

of being indivisible, or of distinguishing between one section and another, gentlemen might meet as upon a common platform, and give their united strength to the accomplishment of the great object in view. Suppose the Convention should reject the proposition under consideration, and the proposition of the gentleman from Charles, what would be the effect? The Legislature would say that they had no power to pass such laws, and they would point to the refusal of this Convention to authorize them, as unerring evidence of the fact. He earnestly hoped that one or the other of the two propositions would be adopted.

Mr. HARBINE said that probably he did not precisely understand the proposition of the gentleman from St. Mary's, [Mr. MORGAN,] but that according to his, [Mr. H.'s] construction of it, it meant one of two things, and that, in either case, he should feel constrained to vote against it. He was in favor of such an organic law, as would not be subject to the whims and caprices, [if he might so express himself.] of the Legislature. If the object of the amendment of the gentleman from St. Mary's was that the Legislature should have the power to control the organic law, after this Convention should have defined the right of the citizen in relation to the right of suffrage, then he [Mr. H.] was opposed to it. If that was not the object, and it was solely to throw guards around the right of suffrage, then he would ask, had not the Legislature got that power already, without any such provision? He illustrated his position, and declared his intention to vote against the amendment.

Mr. WEEMS said he was as much disposed as any man to throw all proper guards and protection around the ballot-box. Such a law was either necessary or not. If it was necessary there should be no discretion on the part of the Legislature; but it should be made its imperative duty to pass such a law.

If it was not necessary, there was an end of the question. He was no lawyer, but he was altogether opposed to giving to the Legislature in the organic law of the State, (by which bounds were to be set, beyond which the different departments of the government should not go,) a discretion which would enable them to enact laws that might operate locally, unequally, or unjustly.— He was opposed to both propositions, and should vote against them; although he was in favor of a general registry law to prevent frauds. He had no personal knowledge of frauds, but he believed them to exist, not only in the city of Baltimore, but in the respective counties; and if a Registry Law would prevent them, he would vote for such a law, to operate throughout the State and to leave no discretion. He was either for letting the thing alone altogether, or for making the provision imperative and giving the Legislature no power to repeal it.

Mr. PHELPS rose to make a very few remarks on the powers of the Legislature, in reply to what had fallen from the gentleman from Washington, (Mr. HARBINE.)

Mr. HARBINE said he was speaking of the

amendment of the gentleman of St. Mary's, (Mr. MORGAN.)

Mr. PHELPS so understood him. The gentleman contended that by the adoption of this amendment, we give the Legislature the right to override the Constitution. Has not the Constitution given the power to the Legislature to grant divorces, and to levy taxes; and does not every organic law grant certain powers to that body, and reserve other powers? The argument of the gentleman from Washington may be applied to all other powers, as well as that which is embraced in this amendment. The gentleman from Calvert, (Mr. WEEMS,) had taken the ground that it was either necessary to have a registration law, or unnecessary; and that if necessary, it ought to be a general law, acting uniformly throughout the State, and might be passed by the Legislature without a constitutional provision; if it was not necessary, there was no need to insert any such provision in the organic law. He reminded that gentleman that when the Registry Law of 1838 was passed, the question in regard to its constitutionality was raised, and there was at least one gentleman in this body who asserted that it was unconstitutional.

The amendment of the gentleman from St. Mary's proposes to invest the Legislature with a limited control over the elective franchise, and if this Convention now, by a solemn vote, refuse to grant this power, those who succeed us, must infer, that any attempt hereafter, by legislative enactments to prohibit illegal voting, will be an exercise of power not contemplated by the framers of the Constitution, and therefore totally unauthorized.

Mr. SOLLERS said that the question was simply of a grant of authority to the Legislature which it either did or did not now possess. He would like to hear the gentleman from Dorchester, (Mr. PHELPS,) on the power of the Legislature to pass a Registry Law without a special grant from the Constitution. He had never heard the Registry Law of 1838 objected to on the ground that it was unconstitutional. If the Legislature already have the right to pass such a law, why is there a necessity for any special grant of power? If we do insert such a provision in the Constitution, the Legislature have the power without it, and can exercise it when they think it necessary to do so. He objected to the change made by the gentleman from Charles in the original amendment, by the substitution of the word "may" in the place of "shall," and referred to the present Constitution to show that the imperative mood was used in that instrument.— The change might lead to the inference that circumstances might occur in which the exercise of the power would be inexpedient, and such a law ought not to be enacted. He thought the wisest course would be to let the matter rest as it is, and leave it to the Legislature to exercise their own discretion.

Mr. MORGAN reminded the Convention of the answer given the other day, by the gentleman from Prince George's, that he had always considered the Registry Law of 1838 unconstitutional.