause of death, and erect the gallows in the place where you sit.

These are my sentiments. I avow it. It seems that it has been brought within the criminal code. I think that is the language, nobody shall vote but one who shall swear by virtue of this constitution, no constitution before, no law before, nobody but he that shall swear that he has not furnished aid or comfort, or countenance to any individual in the rebel service.

Mr. President, I have expressed these sentiments, restraining myself within such terms as I hope have not been personally offensive to any gentleman upon this floor. I have before made appeals to the calm considerate reason of gentlemen. I have before deprecated the influence of party feeling, and party connection, by which gentlemen are induced to surrender their judgments to the control of political influences. I ask them in the name of every principle that is dear to freemen; in the name of every obligation they owe to their constituents, in the name of every principle which belongs to constitutional right, to political privilege, to forbear this last and final step. You have been brought here, the majority of this body, to frame certain propositions, and to submit them to the people of the State. There have been many of them very offensive to those of us who form the minority of this body. Your right to do so has not been impeached. It is a duty which you are to perform on the responsibility you owe to your God, to your constituents, and to yourselves. That is not the case in this matter. You are now taking a step, not to do that which you were sent here to do, not to do that which is a proposition which the people may accept or reject, not to propose a constitution to have effect or to have none according to the vote which shall pursue it. You are sent here for no such purpose as to deprive those who have enjoyed constitutional rights of the fair exercise of