

of others. You must construe the whole instrument, and not take that out and say that it does not mean anything.

Now, suppose this was not known to be the state of facts, and the interpretation as a matter of fact which the bill received from every member of the legislature, and the distinct understanding among the legislature and among the people; what then is the meaning of the language itself?

The gentleman from Anne Arundel (Mr. Miller) says that not only must a man possess all the qualifications fixed in the constitution for a member of the house of delegates, but that he shall not sit here if he has any of the disqualifications. I ask if there is a word in this bill about *disqualifications*. The gentleman read a long list of *disqualifications*, and says that they constitute qualifications of members. If black is white and white is black, and if qualification is disqualification, I admit the argument. What does the act of assembly say, and what does the constitution say? Here is a marginal note showing the meaning—"qualifications of senators and delegates." Here it says that no persons shall be eligible who have not these qualifications. The next section refers to persons who are ineligible.

The gentleman asks whether it is not a qualification that a person shall not be an office holder. When we refer to qualifications, we refer to age and citizenship. It is not presumed that a man has an office unless it is proved; but a man has to show by positive proof that he has the positive qualifications of citizenship and residence. This bill says the qualifications shall be the same as those required for a seat in the house of delegates.

But as I have said, Mr. President, I don't care whether this view is correct or not. I say that that clause was put there with the distinct understanding upon the part of the legislature that that was its meaning, and every man here knows that that was the meaning of every man who voted for the convention. I say that my friend from Prince George's himself (Mr. Belt) and the gentleman from Charles upon the other side of the house (Mr. Edelen) are evidence of that fact. And after the people have placed that construction upon it, and sent them here in accordance with that construction, to come here and press an argument upon this body that we should turn out on the last days of the session, one-third of our members, is a matter which does not deserve the attention of this body.

I go further, and say distinctly that now whatever might be the facts or the law—though there is neither fact nor law—on the other side, I would not vote to turn out a man the people have sent here. I do not care what the judgment may be about the question of law. It is a matter of fact that these gentlemen themselves never found it out until a

short time ago. It is a mare's nest got up at the heel of the session, not even found before by the minority upon this floor. The most distinguished man—if I can make distinctions among my friends upon the other side—the most distinguished lawyer among them says there is no foundation for this movement. I don't care what ground he puts it on. I only take the fact. What is the use of debating this question? What is the use of wasting time now, when upon such grounds and at such a time they ask us to turn out one-third of the members of this body? I have said so much for the purpose of indicating what I conceive to be the history of this transaction—what I know to be its history. I am not disposed to say any more; and I do not think we ought to say any more; and I therefore move the previous question.

Mr. BOND. Will the gentleman withdraw that motion a few minutes?

Mr. STIRLING. I withdraw it, as the gentleman is a member of the committee.

Mr. BOND. As a member of the committee, I wish to indicate what my views were in signing this report. I go further than the gentleman from Baltimore city, in regard to the sovereign power of the people; and say that in my opinion the people in the election could exercise all their sovereign power in electing delegates to this convention. They were not bound either by the old or by the existing constitution, or by the act of assembly providing for this convention. If I am asked by my colleague from Anne Arundel (Mr. Miller) how it is that we have conformed in some respects to the act of assembly, I say the people were willing to adopt the time of holding the election to the convention; they were willing to perform the duty of taking the oath when they came here as a political body, not as a matter which they were bound to do, but as a mere suggestion that such an oath would be reasonable and proper, although I did not concur in that myself.

I say that in every view, the people acting in their sovereign capacity, in the election of delegates to this convention, were not bound either by the act of assembly or by the constitution. If there had been any mode by which the people could have expressed their opinion that their delegates sent here should not conform to the requisitions of that law, in taking the oath, I should have said they were delegates without taking the oath. As there were no means by which they could express an opinion upon the subject, we conformed to the suggestion. So it was with regard to the time of holding the convention, and with regard to every matter provided for in the act of assembly; the people had a right to look upon it as a suggestion merely, and that they were not bound by it.

Those were my views when I signed the report. I say again that it was on the ground that the people, acting in their sovereign ca-