

tion of the constitution, it shall go into effect on the first day of November, 1864."

Mr. DUVAL. My remarks in explanation of my vote last night were intended to apply to this section. I supposed this was the one we were voting upon.

MILITARY INTERFERENCE WITH THE VOTE.

Mr. HENKLE submitted the following amendment:

Add at the end of the second section,

"And in case any organized military or armed force of the United States shall appear at the places where the polls shall be held, and shall interfere with said election, unless such military or armed force shall be called out by the judges of election or other civil authority charged with the preservation of the peace, the said judges of election shall under oath certify to the governor such unwarranted military interference with said election in such election district or precinct; and the governor shall immediately thereupon, order a new election after ten days notice, to be given by the sheriff as aforesaid, in such election district or precinct; and such new election shall be held and conducted in the manner and form hereinbefore provided, and the governor shall order a new election from time to time, as often as such illegal military or armed interference with the election shall be certified to him as aforesaid."

Mr. HENKLE demanded the yeas and nays on the adoption of the amendment, and they were ordered.

The question being taken, the result was—yeas 28, nays 39—as follows:

Yeas—Messrs. Belt, Blackiston, Briscoe, Brown, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dent, Duvall, Edelen, Henkle, Hodson, Hollyday, Horsey, Johnson, Lansdale, Lee, Marbury, Mitchell, Miller, Morgan, Parrao, Peter, Smith, of Dorchester, Turner, Wilmer—28.

Nays—Messrs. Goldsborough, President; Abbott, Anna, Audoun, Baker, Barron, Brooks, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Galloway, Greene, Hatch, Hebb, Jones, of Cecil, Kennard, King, Markey, McComas, Mullikin, Parker, Pugh, Purnell, Ridgely, Russell, Schlosser, Scott, Sneary, Stirling, Stockbridge, Swope, Thomas, Todd, Valiant, Wickard, Wooden—39.

When his name was called,

Mr. BRISCOE said: So far as that is concerned, it is only repeating a provision in the convention bill. I understand that it is conceded on all sides that the convention bill, which gave life to this convention, which bill provides the law regulating the vote upon the adoption of this constitution, is still the binding law of this State. It matters not whether the report of this committee is in addition to that or not. I shall vote for the proposition of my friend from Anne Arun-

del (Mr. Henkle,) but it really seems to me that notwithstanding the adoption of that report the obligation is still binding upon the judges of election, by virtue of the act of assembly at its last session, calling for or providing for the assembling of this convention. In that view of it, I hope the convention, in order to clear up this matter, will adopt the amendment of my friend from Anne Arundel. I vote "aye."

The amendment was accordingly rejected.

THE TEST OATH.

Mr. DENT moved to strike out the following words:

"The judges of election shall administer to every person offering to vote the oath or affirmation prescribed by this constitution, and should any person offering to vote refuse or decline to take said oath, he shall not be permitted to vote at such election, but the taking of such oath or affirmation shall not be deemed conclusive evidence of the right of such person to vote."

Mr. DENT said: When yesterday I urged the postponement of the consideration of this schedule, on account of the sparse attendance of members in the hall, I said I believed, that I was surprised at the provisions incorporated in the schedule for the submission of the constitution to the people. I might have added, however, that if I had reflected for a moment on the acts of the past, there would have been no occasion for surprise. But, sir, I have a proneness to forget the acts of the past, for the moment, and am too much disposed to hope and believe that, notwithstanding what has transpired in the past, the future will go on smoothly and evenly as once before. In this hope I have been often disappointed, and I am learning now to hope no more from those who are in the ascendancy in the government of this State and in the federal government; for, notwithstanding the plainest provisions of constitutional law—notwithstanding they are so plain that he who runs may read, we have gentlemen rising on this floor, and declaring that the act of the legislature by which this convention was assembled became, by the action of the people, the permanent law of the State—the fundamental law—the organic law. So far as that view is true, if it is true at all, it supersedes the constitution of the State of Maryland, which it is our duty to sustain.

If it be true that the enabling act—for it was barely an enabling act—became by the action of the people the organic law of the land, it contravenes the provisions of the constitution and thereby repeals it—an absurdity which I could scarcely have supposed would have obtained support or credence in the mind of any intelligent man. It shows plainly to my mind what straws people catch hold of to sustain a falling and sinking