

over for the present, and that it should be appended to some other portion of the Constitution.

Mr. SPENCER stated that he had but one objection to the amendment, and that was to the expression "by all suitable means." To the general object itself, he was favorable, but he thought the phrase to which he took exception, was too loose and capable of too latitudinous a construction. The Legislature might regard it as a sanction to a pledge of credit of the State, or for appropriations of money. If the gentleman from Montgomery, would so modify his proposition, as to prevent the danger of such a construction, he would feel disposed to vote in favor of it. A friend near him had suggested that the object he had in view, would be effected by striking out the words "by all suitable means." Would the gentleman from Montgomery, accept that modification?

Mr. DAVIS replied that he had no great tenacity to any particular phraseology. His great desire was to make it so far conform to the general sentiment of the Convention, that he might obtain a vote, as nearly as possible approaching to unanimity. He would be very happy to accommodate the gentleman from Queen Anne's, but he preferred the language as it stood. He had employed the terms which he found in the other State Constitutions. He asked the gentleman from Queen Anne's, if he knew of any abuses to which that language had given rise in any of the States, in whose Constitutions, it had been adopted?

Mr. SPENCER did not know of any abuses in the other States, but we have had one awful lesson, in relation to Legislative appropriations, when the Legislature made large appropriations for internal improvements. He had always doubted the power of the Legislature to make such appropriations, and when the Legislature enacted the first law for a direct tax, they outraged the people by putting a provision in the bill, which prohibited any one from bringing the question before the court of appeals, to test the constitutionality of the act. The meaning which might be generally given to the words "by all suitable means," is that the Legislature may give money, or raise loans for this object. He thought the people ought to encourage these objects, but he thought, when his friend would reflect a moment on what might be the effect of the words, he would consent to change the phraseology.

Mr. TUCK suggested a modification of the article proposed. He was decidedly in favor of the object contemplated. It was the duty of the State, to give attention to these subjects. They lie at the foundation of all good government, and although the Legislature would have the power, without this clause, he thought it proper that the declaration of rights should enjoin it as a duty. He would leave out the words *associations and suitable means*. It might be said hereafter that the Legislature could promote these objects in no other way than by authorizing corporations, associations, &c. He was for the largest exercise of the power—the mode and the means, he would leave to the Legislature. If the gentle-

man from Montgomery, would modify his amendment as suggested, Mr. TUCK thought the Convention could do no otherwise than adopt it.

Mr. DAVIS accepted the proposition of Mr. TUCK, (as a modification of his own amendment,) and it was read as follows:

"Article 42. The Legislature ought to encourage the diffusion of knowledge and virtue, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the wants and condition of the people."

After a brief conversation between Messrs. JENIFER and DAVIS;

The question was taken, and the modified amendment was adopted.

The Convention proceeded to consider the amendments offered on Saturday last by

Mr. GEORGE, as additional sections—to be numbered articles forty-three and forty-four.

The amendments having been read—

Mr. McHENRY suggested to the gentleman (Mr. GEORGE,) that this proposition would come in more appropriately as an amendment to the Report of the Committee on the Legislative Department.

Some conversation followed.

Mr. GEORGE said, that as there seemed to be some objection to the incorporation of the amendment in the Bill of Rights, he would accept the suggestion of the gentleman, (Mr. McHENRY,) and would withdraw the amendment, as also the other amendment of which he had heretofore given notice, as an additional section to be numbered article forty-four. And he gave notice that he would offer these amendments when the Report of the Committee on the Legislative Department should come up for consideration.

The next question was on the amendment of which

Mr. PARKE had heretofore given notice, and which he now offered in the words following:

"Article 43. This enumeration of rights shall not be construed to impair or deny others retained by the people."

The amendment having being read,

Mr. PARKE said that it was a mere assertion that there were rights not enumerated in the declaration of rights, and that they were retained by the people. There could not, he thought, be any impropriety in its adoption.

Mr. SCHLEY invited the gentleman, (Mr. Parke,) to specify what the non-enumerated rights were.

Mr. PARKE said it was impossible for him to do so. He presumed that they were very numerous—so much so as to render it impossible to include them in the bill of rights. A bill of rights, probably, might not be absolutely necessary, yet it was customary to have such a declaration. We all know that all the rights could not be set forth, and he thought it would be best to make a declaration that there were other rights which were not enumerated.

Mr. JENIFER thought that such a declaration would be entirely out of keeping in this place. If, as was conceded, the bill of rights took away no rights, of course every thing which was not taken away, remained.