

Legislative Department. And the gentleman confines the operation of his order to minors. If it is to be confined to minors, such a provision in the Constitution cannot give the Legislature any more power than it now has over that subject. They have all possible power over it now, and the only effect of putting this in the Constitution will be to control the Legislature in a manner that I do not want. I am opposed to put anything in the Constitution which asserts that any such thing is necessary. If it becomes necessary then let the Legislature attend to it.

Mr. TODD. To meet the first objection of the gentleman, I will change the order so that it will go to the Committee on the Legislative Department. I was under the impression when I drew the order that the Committee on the Legislative Department had reported. But I believe I was mistaken in that fact.

I do not see that there is any force in the second objection the gentleman has urged. It is certainly a question whether the Legislature has the power to provide what is indicated in that order. I think it is very desirable that some provision should be made so as to better prepare those emancipated negroes, who may be minors, for the enjoyment of the freedom which we shall give them.

Mr. ABBOTT. I would suggest to my friend that we better emancipate them first, and then provide for them afterwards.

Mr. TODD. The Legislative Committee may report before we do that, and then it will be too late to refer the subject to them. I think, however, there is no doubt but what we shall pass the 23d article of the bill of rights.

Mr. MILLER. The gentleman can obviate that objection by inserting the word "free" in place of the word "emancipated."

Mr. CLARKE. These orders are mere orders of inquiry, and I believe have all been passed and referred to various committees. That being the case I shall vote for this order being referred. It does not commit the Convention to anything, and to not refer it would, I think, be showing a discourtesy to the gentleman from Caroline (Mr. Todd) which we have not shown to other members.

Mr. DANIEL. I hope this discourtesy will not be extended to the gentleman from Caroline, (Mr. Todd,) there having, I believe, been no order of inquiry of any sort offered here that has not been referred to an appropriate committee. We have discussed some orders which we thought were perhaps not proper to be considered by committees; yet as a matter of courtesy, and that we might have all the light possible on all subjects, I believe we have referred every order without exception. I believe this is a very appropriate order, especially after we shall have decided upon emancipation; and I think it is perfectly proper to refer it to a committee. We shall be treating the gentleman from Caroline,

and the order, with discourtesy if we do not refer it.

Mr. ABBOTT. Make it "free" instead of "emancipated," and I will vote for it.

Mr. TODD. I am not prepared to adopt that suggestion, because we already have laws upon our statute book in relation to that particular class of persons. The point I wish to get at is those who may be freed by the action of this Convention, and of the people of the State.

Mr. STIRLING. I wish to say but one word; and that is, that two-thirds of the members elected on the majority side of this house are pledged against the substantive part of that order, and I am not willing to vote even for an inquiry upon a subject which I am pledged not to advocate.

Mr. DANIEL. I do not understand that anybody of the majority of this house is pledged against any reference. I understand that if we shall adopt the principle of freedom in this Convention then the laws already in existence referring to apprentices will apply unless we provide differently. The laws apply to white apprentices.

Mr. STIRLING. It is not a mere matter of apprenticeship. That order says "as a preparation for freedom." That contains the germ of the whole question.

Mr. DANIEL. I do not understand that the order commits us to anything; it only calls for information upon the subject. It may be that in addition to the laws now in existence upon the subject of apprenticeship, if we shall free the minors, it may properly be necessary to make some provision to meet the case of those having been slaves, and suddenly turned loose in the community; without increasing—for I would be against that—the term of apprenticeship, as it is under the present laws. But we do not know what additional legislation may be required in order to make the present laws on the statute book applicable to them, therefore, as a matter of inquiry, I can see no harm to be done by this order. I certainly do not consider myself pledged to provide for this, when I vote for the order.

Mr. TODD. In order to meet the difficulty suggested by the gentleman from Baltimore city, (Mr. Stirling,) I will insert the words, "the enjoyment of," before the word "liberty," so that the amendment will thus read:

*Ordered*, That the Committee on the Legislative Department be instructed to enquire into the expediency of incorporating into the Constitution a provision making it the duty of the Legislature to provide by law for the apprenticeship, by courts of competent jurisdiction, of emancipated negroes, who are minors, so as to better provide for their welfare and preparation for the enjoyment of freedom."

The question was upon the adoption of the order as modified.