

entrusted. Still he had no objection to the adoption of any rule by which the evil complained of might be prevented.

In reply to what had been said of the hardship upon a man who had removed into another ward, and was refused the right to vote, not having resided therein the required time, he stated that a much greater hardship was that upon a voter removing from one county in a Congressional district where he had resided twelve months, into another county of the same Congressional district where he may have resided above five months before the election, and yet, under the Constitution of our State, he would not be entitled to vote. But these were of those cases of individual hardships which must occur under the operation of every general rule. The Congressional candidate in a ward may be one in whose success great interest might be felt in that ward, yet the election of that candidate might be defeated by other votes coming over from the city. Modes may be suggested by which the difficulties in Howard District and Anne Arundel, which are in the same condition as Baltimore, might be obviated; but under the Constitution, as it now stands, the remedy would be impossible, as the names are all on one ticket and are voted for by every qualified voter where the election is held.

Mr. GWINN begged to call the attention of the gentleman from Anne Arundel to the fact that the second City Ordinance says, that no man shall vote out of the ward in which he resides; and if he does, he is liable to a penalty. The last law of the Legislature makes this applicable to Congressional elections.

Mr. DORSEY resumed. We are here acting on the Constitution. It is the Constitution only which determines who shall have the right to vote. If the right is possessed by virtue of a provision in the Constitution, it cannot be changed by an ordinance of the Corporation of the City of Baltimore, or even by an Act of the Legislature. How then does this change the condition of things? Baltimore will have no reason to complain if a similar principle which she has introduced into her wards, should be introduced by the Convention into the State.

Mr. BOWIE. The Constitution is silent as to the places where the votes shall be cast. At one time they were cast at the county town. Since that time, the State had been laid out in Election Districts, and the people voted in those districts. He held the law by which this had been done to be constitutional.

Mr. DORSEY resuming. If these changes had been made by a single law, the law is unconstitutional. As regards constitutional qualifications, the law can impose no restrictions different from those in the Constitution. The changes made in the qualifications of voters by an act of the Legislature are unconstitutional. If it relates to the term of residence, an hour is equal to a night. He agreed with the gentleman from Baltimore county, that the fact of residence is not established by mere personal presence for a night, but by acts and intentions showing such residence. If a laborer from one county, worked there, and went to his home in another county

on Saturday night, he was entitled to vote in the county where his home is. We must judge of residence by acts and declarations of the party in relation thereto. He was in favor of a thirty days' residence, not merely a sojourning. If one ward choose to abandon an election or to let it go by default, and should send its voters into another ward, we ought to set a guard upon that practice. The residence of six months in the county is designated that the voters may know the fitness of the candidates and to prevent frauds. He thought some residence necessary; it may be thirty days or more.

Mr. GWINN expressed a hope that the gentleman would turn to the second ordinance of the city of Baltimore, which he presumed the learned gentleman had studied.

Mr. DORSEY resumed. He did not look to the ordinance. He looked to higher authority. He took it for granted that the gentleman who declared that a citizen of Baltimore had a right to vote in any ward, had looked to the act of Assembly. It was provided in the charter which prescribes the mode of the election, that each ward should send one member to the first, and two to the second branch of the City Council, and that each candidate must be a resident of the ward in which he is voted for, and from this it has been inferred that voters must also be residents of the ward, but such inference is not authorized. He asked the gentleman to read the law.

Mr. GWINN read the city ordinance.

Mr. DORSEY. If the ordinance was contrary to the Constitution it was null. The voters of Baltimore city, as to Congressional elections, derive their right from the Constitution. City ordinances cannot change it. The gentleman from Baltimore said it was necessary that a voter should sleep in the ward the night before the election. This does not of itself constitute residence. We ought to require something more than mere sleeping in the ward.

Mr. GWINN here read the act of assembly, extending the ordinances of Baltimore as to the city elections to the counties. Appeals had been made, and had gone to the judicial tribunals, yet this law had never been pronounced unconstitutional.

Mr. DORSEY expressed a doubt whether the Legislature had a right to establish as a residence in respect to a Congressional election, the mere fact of a man sleeping one night in a county. If this was to be considered a residence, it appeared to him to be the more incumbent on the Convention to exercise a revisory power. He insisted that the city authorities had no power, and that the extent of the power of the Legislature was the extension of the number of election districts from sixteen to twenty. No gentleman would maintain that the fixing of a rule of residence should be left to the authorities of the city of Baltimore. Adopt this principle, and it would not be worth while to impose any restrictions as to members of Congress; you may as well throw all restrictions off, and leave the ballot box open to every one. But it is the duty of this Convention to fix such principles as will regulate future elections.