

adoption of that order, because I believe that the Convention bill does prescribe the qualifications of members of this body, and that the provisions of that bill, respecting the qualifications, just as much as the provisions in the 4th section, requiring the oath to be taken by the members, or the provision of another section, that the Constitution which we may adopt shall be submitted to the people for their ratification or rejection, are obligatory upon this body. If we are to observe one of these provisions, I want the whole of them observed. It was for that purpose, and that purpose only, that I introduced the order yesterday.

The Convention bill does prescribe that the parties entitled to seats upon this floor shall have the same qualifications as those prescribed for seats in the present House of Delegates. What are those qualifications? Look at the bill and you will see that no person shall be eligible as delegate, who, at the time of his election, is not a citizen of the United States. Suppose an unnaturalized foreigner had been elected to a seat in this body.

Mr. HEBB raised the question of order.

Mr. MILLER. I say that I am in favor of the adoption of the order because the Convention bill itself raises the question of parties entitled to seats in this body, and it is a question of organization. If there is to be any report at all to this body from the Committee on Elections, it is necessary that this order should be passed. There is a necessity for the adoption of the order because there is a difference of opinion among members of this Convention in regard to the question, whether the Convention bill does prescribe qualifications or not, and I am going on to show that it does prescribe qualifications, if I can be allowed to do so under the rule.

The PRESIDENT. It will not be in order, the point having been raised by the gentleman from Baltimore city (Mr. Stockbridge.)

Mr. MILLER. Then I will forbear to make any remarks until the report of the committee comes in. I think enough has been said to show the necessity for the adoption of an order like this.

Mr. STIRLING. If the Convention bill has no power to disqualify anybody from this floor then we are all duly elected. I am not willing to declare any man disqualified who has been sent to this Convention by the people. I say distinctly, as a matter of fact, that the Convention bill was understood by everybody in the Legislature, when it was passed to exclude these things. I have an amendment to offer to strike out all after "ordered" and to insert, "that all members holding seats here are hereby declared duly elected," and I demand the previous question upon that order.

Mr. CHAMBERS. I object to that as being utterly inconsistent with the subject of the

order, and not within the scope of a legitimate amendment.

The PRESIDENT sustained the point of order, and overruled the amendment.

Mr. STOCKBRIDGE. I now move the previous question upon the order.

The previous question was sustained.

Mr. MILLER demanded the yeas and nays upon the order, and they were ordered.

The question being taken, the result was—yeas 47, nays 15—as follows:

*Yeas*—Messrs. Goldsborough, President; Annan, Audoun, Barron, Belt, Bond, Briscoe, Brooks, Carter, Chambers, Clarke, Cunningham, Daniel, Davis, of Washington, Dent, Earle, Edelen, Galloway, Hatch, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Jones, of Cecil, Keefer, Lansdale, McComas, Miller, Morgan, Murray, Noble, Nyman, Parker, Peter, Purnell, Ridgely, Russell, Scott, Smith, of Carroll, Smith, of Dorchester, Sneary, Swope, Thomas, Todd, Wickard, Wilmer—47.

*Nays*—Messrs. Abbott, Baker, Cushing, Dellinger, Ecker, Hebb, Larsh, Mullikin, Pugh, Schley, Schlosser, Stirling, Stockbridge, Sykes, Wooden—15.

As their names were called,

Mr. BELT said: I vote for the order because I am one of those to be affected by any report of the Committee on Elections. I trust the House will remember that those of us who are affected by it, seven or eight in number, are anxious that this matter should be acted upon, because we do not wish to maintain our position here unless we are entitled to it. I vote "aye."

Mr. PUGH said: It has not been customary here to ask committees to report. If one is asked, I think we may as well ask two or three other committees. I therefore vote "no."

Mr. SCHLEY said: Presuming that the committee have sufficient reasons for their delay, I am not disposed to put an imputation upon them by voting for this order; and I therefore vote "no."

Mr. STOCKBRIDGE said: I regard this order an imputation upon the fidelity of the committee, and I have seen nothing whatever in their conduct to call for a vote of censure from this body. I therefore vote "no."

Mr. THOMAS said: I would not at any time vote to censure a committee, and I should vote "no" on this occasion, were it not that, like my friend from Prince George's (Mr. Belt,) I am one of the unfortunate individuals referred to by this order; and I feel a delicacy about the matter. I ask to be excused from voting.

Not being excused, Mr. THOMAS voted "aye."

So the order was agreed to.

Mr. CUSHING submitted the following order:

*Ordered*, That the Committee on Elec-