

its power. Sweep it out at once, and wipe your hands, and say the abolition party is the party of the State of Maryland, and no other man within the bounds of this State shall have the right to exercise that great privilege of freemen at the ballot-box.

Let us examine this law closely, which I understand gentlemen have relied upon for the power which they propose to exercise, the law calling this convention together; and let us see if it will bear any such interpretation.

In the first place, on whom does the requirement of the oath, as it is set forth in this call of the convention, rest? It does not rest on the voter of this State at all. I will refer to the fourth section:

"Sec. 4. *And be it enacted*, That before any member or officer of said convention shall enter upon the discharge of his duties, he shall take and subscribe before the governor of this State, who is hereby authorized to administer the same, the following oath or affirmation."

Does it say one word there to the effect that any man hereafter that may think proper to vote for or against this constitution, shall take this oath before he can vote? We must have had a grand set of fools in our last legislature if they could have supposed for one instant that they could have incorporated into this law such a complete violation of the constitution as it existed. I presume we had here men of some sense at least, who knew that in what they were doing they had no power to destroy the organic law of the State as it existed. The oath, as it exists in this law, was applicable alone to the members of this convention and its officers; and to no person outside.

Having ascertained by the law to whom the oath was applicable as passed by the legislature, let us see what the legislature really did intend, and what they did do in the enactment of this law, which should have any effect upon the votes to be cast upon this constitution hereafter. That is to be found in the sixth section, which I will read:

"Section 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, for their adoption or rejection, at such time, in such manner, and subject to such rules and regulations as said convention may prescribe; and the provisions hereinbefore contained for the qualification of voters and the holding of elections provided in the previous section of this act, shall be applicable to the election to be held under this section."

To understand the law properly we must take all its parts. We must not say that the sixth section shall have effect and the first section have none. The sixth section refers to the "provisions hereinbefore

contained for the qualification of voters, and the holding of elections provided in the previous section of this act." This refers back to the first section. Let us see then what the first section contains; because I think the legislature has made it so plain that the way-faring man, though he be a fool, need not err therein.

"Section 1. *Be it enacted by the General Assembly of Maryland*, That on the first Wednesday of April next, at the same places where the polls are by law held in the several counties and the city of Baltimore, for the election of delegates to the general assembly, every person entitled to vote for delegates to the general assembly shall vote upon the question of the call of a convention to frame a new constitution and form of government, by expressing in writing, or in printed form, on the same ballot he may cast for delegates to said convention the words 'for a convention' or 'against a convention,' as the case may be," &c.

The only qualification in this first section then is that voters shall be "entitled to vote for delegates to the general assembly." I suppose gentlemen will say, "subject to such rules and regulations as said convention may prescribe." Has the convention any right to make any rules or regulations altering the organic law? Did the legislature of this State presume for one moment that this convention would attempt any such thing? No person dreamed of it; no person thought of it. It did not enter the mind, or cross the brain of one of the legislators who passed that law, that this convention would attempt to frame an organic law of this State to take effect upon the people of the State until it had been submitted to them, and until the legal voters, those properly qualified to vote for members of the general assembly, should have exercised the right to cast their votes for or against the proposed constitution.

Another question naturally arises in the minds of all of us. What are we to accomplish by test oaths? Whenever the morals of a people become so degraded, whenever a people are so debased that it is necessary to apply test oaths to them, to apply all the means that you can use, and put police detectives, and everything else around them, what are their oaths good for? If those oaths are for the prevention of crime, to have effect upon parties who but for them would be guilty of crime, would those parties regard the oath? If their morals are so debased that it would be necessary to apply test oaths to them, would they not be base enough to take the oath and to disregard it?

Mr. CLARKE. I hoped that some gentleman upon the other side would have been ready to speak upon the section now under consideration. I shall be very brief in the remarks which I shall make. I should not in fact now trespass upon the indulgence of the house, at this