

Mr. DANIEL. Is this report taken up in connection with the resolution offered by the gentleman from Prince George's (Mr. Belt?) If they are both up, I would move to postpone their consideration until Friday. I would really like to hear that gentleman's reasons for the adoption of his order, and it would be courteous to him to give him the opportunity to be heard.

Mr. STOCKBRIDGE. So far as I am aware, the facts that shall enable this convention to judge of the matter are as fully before the convention this morning as they will be on Friday. That being so, I see no object in postponing it. If we were to get any new light—if the gentleman had coupled that with a proposition to take testimony to establish any of the facts in the preamble of the resolution on page 381 of the journal, I could understand it. But at this time I do not see the reason why the absence of any individual member should bar the progress of a report. I propose that we go on and finish our business as fast as we reach it.

Mr. DANIEL. I do not think we ought to prejudge the gentleman's reasons. He has moved this resolution deliberately, and I think he ought to be heard upon the subject. I do not think we ought to prejudge whether he can give us any new light or not.

The motion to postpone until Friday was rejected.

The question recurred upon concurring in the report of the committee.

Mr. MILLER. In the course of the proceedings of the convention the other day, I offered an order which brought up this question of the construction of the bill under which the convention was called; and this report of the committee on elections brings up again the same question. I have no personal considerations of an unfriendly character towards those who have, in my judgment, taken their seats in this convention without the authority or sanction of the law under which the convention was called. It is simply a question of the construction of that law, and of the powers of this body as a convention of the people of Maryland.

I think it is perfectly plain that under the provisions of the convention bill itself, the gentlemen named in the resolution offered by my friend from Prince George's (Mr. Belt) were not eligible to seats; because the first section of that bill—if that bill is to be adopted for the guidance of this convention—provides that "the legal voters of this State shall by ballot elect delegates to the said convention, whose qualifications shall be the same as those now required for a seat in the house of delegates." That is the language of the provision of the bill. If the legislature has power to prescribe that qualification, it seems to me very clear that the gentlemen who are named in this resolution are not entitled to seats. The legislature has said in calling

this convention that the delegates shall have the same qualifications as are now required for a seat in the house of delegates.

Under the provisions of the constitution the qualifications required for a seat in the house of delegates are prescribed. Section 2 of article 3, says:

"No person shall be eligible as a senator or delegate who at the time of his election is not a citizen of the United States"—that is a negative qualification—"and who has not resided at least three years next preceding the day of his election in this State, and the last year thereof in the county or city which he may be chosen to represent, if such county or city shall have been so long established, and if not, then in the county from which in whole or in part the same may have been formed; nor shall any person be eligible as a senator unless he shall have attained the age of twenty-five years, nor as a delegate unless he shall have attained the age of twenty-one years at the time of his election."

The language of the constitution is negative. It says no person who has not these qualifications shall be eligible as a delegate. Then comes the next provision:

"No member of congress, or person holding any civil or military office under the United States, shall be eligible as a senator or delegate; and if any person shall, after his election as a senator or delegate, be elected to Congress," &c.

"No minister or preacher of the gospel, of any denomination, and no person holding any civil office of profit or trust under this State, except justices of the peace, shall be eligible as senator or delegate."

The convention will perceive that these qualifications in the old constitution are all of them of the same character. Suppose a non-resident, a foreigner, or a person who had not resided three years in the State of Maryland, a person who had not attained his majority, who was not twenty-one years of age, had been elected by the people in any of the counties to this convention, would such a person be entitled to hold a seat upon this floor? If the legislature would have the power to fix that as a qualification, and say that no such person should be a member, they have also the same power to prescribe that no person should be eligible holding any of these offices. Majority in one case is the qualification, citizenship the qualification, freedom from holding office is also a qualification. I ask gentlemen how they are to make a distinction. The general words of the law are that the same qualifications shall be required from delegates of this convention, as those now required for a seat in the house of delegates.

In the latter part of this bill there is a provision in section 4, that any senator or delegate may be elected. That is an exception to the general provisions contained in the