

by the people, the provisions contained herein for taking the soldiers' vote on the adoption of the constitution, shall apply to all elections to be held in this State, until the general assembly shall otherwise provide.

JAS. L. RIDGELY,  
Chairman,  
JOHN A. HOPPER,  
PETER G. SCHLOSSER,  
JOEL HOPKINS.

#### NEGRO APPRENTICESHIP.

The convention proceeded to the consideration of the report of the committee on the judiciary department.

Mr. AUDOUN submitted the following amendment:

"Section —. It shall be the duty of the judges of the several orphans' courts of this State, before they shall proceed to bind any negroes as apprentices, to administer to the party to whom he or she is to be bound, the same oath as prescribed for voters by this constitution, in the article on the elective franchise, and upon the refusal of the said party to take and subscribe to said oath, the said courts shall hold the person so refusing to be an unsuitable person to have charge of such negro."

Mr. CUSHING moved to add the following:

"And the fact of such oath having been taken by the party to whom such negro has been bound, shall be expressed in the indenture."

Mr. AUDOUN accepted the amendment.

Mr. RIDGELY. That proposition comes up in a very small house. The principle decided yesterday was decided by an unusually large house. We are called upon in this condition of things to vote upon it. I move that this section be informally postponed; and on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question being taken, the result was—yeas 20, nays 37—as follows:

*Yeas*—Messrs. Blackiston, Crawford, Duval, Hodson, Hollyday, Horsey, King, Lansdale, Lee, Markey, Mitchell, Morgan, Parran, Ridgely, Smith, of Dorchester, Smith, of Worcester, Stockbridge, Thomas, Todd, Wilmer—20.

*Nays*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Brooks, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hopper, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Russell, Sands, Schley, Schlosser, Scott, Sneary, Stirling, Swope, Sykes, Wickard, Wooden—37.

The motion to postpone was accordingly rejected.

The question recurred on the adoption of the section submitted by Mr. AUDOUN.

Mr. AUDOUN demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 44, nays 13—as follows:

*Yeas*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Brooks, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hopper, King, Markey, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Schlosser, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Wickard, Wooden—44.

*Nays*—Messrs. Blackiston, Crawford, Duval, Hodson, Hollyday, Horsey, Lansdale, Lee, Mitchell, Morgan, Parran, Smith, of Dorchester, Wilmer—13.

The section was accordingly adopted.

#### DETENTION IN SLAVERY.

Mr. STIRLING submitted the following amendment to the report.

"Section —. Any person who shall, after this constitution shall have gone into effect, detain in slavery any person so emancipated by the provisions of this constitution, shall, on conviction, be fined not less than five hundred dollars, nor more than five thousand dollars, or be imprisoned not more than five years; and any of the judges of this State shall discharge, on *habeas corpus*, any person so detained in slavery."

Mr. RIDGELY. How can anybody be detained in slavery against the law?

The PRESIDENT. He can be forcibly held in slavery.

Mr. RIDGELY. They have the same rights that I have.

Mr. SANDS. What are petitions for freedom for?

Mr. STIRLING. This section cannot possibly do any harm; and while I do not think there is any absolute necessity for it, and do not offer it because I think it is necessary for the final abolition of slavery, yet somebody might be disposed to exercise the practical physical power of keeping a person in slavery who is legally emancipated. He may have the physical power to prevent a person from asserting the rights this constitution gives. While I do not think any judge on the bench would make such a decision, yet by previous legislation it requires a petition for freedom to establish the right of emancipation; and I want to provide for the punishment of any man who shall undertake to detain in slavery those who are freed, and to resist the law we have undertaken to enact; and I want to provide for a discharge by a judge upon *habeas corpus*, without the formality of a petition for freedom.

Mr. WILMER demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 42, nays 13—as follows:

*Yeas*—Messrs. Goldsborough, President;