

the convention last night during the debate on this first section. I must admit that I was not only surprised but disappointed when I first learned that such a proposition had been entertained in this convention. The question arises, under what law are the people in the State of Maryland now living, and under what constitution are they living? Can any part of the constitution which we now propose to adopt, in any wise or in any manner affect the people in this State until it is declared by the people of the State to be the constitution. If one part of this constitution can be made to affect the people of the State of Maryland before it is submitted to them, and before it receives a majority of the qualified voters of the State, why not at once declare it as the constitution of the State? If you can make one section of this constitution take effect upon the people of this State before you submit it to them, with equal propriety you can declare the whole at once the constitution and let it have all the force that you give to one part of it. What is the constitution under which we now live? Not the one we propose to adopt, but the constitution framed in 1850. It is the qualified voters of the State who now have the right to vote. Does any proposition or any clause passed by the legislature affect the old constitution? Will gentlemen in this house pretend to say that the last legislature could pass a law in direct contravention to the old constitution? Mr. President, I am astonished. What are constitutions made for? What are they? The constitution embodies the organic law of the State. The constitution as it now exists prescribes what shall be the qualifications of the voters of the State of Maryland. Even suppose that the last legislature had said in terms direct and explicit, that every man in the State of Maryland should be required to take this oath, have the legislature the power to destroy the constitution as it exists? Have they the power to destroy the fundamental law of the land?

I have been informed that men argue that they have a right to insert this test oath, because that is in the law under which the convention itself is called. Is there any court in the State of Maryland that would entertain a view of this kind? Suppose the legislature passes any unconstitutional law; how will courts treat it? I say that if the last legislature had said in terms as explicit and plain as they could have expressed it, that no man in the State should vote without taking this oath, no court would say that that law was constitutional. I assure gentlemen here that my people will stand by that constitution until it is set aside. The day is fast waning in the horizon when the rights of freemen can be trampled in the dust. The organic law of our land prescribes what shall be the qualifications of voters of this State; and I assure gentlemen that if I be the only man in my

county, I will dare to approach the polls, and I will dare to say to those judges, here is my ballot under the law of my State, under the constitution as it now exists. I will dare further. If they refuse that vote I will prosecute them to the utmost limit of the law; and if there be no justice in the land outside of the courts, I hope there to bring them to justice, and I hope there to visit upon their heads that punishment which the law has prescribed, that punishment which they cannot escape from under the law which exists, of which this convention cannot alter one tittle nor one iota until it is approved by the people. And I believe that I am not the only free man in Montgomery county that will dare to adopt this course. I believe there are others there, greater than I am, yet who cherish the rights of freemen as dearly as I do, and they will dare to stand in the same place and assert our rights in the courts of the State as they now exist.

How is the organic law of this State to be changed? The law lays it down here that this convention shall assemble, that it shall adopt a new constitution, not a constitution to affect the people of the State of Maryland now, or that shall affect them in any time hereafter, until it shall first be submitted to the people, and until it shall receive the sanction of a majority of the qualified voters of the State. But before I dwell particularly upon that point I will make another.

If we have a right to require this oath, we have a right to require anything else. If this convention can incorporate into the organic law which they propose to the freemen of this State, an oath which must now directly bear upon the people of this State, why not at once require every man to swear that he will vote for this constitution, and say that unless he shall take that oath he shall not be permitted to vote at all? If they can do the one, they can do the other. I unhesitatingly say that any court of justice or any court of law will sustain me in this view. Why not say that no man, unless he is in favor of abolition, shall vote upon the constitution? If you propose to put anything of this kind into the constitution, which is to have any effect upon the people of this State, why not make it plain sailing? Why not cut all the timbers out of the road and make a highway for this party which seems to go upon the principle of rule or ruin? Why try to smoothe the matter over? Why try to cover it up with a little tinsel? Why try to give shape to that which has no shape, to give power to that which has no power, to give life to that which is dead and without life?

If we are to usurp powers here, and act out boldly and in defiance of the law and the constitution of this State as it now is, do not submit the matter to the people at all. Do not let us have a mere form of mockery; a form of godliness, I might say, while we deny