

corruptions and abuses in legislation. If it was proper to restrict the legislature, he did not see less propriety in some self-denial on our own part. He would vote for an amendment to operate upon ourselves, but saw no efficacy in any attempt to bind future Conventions, because if we tie their hands they may remove the restriction.

Mr. RANDALL had but one word to say in reply to the gentleman from Prince George's. Did it not seem that every member who proposed an alteration in the old Constitution, had violated his oath, if the gentleman's principle was true; because that old Constitution declared that it should be altered by two successive votes of the Legislature; and at almost every Legislature that had been in session since the formation of the Constitution to the present time, were alterations made in it, or passed bills for the purpose.

Mr. TUCK said that they did not violate the Constitution when they altered it, according to the mode prescribed therein.

Mr. RANDALL said that this was precisely his argument. This Convention had already prescribed a mode for altering the Constitution. How, then, would the oath of a member to support this Constitution, be inconsistent with an effort on his part to alter it, if he was proceeding so to do by virtue of the mode thereby prescribed? His friend must see that members of a new Convention, called under this Constitution, in taking an oath to support this Constitution, would be no more violating that oath in their efforts to alter it according to the mode it prescribed, than would be the members of the Legislature, under the old Constitution, by taking an oath to support that Constitution, and afterwards enacting laws which would change that Constitution in the mode thereby prescribed, if passed at two successive Legislatures.

Mr. TUCK meant this, that if they should place these restrictions in the Constitution, and another Convention should assemble and take the oath which his friend proposed they should take, would that prevent them, in the very first clause, from striking out the article which it was now proposed to insert? If they could so easily relieve themselves from the guard thus thrown around them, what was the use of putting it in? He did not say, however, that they had not the power to bind them, but that the exercise of such a power would be entirely nugatory.

Mr. SPENCER remarked, that in addition to what had been said by the gentleman from Prince George's his objection was this, that they had no right to bind the people in relation to future Constitutions. If the people should create a new Constitution, and not say one word about this thing, it would not have the slightest effect on the Constitution. The Convention would have to adopt it themselves in the new Constitution, to give it effect. How could they, by this Constitution, prescribe a clause that a future Constitution should reject, having the same object as that submitted by the gentleman from Anne Arundel? In his opinion, this was a restriction this Convention had no right to impose.

Mr. RANDALL wished to say a few words in reply to the gentleman who had just taken his seat, who entertained the opinion that this Convention had no right to adopt this proposition. This body was the merest agents of the people; they were to form a Constitution, but it would be waste paper unless adopted by the people. Had not the people the right to say who should and who should not be their rulers, agents, or servants, whatever they might be termed? His friend's argument, in regard to their confining restrictions on the people, appeared to him to have no place here. The people, by adopting the Constitution, imposed restraints upon themselves.

He (Mr. R.) had suggested, in anticipation, the difficulty of the gentleman from Prince George's, and his (Mr. R.'s) reply to that he deemed sufficient. It was that those who were to accept such offices under a call for a new Constitution, could not have the hardihood to insert in the new Constitution any clause which would qualify them. After the people had adopted a Constitution declaring that members of a Convention to form a Constitution should not be qualified to hold offices created by that Constitution, and after the members of the Convention had disqualified themselves by becoming such, he thought there would be no danger of members of that Convention attempting to qualify themselves for office. It seemed doubtful whether they could do it consistently with the upright faith they would owe their constituents. They might, however qualify all other persons by leaving this clause of the Constitution which they might frame.

The PRESIDENT stated the question to be on the amendment offered by Mr. Randall.

Mr. RANDALL demanded the yeas and nays, which were ordered.

Mr. DONALDSON merely desired to say that in the early part of the session he voted against engrafting such a provision in the Constitution in relation to themselves, thinking that no such measure was necessary to secure the unbiased consideration of any part of the Constitution, and believing that its adoption would hereafter deprive the state of the indispensable services of many able men. He confessed that his experience and observation here had caused him to change this opinion in some respects; and he only regretted that the proposition was not adopted at the time when it was first introduced. He would vote for the amendment of his colleague, (Mr. Randall,) to have whatever effect it might, and afterward for the same provision in regard to the members of this Convention.

Mr. BUCHANAN said that in the beginning of the session, he voted for a proposition analogous to the one now pending. He intended now to vote against the proposition of the gentleman from Anne Arundel. More mature reflection had satisfied him that he was wrong in voting for the proposition first referred to. Such a provision, if adopted, would operate as a restriction upon the people, and might, in future, keep the ablest men out of their service.