

first section. I suppose that it will be conceded on all hands that the real construction of this statute will be this: that the general words of the law covering these cases govern, unless there be specific exceptions to it. The only exception which the law makes to the general provision contained in the first section is that it allows a senator or delegate to be eligible to a seat in this convention. It then goes on and says "that no senator or representative in the Congress of the United States, or judge of any circuit court, superior court, court of common pleas, or criminal court of the city of Baltimore, clerks of said courts, register of wills, or sheriff, shall be eligible to said convention."

That embraces, I say, the same thing that would be covered by the general provisions of the first section; but it does not annul the language of the first section. It does not do away with this provision; because an enumeration of certain persons who shall not be eligible cannot control or modify the general terms of this first section, which cover the whole class of persons. It is merely a defective enumeration in the fourth section of a certain class of persons covered by the general language of the first section.

On that construction of the law, looking to the law itself, I think there can be no doubt upon the question. Then arises the great question: is this law binding upon this convention? Are we to be governed and controlled by the provisions of this act? If we are to be governed and controlled by them in any one particular, it seems to me that we must take the whole act. Now what power had the legislature to provide, as the report of this committee says they did, that before we took a seat in this convention we should take and subscribe a certain oath. If this is a sovereign convention, uncontrolled and untrammelled by previous legislation upon the subject of the qualifications of members, what shall be done by members of the convention before they take their seats? If this convention is sovereign to that extent, I ask what authority had the legislature to put this provision in the convention bill? I say that any member of this convention is estopped from denying that the provisions of that law are binding upon the convention. What right have the legislature to prescribe that fifty members of this convention shall constitute a quorum to do business? And yet the convention day by day has been sitting and acting under that provision of the law. What right had they to add the many other things which are there? What right had they to prescribe that this convention should submit to the people of the State for ratification the constitution which we should adopt? Do gentlemen consider that provision of the law binding upon them? If they do, they must take the whole law together, take all its pro-

visions. That is the view which I take of this case.

This idea of absolute sovereignty in this convention I do not adopt. If we are in the broad sense of the term a sovereign convention, representing the people of the State, independent of all legislative instructions, independent of all provisions in the present constitution, or anything else, we have full and unlimited control of the entire State. We could turn out the governor. We could exhaust the treasury. We could do anything that the sovereign people in their majesty could do. We could overturn all the existing institutions of the State, all the officers of the State. Everything would be at the mercy of the convention itself. No one will contend that this convention is so sovereign as that.

There is some limitation, it has been conceded, upon it. But what is the limitation? I take it that it is the limitation contained in this bill under which this convention was called. We must take the whole of it, and the whole of it together. I hold that the people who have voted for or against this convention, voted for or against a convention to be called under the provisions of this bill. They had the bill spread before them and knew what they were voting about.— They put their interpretation upon it. In some counties they put a different interpretation upon it from what they did in others. But they had their interpretation; and the question for us to decide is what is the true construction of the bill itself.

Gentlemen must come to that, and the majority of this convention must decide whether they will now abide by the provisions of this bill, or whether they will assume that we are a sovereign convention unrestrained by any provision whatever contained in that bill. If they take that ground, then I say we have a right to adopt this constitution without submitting it to the people, and make it the constitution for the State. We have the right to do a great many other things which this bill says we shall not do, or about which there are limitations in the bill. I ask gentlemen how they get over this provision that the qualifications of members of this convention shall be the same as those of delegates to the general assembly. If the legislature had power to restrict in any particular, they had power certainly to restrict in this, and say that no man should come here unless twenty-one years of age; that no man should come here who was not a citizen of the United States; that no man should come here representing them who had not been for three years a resident in the State; that no man should come here representing them who at the same time was an office-holder under the existing constitution and laws of the State, or under the constitution of the United States. They had the right to say that, and they have said it in this bill.