

— "for their adoption or rejection, at such time, in such manner, and subject to such rules and regulations as said convention may prescribe; 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."

They attach an additional qualification to the elective franchise in the very act calling the convention together, as clearly as the sun shines, because there is nothing in the constitution of Maryland which at all gives them the right to attach this additional qualification; and they say that in addition to the qualifications which the voter must have under the constitution of Maryland, he must come forward and take this oath which they prescribe. That, according to the gentleman from Kent, and the gentleman from Anne Arundel, is the additional qualification which they pronounce unconstitutional. They pronounce that additional qualification unconstitutional, and yet—

Mr. MILLER. I did not say any such thing. I did not say that was unconstitutional at all.

Mr. NEGLEY. You admit that that was constitutional then?

Mr. MILLER. I say that the provisions of the convention bill, having been adopted by the people by their vote, became, as the gentleman from Baltimore county (Mr. Ridgely) says, the fundamental law of this convention.

Mr. NEGLEY. Yes, sir; it becomes the fundamental law of this convention, and yet before that was submitted to the people, a qualification for the voter was prescribed in it, not recognized in the constitution of Maryland, the qualification of an oath; while the constitution of Maryland did not make any provision for such an oath as is prescribed in this constitutional convention law. This is an additional qualification; and they had no authority under the constitution for it. But the gentleman admits that, that being submitted to the people, and the people having voted upon it, it is a part and parcel of the constitution of Maryland now, so far as we are acting under this convention law.

Now what do we propose to do? What did this sixth section say? It says that this additional provision, this qualification of voters, shall attach to the voter who votes upon the constitution which this convention may frame; that the additional qualification which this last legislature of Maryland fixed upon the exercise of the elective franchise in voting for the convention, shall attach to the party who votes for this constitution that is framed by this convention. According to the theory of the gentleman from Anne Arundel, that means the additional oath prescribed by the convention law, and gives us

the power to prescribe that same oath in the adoption of this constitution by the people.

Then what does the sixth section further say? It goes on to say, as the gentleman from Baltimore county (Mr. Ridgely) properly declares, that it shall be submitted, "subject to such rules and regulations as the said convention may prescribe." That is a clear and unquestioned power granted to this convention to prescribe an additional oath; which we have done in this schedule. It is an unquestioned power given to this convention to make such additional rules, such additional regulations, and to throw such additional qualifications around the elective franchise as we may deem right and proper when we come to submit the constitution to the vote of the people. So that strictly and legally we have that clear unquestioned right; and we have not at all transcended any powers conferred; we have not assumed any. We have the power of the constitution; we have the authority of the law calling this convention together in the qualification which they prescribe; and we have the power clearly and indubitably conferred by the sixth section of the convention bill to prescribe such qualifications as we may deem proper. I shall vote for that under the firm and absolute conviction that it is all according to law, and all according to authority of the very highest kind; that we violate no law; that we strain no point; that we do nothing illegal at all in fixing this qualification.

Mr. DUYALL moved that the convention adjourn.

The question being taken, the result was—ayes 20, noes 22.

The motion was accordingly rejected.

No quorum having voted,

Mr. HEBB moved a call of the house, and the call was sustained.

The call of the roll having been commenced by the call of the president's name, and his response,

Mr. AUDOURN moved that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. ABBOTT called for the previous question.

The PRESIDENT. The motion to adjourn is not decided yet.

Mr. CUSHING. A quorum is not necessary to decide a motion to adjourn.

The question being again taken upon the motion to adjourn, it was rejected.

Mr. BRISCOM submitted the following amendment:

Add to the first section:

"And at said election a vote upon the adoption or rejection of the fortieth section of the article on the legislative department be submitted and taken separately and apart from all other sections therein, and if upon the casting up of the votes thereon it shall appear that a majority of the voters of this