section one of the convention bill implies everything that is contained in this oath. The only difference is this: that in the one case it is drawn out in the form of an oath, while in the other case it was left to the judgment of the judges of election to draw out the very same thing by as many questions as they pleased. And it is well known that a great many of the judges had question upon question printed, which they put to the voters. And if those questions were answered under oath, they would amount to more than this oath. One of the questions which I am told some of the judges asked of the voters, was, if the two armies came to fight, which army would they prefer to see succeed? Now I ask whether that is not the precise point reached by this oath, whether they have expressed a desire for the triumph of the enemy? Therefore I say this is no broader than the other. On the contrary, you gave the judges more power under the convention bill, which did not define what questions they might ask a voter, than you do under this oath, which does define what is to be asked. I make that as an argument, in addition to what has already been urged by the gentleman from Baltimore county (Mr. Ridgely.)

I wish now to reply to one argument urged here again and again by the gentleman from Prince George's (Mr. Clarke.) He made the same argument when he made his first speech, and he made it again to-day. In reference to the status of a man who had been in the rebel army, he took the ground that because the supreme court of the United States, in their decisions in reference to the prize cases, had said that the southern confederacy, or those in armed rebellion against the government were belligerents, therefore they occupied the position of foreigners, and could not vote by virtue of that very position. I say that the supreme court of the United States have made no such decision, because that point was never before them. The court was called upon to decide whether the laws of war applied to a civil war so far as vessels endeavoring to run the blockade were concerned. The court did decide that the laws of war did apply to the property, but not to the persons, except so far as to acknowledge that they were belligerents for the time being, in order to enable the government to enforce the right of blockade. My point is this, that while they have decided that those in armed rebellion were belligerents for the time being, in order to enforce the right of blockade, they also decided that these belligerents still owed allegiance to the government of the United States, and could be punished as traitors. Now, if the position is true, and I will show that that is the construction upon that decision by Hon. Reverdy Johnson, one of the most eminent lawyers of the United States, that they are only belligerents for the time being, then I ask how can you deprive them of the right to vote, until you have by due course of law, convicted them as traitors? If they are still held to be subjects, and to owe allegiance to the government of the United States, then they can return and claim and exercise all their rights under that government until they have been properly prosecuted, and judgment of condemnation entered against them.

I beg leave to read a few extracts from that decision. It will be found in Black's Reports, vol. 2, page 667, &c. In that decision Justice Grier says:

"They claim to be in arms to establish their liberty and independence, in order to become a sovereign State, while the sovereign party treats them as insurgents and rebels, who owe allegiance, and who should be punished with death for their treason."

That he states to be their status. Then he goes on to quote Vattel:

"'A civil war,' says Vattel, 'breaks the bands of society and government, or at least suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge. These two parties therefore, must necessarily be considered as constituting, at least for a time, two separate bodies, two distinct societies. Having no common superior to judge between them, they stand in precisely the same predicament as two nations who engage in a contest and have recourse to arms.'"

On page 669 he says:

"It is not the less a civil war, with belligerent parties in hostile array, because it may be called an 'insurrection' by one side, and the insurgents be considered as rebels or traitors."

Not the less a civil war because they are rebels or traitors, showing that the government has always held them as rebels or traitors, and not as public enemies except for the purposes of that decision.

"It is not necessary that the independence of the revolted province or State be acknowledged, in order to constitute it a party belligerent in a war, according to the law of nations."

But I will not take up further time with that.

Now I wish to read the opinion of Hon. Reverdy Johnson, on the point of the status of these people after this war is over, to show how utterly inconsistent it is with the position of the gentleman from Prince George's (Mr. Clarke.) Mr. Johnson, in a speech delivered in the senate of the United States, April 5, 1864, says:

"He (Mr. Sherman, of Ohio,) tells us, and in this he was, as I think, partly correct, but for his object substantially incorrect, that the supreme court of the United States, at the last term, in what are called the prize cases,