

And summing up briefly what we have heard here to-day, we are acting clearly and indisputably within our powers as a convention. We have but extended the oath to be taken upon the vote for and against this constitution. We have not extended the right of suffrage. We have clearly, and carefully, and conscientiously kept within the limits of our power. We have, as we believe, done no wrong to any man, or set of men, in Maryland. But we have given them all an opportunity to purge themselves, and to put Maryland in her proper position before the other States of this Union; and to disprove the assertion that has often been made, that the majority of her citizens are secessionists. And these gentlemen, I know, convinced of this on reflection, will go home to their loyal constituencies, and will represent to them that this oath is one which they ought to take, not only one which they ought to take, but one which they ought to delight to take. They will also represent to them that under this provision of the constitution the elective franchise is not extended to any human being who did not have it before; but all that is done is to provide means whereby those brave men who are fighting in the field for those loyal constituencies, or are lying in suffering hospitals or in prison—those of them who at the time of the taking of this vote may be left alive and are under our care, will have a chance to vote. And if in the hearts of those 40,000 loyal constituents there is one generous impulse, they will hail with joy the opportunity of allowing those brave men in the field the privilege of exercising this right.

What more is needed? Having had it proved to them that the law is on our side, that justice is on our side, that the right remains with us in our action, I certainly hope that when these gentlemen come to canvass their communities upon this constitution, though there be nothing else found in it which they can support, this at least will commend itself to them; that they will not be led away by the gentleman from Kent (Mr. Chambers), that ministering to a prisoner is aiding the rebellion, that carrying clothes and comforts to a prisoner, by permission of the lawful authorities, is rebellion. But they will tell the people that this one thing alone in the constitution is so great a boon to them, and to all loyal men, to all generous, freedom loving men, that they should swallow the whole constitution with all its objectionable features, for the sake of doing this single act of justice; to many of those 40,000 loyal constituents perhaps the first act of loyalty they have ever done in their lives.

Mr. MULLIKIN moved the previous question, which was seconded, and the main question ordered.

The question was upon the additional section offered by Mr. ENGLISH, as follows:

"Sec. — The obligation of the judges of election to administer the oath required in section two, shall only exist in those cases whenever the vote of the person offering to vote may be challenged."

Upon this question Mr. ENGLISH called for the yeas and nays, and they were ordered.

The question was then taken by yeas and nays, and resulted—yeas 14, nays 40—as follows:

Yeas—Messrs. Billingsley, Dail, Davis, of Charles, Dent, Duvall, Edelen, Hollyday, Horsey, Johnson, Lansdale, Lee, Marbury, Mitchell, Morgan—14.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Barron, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Ecker, Galloway, Greene, Hebb, Hopper, Jones, of Cecil, Keefer, Kennard, King, Markey, McComas, Mullikin, Murray, Parker, Pugh, Purnell, Russell, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Todd, Wooden—40.

The section was accordingly rejected.

Mr. MARBURY. The gentleman from Baltimore city (Mr. Cushing) who last addressed the house, has hitherto conducted the debate, at least so far as I am concerned, with a great deal of courtesy. And I am sure he did not intend to misrepresent me on this occasion. He said that I had dragged in here the emaciated forms of the prisoners from Richmond; that I had not had one word of sympathy to express for them; but that on the contrary I had justified the whole course of the South in this respect. Now, I wish it to be understood, once for all, that I have the deepest and most profound sympathy for the sufferings of all these prisoners, and for the sufferings of humanity everywhere. What I said was this: that it was the opinion of some of the best judging men of this country, both in civil and in military life, that it was most impolitic to put negro slaves into the army of the federal government; that it would be the means of raising the black flag; that it would produce all these evil effects.

The PRESIDENT. The chair must check the gentleman; these remarks are altogether out of order.

Mr. MARBURY. I want to explain what I said. I do not want these statements to go out to the world as mine, when I did not make them. I want to put myself in a correct position.

The PRESIDENT. If the gentleman's motives had been assailed in any way, it would be proper for him to explain.

Mr. MARBURY. The gentleman said I had no sympathy for these prisoners; that I considered them properly treated. Is not that a reflection upon any man, to say that he had