

vention to vote against every measure calculated to assist the government. But for that I should still be silent.

They protest against this and that clause of this and that report. They protest most particularly against allowing the soldiers to vote. I ask, why not allow those to vote who have been fighting for their homes and our homes, for their country and our country—men who have been baring their breasts to the bayonet to preserve our rights—men to whom we owe the fact that our State has so far been protected from the horrors of war? Yet we are told that they are not entitled to vote. Have they lost all their rights and privileges by doing as they have done? Or is this objection raised because it is believed that the soldiers will cast their ballots for this constitution and thereby in-dorse the work of this convention and assist in burying this damning institution of slavery so deep that it will never be heard from again in our State?

I call upon the majority of this body to exercise the power given them by the people. Let every one of their votes be cast for this and every other section in this report. Let it go forth and thereby gladden the hearts of those men to whom the whole people of this State owe a deep debt of gratitude. The whole effort of the opponents of this report is against the men who have been bearing aloft the old starry banner. The cry of "law," "law," is raised to arouse hatred to those men because they are soldiers in the armies of the United States. So far as I am concerned, I tell gentlemen that I intend he shall be allowed to vote who has been willing to lay down his life for his country, and that he who is not willing to take the oath prescribed in this constitution, and thereby give some evidence of his attachment to this Union, shall not be allowed to vote.

I desire to say further, that if the friends of the Chicago convention want bullets instead of ballots, as was said upon this floor this morning, so far as the people whom I have the honor in part to represent are concerned, they are perfectly willing to give them as many as they want. I heard here this morning, as I have heard nearly every day since this convention met, language, which if used down South against the rebel government, would, to say the least of it, cause to be sent beyond their lines those using it. And I thought to myself, this morning, of the oath we all took up in the chamber of the governor. I made up my mind that no matter what oath we might put in the constitution these men would gulp it down. And so we have been told upon this floor. I know, gentlemen, that the test about to be administered to you is a bitter one. I would that it were more so, and that it might purge you of every disloyal sentiment and idea that you now possess.

Mr. DANIEL. I have a few remarks which I wish to submit upon this question. I shall not travel into the political view of the question. But I have an opinion or two upon the legal question, which so far as I now recollect, has not yet been presented by any gentleman, precisely in the form in which it has struck my own mind.

What are the theories advanced here as to the powers of this convention? One is that we are confined by the restrictions which are contained in the bill calling this convention, and which was submitted to the people, and whose provisions it has been contended have been adopted by the people. The other theory is that we are not restrained by anything in that bill, except so far as it is our pleasure to observe its provisions. That, as a sovereign convention, we have of ourselves all power, and that we are under no restrictions. Now I do not see how gentleman can sustain themselves upon any other theory than the one which has been adopted by the gentleman from Kent (Mr. Chambers) and by every other gentleman, except the gentleman from Anne Arundel (Mr. Miller) who addressed the convention last night.

The gentleman from Anne Arundel, consistent with himself, for he has heretofore advocated that theory upon this floor, held that we were bound by the provisions of the act which called us into being, that this convention was the mere creature of that act. And the gentleman argued that view very ably, when the question was presented about the right of certain members to their seats in this convention.

Now, I adopt that theory. I think that so far as the provisions of the act which called us into being are applicable to us, they do govern us. And this convention has practically so said, by its observing the restrictions contained in the provisions of that act. This convention has acted upon the provision giving us our per diem and upon other provisions, thereby showing that it considered itself bound by the provisions of that act.

Now, taking that act as my standard, and looking to the provisions of that act, starting from the very point from whence the gentleman from Anne Arundel (Mr. Miller) started, I come to a very different conclusion in my construction of that act. I come to the conclusion that the provision we are now about to adopt, requiring an oath to be taken by voters at the polls, is the very provision, in substance at least, if not in so many words, which is sanctioned and authorized by that act. The gentleman from Baltimore county (Mr. Ridgely) based his argument in favor of the section now under consideration, upon that portion of the sixth section of the convention bill which authorized this convention to submit the new constitution to the people "subject to such rules and regulations as said convention may prescribe." My friend