

it by the people, is the fundamental law, and I hold further that the constitution of the State, as it now is, only so far as it forms a part of the convention bill, is binding upon this body. I acknowledge,—nobody disputes the theory here—that the people are the source of all power. It would be the highest arrogance and presumption on the part of this body to assume to entrench in the slightest degree upon that high prerogative of the people. We do not come here to take away from the people. We come here to submit to them our work, as we believe, in conformity to their own commands, and the literal terms of the language which they have directed to us.

Under these conscientious convictions I am told that I am degrading myself; we are told here that we are sinking to the level of degradation; and in the same breath the honorable gentleman says, "I do not mean to offend, and I trust I shall not even be suspected of meaning to offend." Is it possible, Mr. President, that honorable gentlemen are to be spoken to in terms thus flippantly, thus arrogantly.

Mr. CHAMBERS. I believe I did not use the term "degrading."

Mr. RIDGELY. I leave it to every gentleman in this house if he did not use it. But a large portion of the gentleman's argument was feeling rather than deliberate judgment. I leave the question to the convention, submitting my theory of the law, and my deliberate conviction that it is sound; and under those views of the law, I reiterate that the power of this body to pass this report is in strict conformity with the authority conferred upon us by the people.

Mr. CHAMBERS. I did not turn to the act of assembly. I did not suppose it would be necessary to make an argument. It says that the legal and qualified voters of the State are entitled to vote upon the constitution, subject to regulation of the time of voting, the place of voting, or any other regulations the convention may prescribe; regulations of what? Regulations of voters entitled under the constitution to vote? To regulate a thing is not to manufacture it.

Mr. MILLER. I have a word or two to say upon the very theory assumed by the gentleman from Baltimore county (Mr. Ridgely). He and I agree in regard to what this convention bill was, what was its purpose and object, and what force and effect it had over this body at the commencement of the sessions of this convention. Now he declares that by the vote of the people, in calling this convention, they made this convention bill a part of the fundamental and organic law under which we were acting. I agree with him; and I turn to the provisions of that bill; and I will show to this convention that the report of this committee is directly in conflict with the provisions of that bill.

He has referred to the sixth section of the law. The sixth section provides that this constitution shall be submitted to the people for its ratification. Now if we take the other theory, that this is a sovereign body, independent of all legislative enactment, why go through the farce of submitting this constitution to the people at all? Why not say at once that the constitution which we here adopt shall on or after a day upon which we fix, be the constitution and organic law of the State? If the theory of the absolute sovereignty of this convention is to prevail, then this convention has the right to do that.

But if the gentleman from Baltimore county adopts the other theory, and then says we will submit it to the people, and that this convention bill is the fundamental and organic law, then we must go to that bill and see what its provisions are. The question here is this. We have prescribed in this report, or shall if we adopt it, qualifications of the right of voting upon the adoption of this constitution, different from what the present constitution prescribes, and different from what the convention bill itself prescribes. What does the 6th section declare?

"Sec. 6. *And be it enacted*, That the constitution and form of government adopted by the said convention as aforesaid, shall be submitted to the legal and qualified voters of the State," &c.

To what does that refer, for the qualification of voters? This law was passed under the existing constitution of the State. The "legal and qualified voters" here meant, are those who under that constitution are legally qualified to vote; that is, a man who is a citizen of the United States, who is twenty-one years of age and upwards, who has resided a year within the State and six months within the county in which he offers to vote. Those are the "legal and qualified voters" to whom this section of the convention bill refers. No other sensible construction can be placed upon that language. Now what further?

—"for their adoption or rejection, at such time"—

This convention may fix any day it pleases upon which the "legal and qualified voters" are to vote.

—"in such manner"—

That is, they may require the voting of the "legal and qualified voters" to be in the manner they may adopt, either by ballot, or *viva voce*, or in any other mode they please. This refers to the manner of voting.

"and subject to such rules and regulations as said convention may prescribe;"—

That is, they may prescribe the rules and regulations under which the "legal and qualified voters" are to vote. The polls shall be opened at 9 o'clock in the morning, or if the convention choose to say so, shall be opened at ten o'clock, and closed at five; and they