

In every State of the Union, almost without exception, legislative authority has indicated and directed the call of sovereign Conventions. It has been contended by some gentlemen that without resort to legislative sanction, indeed in violation of it, that it is competent for the people of this or any other State, at any time they may choose, without the intervention of legislative authority, to assemble in primary assemblies and call a Convention, and alter or reform their form of government.

My whole object in offering this amendment is that this idea should not be encouraged or construed to carry the principle to that extent. The framers of the present Constitution of the State, in order to avoid all misconception upon that point, incorporated this article as proposed to be amended. I remember very well that in the argument made by Mr. Webster in the Rhode Island case, he maintained the necessity of this proceeding, and demonstrated that no Constitution had ever been altered in this country by means of a Convention gotten up by mass meetings.

That such was an authentic or legal mode of ascertaining the public will was discarded. A difficulty had arisen in that case in this way: The people of Rhode Island had been living under their old chartered government of Charles II, and the forms of their charter did not provide any mode for calling a Convention to reform or alter their government. The people assembled in mass meetings, without legislative direction, and called a Convention. This case is familiar to the members of the profession, and there arose a collision between adherents of the old and friends of a newly-established government. In order to avoid all doubt as to our action in the future in this State, I have offered this amendment. I should have preferred that some member of the committee should have moved to incorporate this provision in the bill of rights, but as they have not I make the motion. I know very well that when the Legislature of this State had under consideration the call of this Convention, I took the ground then that it was not competent to make the call but by a strict adherence to the provisions of the Constitution designating the mode of change. It was, however, contended that notwithstanding any restrictions whatsoever, that it was at all times the inalienable right to call a Convention, provided the majority should think the public welfare and the general good required. I desire to avoid these conclusions in the future, and at the same time not depart from the article adopted by the framers of the present form of our organic law.

In reply to Mr. Stockbridge—

Mr. BRISCOE. It occurs then to me that the phraseology adopted in the bill of rights as it now stands, is obnoxious to the same construction. If the gentleman undertakes to

start out with laying down an abstract truth as to this State and other governments, we might go into an argument upon that. It is held by some that it is impossible for a sovereign power to limit itself. According to the conception I have formed of the principles of political government in this country, I hold that it is competent for a sovereignty to limit itself as to the mode it shall do certain acts or modify its form of government. It may raise that question. I undertake to say that the people do limit their government, indeed they often limit their own powers. They secure themselves against sudden changes by mere majorities. Holding that theory, it is perfectly consistent that this article should remain in the bill of rights as it now stands. When the people undertake to act through their representatives under an organized government, it is only competent under that government to exercise such powers as are recognized in their Constitution, and I want it clearly set forth that when they shall have adopted this Constitution, it shall be incompetent to go behind it or above it except by resorting to forcible and not peaceable revolution. I wish to say to the generation that shall come after us, and in all time to come, that if they shall by any action of theirs modify this form of government otherwise than herein designated, it shall be held to be illegal and a resort to the overthrow of the rules of well-established government in this country. Such is not the kind of revolution or change of government ordinarily practiced heretofore by the States of this Union. In that view, I see no inconsistency in pressing this amendment.

PERSONAL EXPLANATION.

Mr. ABBOTT, of Baltimore city, rose to a question of privilege, and said:

Mr. President, I ask the indulgence of this Convention to hear me for a few moments in reply to the, I think, uncalled-for attack made upon me by the member from Prince George's county, (Mr. Berry,) in his labored harangue of Wednesday. I will say before I commence that I do not intend any injury to any one. Although I may perhaps allude to particular facts, I will say beforehand that it is not intended for special or personal injury. He attempted to be both witty and wise in regard to everything except myself, and he asked me, not in language of his own, but in a quotation from Moore, I believe, to "Go to nature and ask her what she made me for." I now come back and tell him, sir, that I have consulted her. She is my best friend—my mother; she has never deceived me; her rules, her precepts and her laws, are all written out by her great author, God. She told me, sir, in the language of Pope—

"A wit's a feather, a chief a rod,
An honest man the noblest work of God."