

it is competent for the people in delegating that sovereignty to limit it. Holding that opinion, I think it is perfectly consistent with that view that this provision of the present Constitution should stand as it is. When they undertake to act under an organized government, it is competent for them to state that certain powers have been taken away from them. I want it to be clearly set forth in this provision that, when they shall have adopted this Constitution, it will be incompetent for them to go behind it except in the mode of resorting to forcible revolution. I only want that we should say to the people, the generation that shall follow us, and the people in all time to come, that if they shall undertake by any action of theirs to modify this form of government unless in the mode indicated here, it must be a resort to violent revolution. That is not the kind of revolution ordinarily practised heretofore in this country. In that view of it, I see no inconsistency.

Mr. CLARKE. I rise, not for the purpose of entering into a discussion of the question which has arisen, but to say that I do not think the amendment of the gentleman from Calvert is subject to the criticism made by the gentleman from Baltimore city (Mr. Stockbridge.) Chief Justice Dorsey was the chairman of this committee in the last Convention, and I should hardly suppose a man as learned in the law as he would have committed such a mistake, and that it would have been reserved to the gentleman from Baltimore city to have, for the first time, found it out. The preamble reads thus:

"We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good constitution in this State for the sure foundation and more permanent security thereof, declare—"

For the purpose of establishing a good Constitution, we, the people of the State of Maryland, declare "that all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole." That is the announcement of a general principle. "And they have at all times, in the mode prescribed in this Constitution, the unalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient." I understand "they" as referring back to "we, the people of Maryland." We, the people of Maryland, have at all times, in the mode prescribed by this Constitution, the right to alter, reform or abolish our form of government in such manner as we may deem expedient.

Mr. SANDS. I do not propose to enter into the merits of the controversy with regard to the proper wording of this article, for I think the amendment open to a graver objection.

Certainly the incorporation of the words now offered as an amendment by the gentleman from Calvert, into the present Constitution, gave rise to great difficulties, and there were very lengthy and protracted debates upon the question of calling this Convention. Art. 43d, in the Declaration of Rights, says:

"That this Constitution shall not be altered, changed or abolished except in the manner therein prescribed and directed."

Now, if gentlemen will turn to the present Constitution they will find the following provision.

"Art. 11. It shall be the duty of the Legislature, at its first session immediately succeeding the returns of every census of the United States hereafter taken, to pass a law for ascertaining, at the next general election of delegates, the sense of the people of Maryland in regard to calling a Convention for altering the Constitution; and in case the majority of votes cast at said election shall be in favor of calling a Convention, the Legislature shall provide for assembling such Convention, and electing delegates thereto at the earliest convenient day; and the delegates to the said Convention shall be elected by the several counties of this State and the city of Baltimore, in proportion to their representation respectively in the Senate and House of Delegates, at the time when said Convention may be called."

The difficulty arose in this way. The Constitution, they said, prescribed the manner of its own alteration, and it was argued by the enemies of the calling of this Convention, that that direction in the Constitution having been neglected, the next session of the Legislature after the taking of the census not having called a Convention, no subsequent Legislature had the right, power and authority to do it. That was the position, as I understand it, taken here by gentlemen who opposed the calling of this Convention. Not being a member of the Legislature, I did not myself hear the debates, but I saw it stated in the papers, and I know that was their point. We had no right to a Convention at all, because the mode and manner prescribed by the Constitution had not been followed. The difficulty arose simply from the existence of the 43d Article, and the words which the gentleman now proposes to put in the first. That I understand to have been the difficulty in the way of calling this Convention. I shall vote against the amendment because I desire to see no such difficulty in the future.

I think the principle enunciated in this first article is good. It is true "that all government, of right, originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times the unalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient." I think, too, that this is a consistent interpre-