

not thought proper to introduce an illustration in terms very offensive, without the least shadow of fact upon which to base it. The gentleman must be aware that the terms of an illustration should always be consistent with the character and deportment of gentlemen, and not offensive. After noticing my illustration of the language of this oath, asking if it would exclude me from voting, and stating the peculiar facts of my case, the gentleman replied by saying, that if I had furnished money, if I had advised my grandson to unite with the Southern army, and all that sort of thing, producing a case very contrary to any shadow of foundation in truth, then I was to be excluded. All I have to say is that no gentleman has a right to put such a supposititious case involving facts offensive to the moral conduct of an individual. It is a liberty which no gentleman has a right to take; and of which I only rose upon the present occasion to say that it was without the slightest foundation in point of fact. I do not mean to argue this question. I have said what I thought about it.

We have heard from the gentleman from Baltimore city last up (Mr. Stirling) some authority upon another subject. These conventions of other States are held, as ours is, by virtue of acts of assembly. They are held by virtue of provisions of which I know nothing, and the effect of which I cannot argue. It is the opinion of a large majority here, it is intimated but I hope it is not so, that the legislature in passing the convention bill and the people in confirming it, imposed obligations to the full extent of its provisions. If that be the doctrine—it is not mine; I only argued it last evening as obligatory upon those who had advanced it here—we must first know what the acts of assembly of Virginia and other States authorized to be done. If the Virginia legislature in providing for the action of the convention authorized them to extend the right of voting—a very probable fact, which I have not had an opportunity of investigating—if that was done, there is no parallel about it; because our legislature have expressly said that before this constitution shall have effect it shall be submitted to the people; whereas, after taking an oath to support the present constitution, and after the people have indorsed the declaration of the legislature that this is not the constitution and does not supersede the other until it is submitted, we are here making it obligatory as part of the organic law of the State.

That is the difficulty, and I do not see how the gentlemen can possibly escape it. They say the law is obligatory; that the people have imposed obligations upon us through that law. The law says that the constitution shall not go into force until it shall be submitted to and passed upon and approved by the people. If so, it is, as I remarked, a

dead letter until then. If it be a dead letter until then, how can you give it vitality in these two most important particulars, one of which lessens the number of those who constitutionally now have the right of voting, and the other of which gives authority to vote to those who never had it before? This is not the constitution before it is confirmed. According to your own account you have taken a solemn oath to regard the existing constitution until this has superseded it, and it cannot supersede it until it is submitted. I have heard no answer to this argument.

With regard to the argument made last night by the gentleman from Baltimore county (Mr. Ridgely) as to the proper interpretation of the act of assembly which called us together, the gentleman certainly made the very best of his case. But as shown by my friend from Anne Arundel (Mr. Miller) it was only a specious case made by arguing a part of the law. The law is that the qualified voters, the persons entitled to vote, shall vote at the time, those persons entitled to vote shall vote at the place, those persons entitled to vote shall vote under the regulations which this body may adopt. Will any philologist, any lawyer, any logician, stand up here and say that to regulate a thing is to put it aside, create it anew, and change it altogether? That is not regulation. To regulate a thing is to control a certain particular object. That particular object must remain to be controlled, to be managed, to be arranged, or it is not regulated at all. It does not propose to decide who are the voters. The constitution decides who have the right to vote. Those people are to vote; and the convention are to regulate other matters with regard to those people. I do not object to that. I do not deny your power to do that.

That is my view of the case; and I do not see how the argument can be avoided. I have not heard any attempt to refute it. If the argument of the gentleman from Baltimore county could have been sustained, and if this could have been brought within the power of this body by the convention bill, those who take that theory would have been justified. Will any man on the face of the earth stand up here and say that the authority to appoint time and place and regulate the manner of voting, is authority to make a rule to decide who are the constituency to vote? I will only say that I will not believe that there is a man in this house unprejudiced and unaffected by party sympathy, undisturbed by the peculiar condition of our affairs, who would take that view of the question. I cannot believe that there is a man who in a calm moment would entertain a doubt upon the subject. Certainly I do not!

Mr. DUNLAP moved that the convention take a recess.

Mr. RIDGELY asked and obtained leave of absence for to-morrow morning.