

the people shout, and all that sort of thing, are a good place to talk, a good place for buncombe; but I tell you, it is the man who is facing death for his country who learns in a day what we might take years to learn.

I had no idea of detaining the convention. I did want to vindicate my country against the idea that she sets up gibbets between the grandfather and the grandson, when that grandson is a sick and wounded prisoner. I wanted to show in what a spirit of enlightened christian charity she had acted. I wanted the world to know it. I wanted to say here, what gentlemen must know, that that is not the case pointed at in this section; that no one could exclude the gentleman from Kent upon such a ground, for ministering to the wants of a sick and wounded prisoner when the government allowed him to do it. That is a sufficient answer to any man sitting as judge of election. No man in his senses would dream of rejecting a ballot on that ground. Let us come down to the plain simple facts of the case. Let us set forth the cases meant to be reached by this law. Let gentlemen who have been their own avowed advocates upon this floor, instead of setting up imaginary cases and knocking them down, appealing to your feelings, set up the real facts of the case and appeal to your judgment.

I wanted to point out to my friend from Anne Arundel (Mr. Miller) how exactly the provisions of this section of the elective franchise article followed the very word and letter and spirit of the act that called us together; and I wanted, too, to point out the fact that we do not sit here to-day as a legislature with regard to this matter; but the people at the ballot-box this spring broke the legislative fetters and sent us here to carry out their will. That is the true state of the case.

Mr. NEBLEY. I wish to make a few remarks.

Mr. CHAMBERS (interposing.) My indisposition compels me to retire. I desire to hear the rest of this debate; and as it is now ten o'clock, with the consent of the gentleman I will move that the convention adjourn.

Mr. NEBLEY declined to yield the floor for the motion, and Mr. CHAMBERS thereupon retired from the hall.

Mr. NEBLEY resumed: The argument of the gentleman from Kent (Mr. Chambers) is this: that there is no power under the constitution of Maryland given even to the legislature or the constitutional convention to prescribe any other qualifications for the voter than those given and laid down in the constitution. The gentleman from Anne Arundel (Mr. Miller) takes the same view, and says there is no power conferred by the constitution, no power residing in the legislature of Maryland, no power in this constitutional convention to prescribe any other qualifications than those laid down in the constitution. Now I will call the attention of the gentleman from Kent

(Mr. Chambers) to the law calling this constitutional convention. What does that do? That prescribes an additional qualification.—What is the qualification in the constitution of Maryland? It is that a voter shall be a citizen of the United States, shall be a resident of the State one year, shall reside in the county or city where he attempts to vote, and shall be a white man. These are the four elements of the qualification. The constitution of Maryland makes no provision for any oath. According to the theory of the gentleman, therefore, these are the only qualifications that can be prescribed; and no legislature and no constitutional convention can prescribe any others. Now what is the fact?

Did not the last legislature of Maryland prescribe an additional oath as a qualification for the voter who came forward to vote upon the call of this convention? Had they authority for that in the constitution? None whatever.

Mr. BRISCOE. I will tell the gentleman from Washington the position taken by the gentlemen who opposed that oath in the convention bill, that there was no constitutional power to incorporate that oath in the convention bill, and therefore that it was not binding.

Mr. STOCKBRIDGE. The majority were against you.

Mr. NEBLEY resumed: The position of the gentleman from Kent (Mr. Chambers) was that there was no power conferred by the constitution to prescribe any other constitutional qualification for the voter. Then if the legislature attempted to prescribe any other qualification, it was a usurpation, and it was illegal. If this constitutional convention attempted to prescribe any additional qualification, it was a usurpation and illegal. And the gentleman from Anne Arundel took the same position. Yet what was the fact? The legislature of Maryland last winter did absolutely attach an additional qualification to the elective franchise in the vote for this convention. What was that additional qualification? Here it is. It is an oath—the oath prescribed by the act calling this convention together. It is not necessary for me to read it. But it is not authorized in the constitution. It is outside of the constitution. It is an addition to the constitution.

Now I put this question. If the legislature of Maryland had the power to prescribe an additional oath, which did not exist in the constitution, has not this constitutional convention an equal right? The legislature did prescribe an oath. Now what do they say in the sixth section?

"Sec. 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"—

That is the legal and qualified voters of the State as prescribed by the constitution.