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SPEECH.

(CONTINUED FROM FIRST PAGE.)

the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States and will, to the best of my ability, encourage others so to do, so help me God." Such oath or affirmation may be administered by any registering officer.

"Sec. 2. And be it further enacted, That after the completion of the registration hereby provided for in any State, at such time and place therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a Convention for the purpose of establishing a Constitution and civil government for such State loyal to the Union, and the Convention in each State except Virginia, to consist of the same number of members as the most numerous branch of the State Legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid as nearly as may be. The Convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the Legislature in said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

"Sec. 3. And be it further enacted, That at said election the registered voters of each State shall vote for or against a Convention to form a Constitution therefor under this act. Those voting in favor of such a Convention shall have written or printed on their ballots the words, which they vote for delegates, as aforesaid, the words 'For a Convention.' And those voting against such a Convention shall have written or printed on such ballots the words 'Against a Convention.' The persons appointed to superintend said election, and make a return of the votes given thereat as herein provided, shall count and make return of the votes given for and against a Convention, and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote of each State for and against a Convention. If a majority of the votes given on that question shall be for a Convention, the Convention shall be held as hereinafter provided; but if a majority of said votes shall be against a Convention, then no such Convention shall be held under this act: Provided, That such Convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such Convention.

"Sec. 4. And be it further enacted, That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of loyal officers or persons, to whom application may be made by any person claiming to be a qualified voter, and who shall take and subscribe the oath of allegiance, and make return to him of the names of such voters, and of the persons elected as delegates by a plurality of the votes that may be cast for such election, and upon receiving such returns he shall open the same and ascertain the persons elected as delegates according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a Convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in Convention, at a time and place to be mentioned in the notification, and said Convention, when organized, shall proceed to frame a Constitution and civil government according to the provisions of this act, and the act to which it is supplementary, and when the same shall have been so framed said Constitution shall be submitted by the Convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be elected, by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof to be given by said Convention; and the returns thereof shall be made to the commanding general of the district.

"Sec. 5. And be it further enacted, That it, according to said returns, the Constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, at least one-half of all the registered voters voting upon the question of such ratification, the president of the Convention shall transmit a copy of the same duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session then immediately upon its next assembling; and if it shall moreover appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, free of the influence of fraud, and if Congress shall be satisfied that such Constitution meets the approval of a majority of all the qualified electors in the State, and if the said Constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary and the other provisions of said act shall have been complied with, and the said Constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as herein provided.

"Sec. 6. And on it further enacted, That all elections in the State mentioned in the said Act to provide for the more efficient government of the rebel States, shall, during the operation of said act, be by ballot, and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the act approved July 2nd, eighteen hundred and sixty-two, entitled 'An act to prescribe an oath of office.' Provided, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being duly convicted, shall be subject to the pains, penalties and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury.

"Sec. 7. And be it further enacted, That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated.

"Sec. 8. And be it further enacted, That the Convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

"Sec. 9. And be it further enacted, That the word 'article' in the sixth section of the act which this is supplementary shall be construed to mean "section."'

Mr. AYERS: Mr. Chairman and gentlemen of the committee, I should have stated that prior to the passage of those acts, in addition to the executive orders and proclamations issued by the President of the United States, there had been issued on the second day of April, 1866, the following:

"Whereas, standing armies, military occupation, martial law, military tribunals, and the suspension of the writ of habeas corpus, are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizens, contrary to the genius and spirit of our free institutions and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity, for repelling invasion or suppression, insurrection or rebellion, etc.: therefore, I, Andrew Johnson, President, etc., do hereby proclaim and declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Louisiana, Alabama, Arkansas, Mississippi and Florida, is at an end, and is henceforth to be so regarded."

This proclamation of the President of the United States was prior to the passage of either one of the reconstruction acts and at a time when every one of these governments was in the exercise of all its civil functions and was guaranteeing the rights of all the citizens.

Not content, Mr. Chairman, with these two measures, fearing that they had not bound and thrown around the elections which were provided for sufficient safeguards to secure the results which the Congress of the United States wanted and which would gratify the malignity and hatred of those politicians and their ilk whom I have mentioned, on the 19th day of July, 1867, Congress passed a further act entitled,

"An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed on the 2nd day of March, 1867, and the act supplementary thereto passed on the 23rd day of March, 1867."

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it is hereby declared to have been the true intent and meaning of the act of the second day of March, one thousand eight hundred and sixty-seven, entitled 'An act to provide for the more efficient government of the rebel States,' and of the act supplementary thereto, passed on the twenty-third day of March, in the year 1867, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress."

What would be thought of an act of Congress passed to-day for one of the States of the Union, making any such declaration, and yet the long-suffering people of the South were forced to submit.

"Sec. 2. And be it further enacted, That the commander of any district named in said act shall have power, subject to the disapproval of the General of the Army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said acts shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or pretending to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, and upon such suspension or removal such commander, subject to the disapproval of the general as aforesaid, shall have power to provide from time to time for the performance of the said duty of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person, to perform the same and to fill vacancies occasioned by death, resignation, or otherwise."

That was the interference under this act of Congress with the due and orderly conduct of the government of the State of Virginia, which has never since or before passed through a more peaceable, quiet and orderly period than it did from the time of the close of the war up until the reconstruction acts of Congress were passed.

"Sec. 3. And be it further enacted, That the general of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders."

"Sec. 4. And be it further enacted, That the act of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: Provided, That any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil officer may be removed either by the military officer in command of the district or by the general of the army. And it shall be the duty of such commander to remove from office as aforesaid all persons who are disloyal to the government of the United States."

Without office found, trial, or anything else on the mere opinion and judgment of the officer—

"Or who used their official influence in any manner to hinder, delay, prevent or obstruct the due and proper administration of this act and to the acts to which it is supplementary."

"Sec. 5. And be it further enacted, That the boards of registration provided for in the act entitled, 'An act supplementary to an act entitled, 'An act to provide for the more efficient government of the rebel States,' passed March 2nd, eighteen hundred and sixty-seven, and to facilitate restoration, passed March twenty-third, eighteen hundred and sixty-seven, shall have power, and it shall be their duty before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto"—

A board composed of military officers or otherwise, as the military should determine.

"And such board shall also have power to examine, under oath (to be administered by any member of such board), any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list, as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: Provided, That no person shall be disqualified as members of any board of registration by reason of race or color."

"Sec. 6. And be it further enacted, That the true intent and meaning of the oath prescribed in said supplementary act is (among other things,) that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words executive or judicial office in any State' in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice."

"Sec. 7. And be it further enacted, That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the first day of October, 1867; and the board of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also during the same period add to such registry the names of all persons who at that time possess the qualifications required by said act, who have not been already registered, and no person shall, at any time be entitled to be registered or to vote by reason of any executive pardon or amnesty for any act or thing, which, without such pardon or amnesty, would disqualify him from registration or voting.

"Sec. 8. And it is further enacted, That section 1 of said last named act shall be construed to authorize the commanding general named therein, whenever he shall deem it expedient, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy on such board.

"Sec. 9. And be it further enacted, That all members of the said boards of registration and all persons hereafter elected or appointed to office in said military districts under any so-called State or municipal authority, by detail or appointment of the district commanders, shall be required to take and to subscribe the oath of office prescribed by law for officers of the United States.

"Sec. 10. And be it further enacted, That no district commander or member of the board of registration or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

"Sec. 11. And be it further enacted, That all the provisions of this act, and of the acts to which this is supplementary, shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out."

These were the laws Mr. Chairman and gentlemen of the Committee, under which the registration was had and the election held for the members of the celebrated Underwood Convention. The flower of Virginia manhood was disfranchised. Every man who applied to vote was subject to the arbitrary diction of the military board, and the registration and vote, as I well recollect, were in most instances, under the very shadow of a bayonet, for troops were encamped in almost every hamlet, certainly at every county seat within the State of Virginia, to enforce the mandates of this unconstitutional legislation. There is today hardly a lawyer throughout the land who will uphold the constitutionality of these acts. They were taken in various instances before the Supreme Court of the United States, and in no one instance have the United States Supreme Court ever upheld the constitutionality of the laws per se. They have refused to interfere with the established form of government or rights arising thereunder; they have declined to take action because of the recognition of the political authority of both the National Government and of the State Government, but in no instance have they upheld the acts. On the contrary, they have expressly declined in all cases which have gone before that court to determine that the acts were constitutional.

Now, Mr. Chairman, at the risk of repeating some of the arguments which have been adduced here, I desire to read again the composition of the remarkable Convention that met pursuant to this remarkable election.

The Convention consisted of 105 members, of whom thirty-five were conservatives. As many people have forgotten the history of that conservative party, the party that did more really to prevent Virginia from passing through the miseries of the carpet-bag rule of the Southern States than any other agency, it is well to state that this was a party composed of all the elements of the old Whig and Democratic parties and of decent Republicans who were in favor of good government, and order, and peace, and the restoration of the State to representation in the Congress of the United States.

Thirty-five members were Conservatives; sixty-five were Radicals, and the remainder doubtful. The Radicals were composed of twenty-four negroes, fourteen native-born white Virginians, thirteen New Yorkers, one Pennsylvanian, one member from Ohio, one from Maine, one from Vermont, one from Connecticut, one from South Carolina, one from Maryland, one from the District of Columbia, two from England, one from Ireland, one from Scotland, one from Nova Scotia, and one from Canada.

Of the fourteen white Virginians belonging to this party, some had voted for secession, others had been in the Confederate service, others were old men whose sons had been in the Confederate Army. Hardly one had a union record. A large proportion of the Northern men and foreigners were drifted here in some non-combatant capacity by the war.

Now, this Convention met and framed a Constitution for the people of Virginia, and in that Constitution, as it was adopted and signed and sealed ready to submit to the people, there were two provisions which would have disfranchised probably one-half, or more than one-half, of the white men of the State of Virginia. It would have disfranchised and disqualified from holding office every man of any prominence in every county of the State. It was with full purpose and set design in carrying out the orders of their masters at Washington that they incorporated these provisions in the Constitution.

There is no doubt but that if they had foreseen the action which was eventually taken upon this Constitution they would not have given it to us as good as it was in other respects. But they expected that they and their people alone would administer the Constitution. They never dreamed otherwise. The two most obnoxious provisions that were inserted in the Constitution were as follows:

"Every person who has been a Senator or Representative in Congress, or elector of President or Vice-President, or who held any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as member of any State Legislature, or as an executive or judicial officer of any State, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

"This clause shall include the following officers: Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Second Auditor, Register of the Land Office, State Treasurer, Attorney-General, Sheriffs, Sergeants of a city or town, Commissioner of the Revenue, County surveyors, Constables, Overseers of the Poor, Commissioner of the Board of Public Works, Judges of the Supreme Court, Judges of the Circuit Court, Judges of the Court of Hustings, Justices of the County Courts, Mayor, Recorder, Aldermen, Councilmen of a city or town, Coroners, Escheators, Inspectors of tobacco, flour, &c., Clerks of the Supreme, District, Circuit, and County Courts, and of the Court of Hustings, and Attorneys for the Commonwealth: Provided, That the Legislature may, by a vote of three-fifths of both houses, remove the disabilities incurred by this clause from any person included therein by a separate vote in each case."

All that class were disfranchised by these clauses which were placed in the Constitution, in addition to which there was added the further clause:

"In addition to the foregoing oath of office the Governor, Lieutenant-Governor, members of the General Assembly, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney-General, and all persons elected to any convention to frame a constitution for this State, or to amend or revise this Constitution in any manner, and Mayor and Council of any city or town, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation, provided the disabilities therein contained may be individually removed by a three-fifths vote of the General Assembly:

"I, ... do solemnly swear, (or affirm,) that I have never voluntarily borne arms against the United States since I have been a citizen thereof, that I have voluntarily given no aid, countenance, counsel, or encouragement, to persons engaged in armed hostility thereto, that I have never sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution, within the United States, hostile or inimical thereto. And I do further swear, (or affirm,) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Now this wonderful instrument contained these two obnoxious features. Such a storm did it arouse all over the State (because men of influence will have that influence, say what you may; they were a power in the land, voters or no voters), that the military government called a halt and the military status continued until 1869.

Several patriotic gentlemen in the State of Virginia, believing that it would be to the best interest of the State and conduce to its prosperity to secure representation in the Senate and House of Representatives, constituted themselves into a committee and secured from Congress the passage of an act which authorized the president to submit these provisions separately, and an election was held for that purpose.

I may say, Mr. Chairman, in passing, that few of us realize the condition of affairs between the time of the promulgation of these reconstruction acts and the time of our full restoration to the Union. There had been established the infamous Freedman's Bureau. Negroes had instilled into them hatred and opposition to the only true friends they had in the South then, and have to-day. (Applause.) They were expected to oppose every measure, no matter how beneficial or worthy no matter how high, distinguished or patriotic the man who proposed it.

Further than that, Mr. Chairman, they were made trifling; they were taken off the farms and taken away from agriculture. They gathered in the towns and cities for the purpose of becoming consequential officers of a charity which any sensible person would have known could not last. They were appointed to office.

Aye, Mr. Chairman, I well recollect when negro policemen marched up and down the streets of Richmond, and were the watchmen of the night in this city. I well recollect that for days, aye, for weeks, the brave white men of this city were compelled to keep nightly guard and were armed, expecting at any time to have to defend their loved ones.

Such was the state of affairs under these reconstruction acts, and such was the state of affairs that induced those patriotic gentlemen to try by some means to restore the civil government and change this condition.

The Constitution was submitted, I recollect, as my friend from the city of Petersburg (Mr. Cameron) has said, that hot July day, and throughout this land there were women on their knees praying that the result of that vote would save old Virginia from negro domination. There was that suppressed excitement which one witnesses rarely (once in a lifetime. There was a determination written upon the face of every white man to do or die.

The gentleman from Henry (Mr. Pedigo) would say that there was no trouble about the adoption of the Constitution; that it was so good that only 9,000 and some votes were cast against it. As I said before, the Conservative party of the people, uniting with the Liberal Republican party, had determined to accept the instrument with all its shortcomings, except these provisions, and upon these provisions, the very vital questions, there was the hardest, the most stubborn fight that ever took place in the State of Virginia.

The fight was won through the influence, Mr. Chairman, of the non-voters very largely, because upon that question, under these registration acts, the flower and chivalry of Virginia were disfranchised. But they were at the polls and they had the influence; and by exerting that influence; although they could not vote at the polls, they did carry the election everywhere and defeated these measures.

But was the vote such as the gentleman from Henry would have this Committee believe? The vote for the Constitution outside of these two obnoxious provisions, was, it is true, 210,348, and against it only 9,136. But when it came to a vote on the fourth clause of Section One, the disqualification clause, there were 84,410 cast for it, and for the other clause there were 83,458 votes cast. Gilbert C. Walker received 119,535 votes for Governor, and Henry H. Wells received 101,264.

Taking the vote as a basis for a calculation, the Republican vote against the clauses was only 16,784, whereas the Conservative vote against the clauses was 107,526.

The solid phalanx of the negroes, the scalawag Republicans, the bushwhackers, the jayhawkers, the deserters, the renegades who had conducted the registration, sought with all the power and force in them to secure the adoption of those two provisions of the Constitution. They failed. Virginia was redeemed.

There has never been another such election held in Virginia. The nearest approach to it is the election that was held in 1869 where temporarily the same condition of affairs confronted Virginia. Then men were again aroused all over this Commonwealth and secured a change of government.

Now, Mr Chairman, it would seem needless to recount all of this, but I want to draw some conclusions from it. I want to say that a great majority of the white people of the State of Virginia, I may say all of them, because they were under the dominion of Congress, were under a compulsion, which if not really a force, was a moral compulsion, to adopt this Constitution, even on the part of those who voted for it; but in voting for the delegates to that Convention, and in voting to adopt this Constitution, there was the flower, as I said, and the chivalry of Virginia disfranchised; and I ask, gentlemen of this Committee, whether that Constitution was not submitted to a restricted, and a very restricted electorate?

I want to ask what part or parcel the white people of the State of Virginia had in giving to the negro the elective franchise. I ask if they were consulted, because I say the vote upon the Constitution has nothing to do with it. They were not consulted. That Constitution was submitted to a restricted electorate; and now, when an opportunity is presented to correct the evil which was then done, and to start out anew on solid ground and a solid footing, I for one contend that there is no legal or moral obligation upon any white man in Virginia to submit the Constitution which we will prepare, to the negroes of this state. (Applause.)

Mr. Chairman, let us review the history of the Democratic party with reference to the negro. As soon as we were admitted to representation in the Congress of the United States and the troops were withdrawn, did we seek, in bad faith, to violate the provisions of the Constitution we had accepted?

No, Mr. Chairman, accepting the Constitution philosophically, we hoped that in the future this cast horde of the ignorant race who had been given the elective franchise, who we knew were in no way qualified to vote, might, by dealing with them in a spirit of forbearance, toleration, and kindness, qualify themselves and they might become a part of the body politic, and divide upon the issues of the day, as the great white electorate was divided, and cease to be a disturbing element. And what did we do? With our homes devastated and in ruins, our people poor indeed, we not only encumbered, unwisely, I think, the full burden of the public debt of West Virginia and our own, but we placed upon ourselves, *for years before under the requirements of that Constitution, we were compelled to do it, the free-school system.*

Although the negro paid an insignificant portion of the taxes necessary to carry on this public free-school system, we unhesitatingly gave him the full benefit, and we have given him a trial for thirty years and more.

What has been the result? Has he shown to-day that he has profited by what the Democratic party and the white people of Virginia have done for him? Does he to-day intelligently exercise the elective franchise?

Three times, Mr. Chairman, during that period, the great white electorate of this country have declared for a change of the National Government, and it would be expected that when people who had been voting with the negroes upon these questions would change, if they were capable of an intelligent exercise of this right, there would be some change or some division. But, like a solid phalanx, their ranks were unbroken, showing that they were actuated by ignorance and prejudice, not capable of an intelligent discretion. They have voted solidly, whether right or wrong, for the Republican party.

Now, Mr. Chairman, I say if that was not an evidence that there was no intelligence, that there was no reason exercised, to vote as they did, would he their right. It is their right, under the Constitution of Virginia and under the Constitution of the United States to-day. But I say that the colored man has brought the condition that exists to-day upon himself. Had he divided upon the great economic questions which have been presented to the electorate of this country, both State and National, and had he incorporated himself in the body politic, differing upon questions as white men differ, showing an intelligent discrimination, he would have ceased to be a disturbing factor.

As it is, Mr. Chairman, in a perfectly constitutional manner, not in violation of the Constitution of the United States, nor denying to any man the elective franchise on account of race, color or previous condition of servitude, I am in favor of largely restricting the negro vote.

I believe, Mr. Chairman, that without hesitation, and with firmness, without, as I said, any disposition to treat the negro unfairly and unjustly, we should come up to the requirements of the condition of things that surrounded us and incorporate in the organic law a provision which, in my opinion, will clarify the political atmosphere and start the old State on an era of prosperity and happiness in which both the colored man and the white man will share alike. (Applause.)

I believe, Mr. Chairman, that this Convention should not follow the lead of many of the Conventions which have met in Southern States. I want Virginia to take a new departure. I want a suffrage provision adopted which will be unquestionably constitutional, which will recognize in the very article creating it the provision of the Constitution of the United States adopted to prevent discrimination on account of race, color or previous condition of servitude.

I would, Mr. Chairman, grant to all persons of fair character, who understand the duties and obligations of citizenship under a republican form of government, the right to vote. I would not create any requirements in the form of a property qualification, or educational qualification but I would so provide that a council, elected in the first instance by the Convention, to consist of three members from each magisterial district in each county in the State, one of whom should not be of the same political party as the other two, which council should not meet in the district, but meet at the county seat, and all acting together openly, should determine upon the applicants for registration who met this provision.

I would have them elected by this body because I believe there is not a member of this Convention who would not be actuated by the highest motives and a desire to secure for that council in the first instance men of absolute honesty and integrity and high character in their community. To what safer tribunal could you leave the decision of this question?

I would have one third of the membership of this board retire from the office every year, and I would have the vacancies filled by the nomination by the council of three for each vacancy to the Governor, with the right to appoint one from the three.

It will be suggested that this would be a partisan board. I grant you, Mr. Chairman, it would be a partisan board in a political sense, but I do not believe it would be a partisan board in an offensive sense. I believe a board would be selected that as far as we could trust any right of the citizen to any tribunal we could trust to that tribunal. I am satisfied that men of character, men who ordinarily would not think of accepting a position of the kind, would feel it their duty to accept and act upon the board and perform the duties.

As I said, it would be a partisan board, because I suppose being elected by the party in power it would be in the relation of two to one. I would have it so.

I think that the result of the action of that board would be to enfranchise, to register, practically all the white men, in this State. I think the action of that board would be to register a considerable portion but nothing like a majority of the colored men at present entitled to vote in this State.

I would not have this registration committed to the Republican party, because the gentlemen from Henry (Mr. Pedigo) stated the other day that if the negro to-day did not have a vote he would vote for giving it to him. My friend from Montgomery (Mr. Thomas L. Moore) states that he would not have a single change made in the present Constitution, and he admitted that his party was pledged in advance of the adoption of a new Constitution to vote and use the entire influence of that party against it.

I would have the interest of the negro confided to the only real friends, in my opinion, he has in the State of Virginia. I might say without repeating an anecdote that many times the white brother has been ridden up to the gate and seen the leading white Republican dismount and go in at the gate and leave him tied to a very div[illegible]

I am satisfied, Mr. Chairman, that the true interests of the colored man, such a commission as that would have served. I am satisfied that as time goes on and the negroes who now have the elective franchise, such material as it would be proper for us to grant to them the right to vote whenever they were entitled to it.

I had intended, Mr. Chairman, to have discussed two or three other questions, several opinions of the Supreme Court of the United States upon the subject of the Constitutionality of the reconstruction acts. I intended also to read the act ratifying the constitution of Virginia and admitting the State upon representation into the Union.

"That the Constitution of Virginia shall never be so amended or construed to deprive any citizen of the United States, of the right to vote who are entitled to vote by the Constitution herein recognized, except as a punishment for such crimes as shall have been duly adjudged to be such under the laws of said State, preceding the time of said Constitution becoming in its effects, may be made in time and place of [illegible] Second, that it shall never be in the power of the said State to deprive any citizen of the United States, on account of race or previous condition of servitude, of the right to hold office, or the rights, privileges, immunities and laws of said State, shall not be abridged or denied to any such citizen on account of race, color or previous condition of servitude; that the Constitution of Virginia shall never be so amended or construed as to deprive any citizen of the United States of the elective franchise, or of any of the rights, privileges, immunities and laws of said State."

As I said, Mr. Chairman, we have at present due supports the Constitution of this act of Congress. It provides that the Congress of the United States may exercise a discretion as to how much less the right to legislate upon the subject is conferred by the Constitution of the United States upon Congress and the power. All the States have moved in Constitutions without reference to the prohibitions, and it is commonly understood that in three cases the decisions of the United States in the cases of Texas vs. White, White vs. Hart, and Texas vs. Clark, have come up to, and could be decided that question but have simply reserved it, because it was plain from the reasoning of the court that if it had decided it they would have been compelled to have decided that these acts were unconstitutional.

Now, Mr. Chairman, in conclusion, I am in favor of postponing a vote upon the amendment offered by the gentleman from Pulaski (Mr. Wynne,) because I do not think this is the proper time to vote upon the question. I myself would vote against it if the vote came up. I hope that we shall see the Convention come up and will finally agree upon prepared [illegible] to vote upon the question as to what we will do with it.

I am willing to say now I would vote upon the question if we agree upon a Constitution which I can vote for, and I am unwilling to vote for any [illegible] which does not secure to the white people of the State of Virginia the right to receive the elective franchise. I [illegible] to submit it to the restricted electorate. I think we can agree, I have no doubt that we will agree, upon an elective franchise provision.

I take no stock, Mr. Chairman, in the criticisms being made in regard to the time this Convention is taking to discuss the questions before it. Almost every member of this Convention is here at a personal sacrifice, and I think that the people of Virginia instead of animadverting upon the fact that the members are taking to deliberate should congratulate themselves that they are willing to all have of a personal sacrifice to themselves and give to the State their time in the direction of perfect an organic law which will be complete, and which will cure some of the evils which exist to-day.

I thank you, Mr. Chairman and gentlemen of the committee, for your kind hearing. (Applause.)

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