

that you could not pass a law prescribing an oath as a qualification for voting upon the constitution. But it was arranged by some legerdemain to put language into the convention bill, which properly construed only entitles the judges of election to administer the oath which under the code and the constitution of the State they are now authorized to administer. It said that if any one put the question whether the person offering to vote had served in the rebel army, whether he had done this, that or the other, not that he should swear to this or that fact, but that he should put the oath under the section of the code; and the section of the code only authorizes the judges of election to put the oath as to their right of voting. The constitution determines the question of the right of voting.

I hope therefore, although it was necessary for me to say this in order to prevent this convention from exercising an unauthorized power, and placing themselves in that position, that if it is done the people will still hold on to this instrument, the constitution adopted in 1851, as the sheet-anchor of their rights; until by a vote of the people it is decided that that constitution shall be abolished, and another shall go into effect; and that they will claim all their rights and all their political franchises under this instrument, and trust to the courts and the authorities of the country. The country is now speaking through many standard-bearers, for the great rights of the people whom we have before us; Maryland this day assumes a new position in the struggle which is to take place. We have Fremont on the one hand, the standard-bearer of the political rights of the people at the ballot-box. We have another candidate, McClellan, representing another faction of the people, standing up for the rights of the people; and I believe, although his followers do not here in Maryland stand up for the rights of the people, even Abraham Lincoln will before the eighth of November. I believe he has already, so far as I have seen, countermanded this action of the military authorities, and that he will take that ground and will not dare to resist the power of the American people. I believe no power, no party, even with Abraham Lincoln at its head, will dare to resist the rights of free speech, a free press, and free political rights at the ballot-box. If any party on the eighth of November shall dare to come out and plant itself in opposition to these great principles, the American people will doom it to destruction and to annihilation.

Mr. STOCKBRIDGE. I did not quite understand one remark of the gentleman who has just taken his seat, whether he said McClellan and a "faction" of the people, or a "faction" of the people.

Mr. CLARKE. It is immaterial to me which you call it; they are all divided into factions.

Mr. STOCKBRIDGE. I hope it will be a vulgar fraction, reduced to its lowest quantity, in a very few months.

I had not designed to take any part in the discussion which has sprung up on the question before the convention; but words so full of menace have fallen on our ears since it has been under discussion, that I feel that I should be false to those who sent me here if I should not offer a few words in reply. It does raise a great and important question; and I go as far as he who goes farthest to protect the ballot-box in its purity, to preserve the rights of the people under it; and that is the great thing which Union men have been struggling for in these United States for the last three years and a half. This whole infamous rebellion is a war upon the decision of the ballot-box, and nothing else. But yesterday, flashing over the wires from Chicago, comes another resolution admonishing us in advance of another war upon the decision of the ballot-box if the people shall dare to vote in such a way as to place the conclave there in the minority. Of that I may say a word before I conclude.

This report raises two questions in connection with the ballot-box. One objection brought against it is, that it allows those to vote who are not entitled to vote; and the other, that it deprives those of the privilege of voting who are entitled to vote. As I do not propose to occupy the attention of the convention more than once in reference to it, I beg leave to say a word upon the first of these propositions, although not now immediately before the house. It was discussed last evening by the gentleman from Anne Arundel county (Mr. Miller) and others. The gentleman in order to maintain his position is compelled to assume that when a man becomes a soldier of the nation he forfeits his right to vote. But, sir, soldiers as such do not cease to be legal voters. This section as reported by the committee says that any of the qualified voters of the State who shall be absent in the army shall have the right to vote. The legislature which passed the act under which we are sitting, and who refused to pass an act authorizing the soldiers to vote, never had any difficulty upon that point. They never supposed for an instant that a soldier ceased to be a voter by the act of becoming a soldier, and that when he placed his life at hazard for his country he forfeited the dearest rights of freemen; never. The difficulty arose on another point. If gentlemen knew anything about what passed, they would know more than they seem to know in the discussion of this question. The difficulty was this. The section reads: "Sec. 1. Every free white male person of twenty-one years of age or upwards, who shall have been one year next preceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county in which he may offer to vote