

at twenty minutes past four o'clock, P. M., on the 17th day of April, 1861.

The PRESIDENT. It was afterwards submitted to the people.

Mr. PUGH. Yes, I know that. But it is a misnomer to say that it was submitted to the people. It never was really submitted to the people. I know something of that.

The PRESIDENT. They actually voted by it.

Mr. PUGH. But in such a way as, in my estimation, to amount to no vote at all.

Mr. BERRY, of Prince George's. How does the gentleman know that? He had skeddaddled by that time.

Mr. PUGH. I was a citizen of Maryland at that time; but through my business intercourse with the State I knew all about these matters. I was in Virginia two or three times in March, 1861, and I was also there in April. In March I was in Hampshire county, in the western part of Virginia. I was perfectly well acquainted with several members of the Virginia convention. I also know some of the members of the State senate of Virginia at that time, and I was tolerably well posted in regard to these proceedings, and in regard to the election also. I therefore suggest that the 17th of April, 1861, is, in my opinion, the time at which Virginia really seceded from the Union, it being the date of the passage of the ordinance of secession by the State convention.

Mr. MILLER. It would be entirely proper that the date should be fixed at some time when communication between Maryland and Virginia was prohibited by the President, or some other legal authority; because many persons may have gone into Virginia, and within their military lines, before communication was prohibited by law, with no intention of joining their army. But this might deprive a great many who were entitled to vote, of the privilege of voting under this section.

Mr. PUGH. I will offer the amendment I indicated, to fill the blank with the words "seventeenth of April in the year 1861." And I must urge it upon the consideration of the convention for several reasons. At the very time the State convention of Virginia was in session at Richmond, the State of Virginia, so far as the rebel portion of it was concerned, was out of the Union, and they were organizing to resort to arms. They were organizing in Hampshire county previous to that; a company was attempted to be formed, and I believe was actually formed in the town of Romney, to go to Harper's Ferry and seize the United States arsenal there. All the rebellious portion of the people of Virginia were at that time actually organizing war against the United States. And there was then, to a greater or less extent, an exodus from the State of Maryland of sympathizers with this rebellion, going to Virginia to aid the movement.

Another reason why I must insist upon my proposition is that if we do not go back to that period, we certainly will not cover the ground sought to be covered by the gentleman from Baltimore city (Mr. Stirling.) I am informed by the gentleman from Carroll (Mr. Ecker,) that he knew as early as May that many citizens of Maryland went into Virginia for the purpose of taking up arms against the government of the United States. At the time this vote was taken in the convention in the city of Richmond, one of the members of the convention, Alfred Barbour, was engaged in the work of betraying his trust as United States armorer at Harper's Ferry, and without any authority stole the arms and burned the property of the United States located there.

The people whom we propose to disfranchise by this section are the people who directly or indirectly at that early day had commenced to take up arms against the government of the United States even with State authority. There was organized war, to a greater or less extent, against the government of the United States, in many parts of the United States, not sanctioned by any secession ordinance. And it is proposed that this restriction shall apply to those people. And it is because those people must be reached by this section that I insist upon the time being fixed not at a later period than April 17, 1861.

Mr. BERRY, of Prince George's. I would suggest that, by fixing the time anterior to the President's proclamation of amnesty, the State of Maryland might get herself into difficulty with the government of the United States. That proclamation went on to say that all who had been in armed rebellion against the government of the United States should be pardoned if they came in and took the oath.

Mr. ENDELEX. All except officers above a certain grade.

Mr. BERRY, of Prince George's. Yes, sir: That proclamation was issued, I think, in October, 1863. Gentlemen should take that matter into consideration. We wash our hands of all responsibility for this wild course that gentlemen are pursuing here. They should have the whole responsibility for it. All I say about it is simply in the way of suggestion: if gentlemen choose to take the responsibility they may, and take the whole of it.

Mr. DAVIS, of Charles. We have adopted a bill of rights in which we have declared that no *ex post facto* laws ought to be passed. Now I would ask the gentleman from Baltimore city (Mr. Stirling,) as a lawyer whether or not this is not an *ex post facto* law? I, therefore, move to fill the blank with "first day of January, 1865." If any one then violates the law they will know the consequences, and must be prepared to take them.