

prescribed by the first section of this convention bill, said that they were the same. Now let us see how consistent gentlemen are with themselves. They plant themselves here upon a theory, and when we ask them to carry that theory out to its logical consequences and conclusion, they fly from it; they take a part and reject the rest. Here are the words of this convention bill. Admit, for the sake of the argument, that we are bound and concluded by it, and that gentlemen have a perfect right to put this into the constitution, because this convention bill was indorsed by the people at the polls in April last. Here are the words of the convention bill:

"And the judges of election shall at said election administer the oath or affirmation to every person offering to vote, whose vote shall be challenged on the ground that such person has served in the rebel army, or has either directly or indirectly given aid, comfort or encouragement to those in armed rebellion against the government of the United States."

That is all; these were the disqualifications pointed out by the convention bill. A man who had been in open war against the government, serving in the rebel army, or who had directly or indirectly given aid, comfort, or encouragement to those in armed rebellion against the United States. All the time looking to overt acts and demonstrations; not seeking to go down into and probe the secret recesses of a man's heart and mind, and parade them upon the hustings as a reason for disqualifying a man from voting who was otherwise entitled to vote.

Now what is the oath prescribed by this convention? After going on and putting in here a list of disqualifications that covers absolutely nearly the whole of a page of the journal, then comes the oath:

"I do swear or affirm that I am a citizen of the United States, that I have never given any aid, countenance or support to those in armed hostility to the United States."

So far you are in substantial keeping and accord with the provisions of the convention bill. If this oath had gone no farther than that, then my friend from Baltimore city (Mr. Daniel) could have well answered me that there was no substantial difference between the two. But the oath goes on to say:

"that I have never expressed a desire for the triumph of said enemies over the arms of the United States," etc.

Now is there no difference between overt acts, and the mere expression of opinion, perchance in a man's private chamber, library, office, or anywhere else? Does not the gentleman from Baltimore city (Mr. Daniel) know full well, as a lawyer, that the acts covered by this convention bill, and spoken of in the first part of this oath, are what the law would call treason, coming within

the definition of the word "treason" as defined in the constitution of the United States? Section three, article three, of that constitution says:

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or confession in open court."

Must you not in all cases have the overt act, in order to make the party amenable for the crime of treason? And yet the gentleman from Baltimore city, and others who take the same ground, with a show of consistency which will not bear the test for one moment of a close and careful scrutiny, plant themselves upon this convention bill, and insist here that the oath they have incorporated in this new constitution, and which they have put in this schedule for voters upon this constitution to take, is one and the same thing as that spoken of and contemplated by the convention bill. The purpose of my proposition is to carry us back to the true intent and meaning of the language of this latter clause of the first section of the convention bill; that it shall not be the duty of the judges of election to administer this oath to any voter, except he be challenged, just as the convention bill requires.

I will make one reference to a quotation which my other friend from Baltimore city (Mr. Stirling) made from the constitution of Virginia. If he is not in error about it, it certainly has created doubt in my mind. The quotation he made was from section three of the schedule of the constitution of Virginia:

"And such officers (judges of election) keeping said polls open for the space of three days, shall then and there receive, and record in said poll-book, the votes for and against this constitution and schedule, of all persons qualified, under the existing or amended constitution to exercise the right of suffrage."

To what does that term "amended constitution" refer? In the preamble of this constitution of Virginia, we learn that in 1776 the people of Virginia framed their first constitution; and in 1829 they framed what they speak of in all their proceedings as their "amended constitution." And I doubt not that when, in this very section of the schedule, they speak of "the existing or amended constitution" reference was had exclusively to that which was known as the "amended constitution" of Virginia, the constitution of 1829.

Mr. STIRLING. The gentleman is mistaken. The constitution of Virginia, from which I read, and from which the gentleman is reading, is the constitution which enacted universal suffrage. And that convention submitted that constitution to those to whom