

may vote on one, two, or three days, just as the convention see fit to prescribe.

That is what the law says on that subject. That would be clear, perfectly clear, if there was not one word more in this section on the subject. But the gentleman from Baltimore county (Mr. Ridgely) has carefully abstained from reading the concluding and conclusive portion of the section upon this subject. What is it?

—“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.”

What is “the election to be held under this section?” It is the election to be held upon the adoption of this constitution which we are now framing; and no other election is to be held under this section except that. The qualifications of those who are to vote upon this question, as this sixth section prescribes, are to be the same which this law says shall be their qualifications.

—“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.”

Human language could not express it in plainer terms. The qualifications of the people who are to vote upon the adoption of this constitution are those which are prescribed under the existing constitution and this law. This law added some new qualifications, or some new restrictions upon the right of suffrage, which were not embodied or embraced in the existing constitution of the State. What were they? We must go to the law to see what they were. In the first section it is provided:

“And the said judges of election shall at said election, administer the oath or affirmation to every person offering to vote, whose vote shall be challenged on the ground that such person has served in the rebel army, or has either directly or indirectly given aid, comfort, or encouragement to those in armed rebellion against the government of the United States, or is for any other reason not a legal voter, in the manner and form provided by section 21 of article 35 of the Code of public general laws relating to elections; and a judge or judges of election, failing to comply with the provisions of this act, shall be liable to the same penalties as he or they would be by the non-compliance with the existing election laws of this State.”

Then these are the additional provisions, or qualifications, or restrictions, or whatever you may choose to call them, superadded by the law of 1864 to the qualifications contained in the constitution of the State. Under the provisions of the constitution of the State every free white man, twenty-one years of age, and a citizen of the United States, one

year a resident of the State, and six months a resident of the county, had a right to go to the polls and vote, without challenge and unquestioned. Then this law comes in and says in addition to that, if he be challenged for any of the reasons specified in this law, the judges shall put the oath to him. It was under that law, and subject to the rules and regulations prescribed by the governor of Maryland in carrying out that law, in the interpretation which he placed upon it, that the people of the State did vote for this convention. And when we come to the sixth section, which prescribes the submission of the constitution to the people for ratification, it goes back precisely to the same constituency which voted under this law for the convention.

If the provisions of this report had stopped with the provisions of this law, and said nothing further; if it had prescribed that the voters upon this constitution should, when challenged for any of the reasons here set forth, take the oath as prescribed in the law, if the same regulations and rules were to prevail, I should have said that the report was in strict conformity with the law under which we are acting, the organic fundamental law, as the gentleman from Baltimore county says. But that is not the report. The report sends it back with a restriction upon the right of suffrage, neither contained in the existing constitution nor in the law of 1864. It sends it back to the oath prescribed in the present constitution, which can have no effect in law until adopted by the people; and that oath is to be made operative on the day of election, before the constitution is ratified. That oath, as every gentleman in the convention knows, is an entirely different oath in its form and character, from that which we adopted and prescribed in the act of 1864. We are then undertaking to say that additional restrictions shall be put upon the right of suffrage at the election at which this constitution is to be adopted.

Furthermore, it is declared in another section of this report that those who could not vote at all under the present constitution, for the calling of this convention, who had no right of suffrage either under the constitution or under the convention bill, shall, at the election which is to decide the future fate of Maryland, and to decide in a great degree the future condition of the State of Maryland in reference to this important subject of emancipation, be entitled to vote; that people who could not vote to send men here to emancipate slaves, may, on the adoption of this constitution, vote to carry into effect the constitution which they had no power to send delegates here to frame.

On this construction of the law of 1864, and on the gentleman's own argument that that is the fundamental law for the government of this body, I say it is impossible for