

many members of this Convention have fallen, upon this branch of the report of the Committee on the Declaration of Rights; that is, that in the report as printed there is no provision covering the ground my amendment proposes to cover. But if I am to understand that provision is to be considered as already embraced in the report of the committee I will withdraw my amendment.

The PRESIDENT. That provision is in the original report, it is omitted in this only by error of the printer.

Mr. BRISCOE. My object is reached by this 44th article, and I therefore withdraw my amendment in order to prevent any difficulty.

Mr. PUGH. I was about to say that rather than support this amendment—

The PRESIDENT. There is no amendment pending.

Mr. CLARKE. Simply as a matter of history, and to put those, who in the last Legislature voted against this Convention bill, in their true position, I will state that I was one who had the privilege of voting against that bill, and also of discussing its provisions. As I understand it, the ground taken then against the bill was not that the Legislature had not power to call this Convention. In the argument and upon the vote which I gave upon the question, I conceded the power of the Legislature to call this Convention; and I stated that if the Legislature would pass a constitutional bill to take the sense of the people upon the call of a Convention, it would receive my vote for that purpose. The ground taken, however, was this: that although the Legislature had the power, it must carry it out in the manner prescribed by the Constitution. That Constitution prescribes, in the first place, that the question should be taken first as to whether the people would have a Convention. Until the people had decided that question, there was no power on the part of the Legislature to call a Convention; that the election of members to the Convention must be subsequent to the people voting that they wanted a Convention; and the power existed in the Legislature to provide for the assembling of a Convention only after the people by their votes had declared that there should be a Convention. But no gentleman acting with those with whom I acted, denied the power of the Legislature to provide for the assembling of a Convention. And we said we would support a bill, provided it did not contain that unconstitutionality and several others, which were in the bill which was passed.

I would say further, without entering at length into the argument upon the proposition announced in this first article, that if the gentleman from Howard (Mr. Sands) is correct, then the doctrine is just this. We are assembled in Convention here to frame the organic law of the State. According to the doctrine of the gentleman, if the people

are not satisfied with what we may do here, all they need do is to assemble in their primary meetings, elect other delegates, have a Convention here in Annapolis, or in Baltimore city, or wherever else they choose to assemble, form a Constitution, and according to the theory of the gentleman from Howard, that would have just as much the sanction of law as the Constitution we may frame here. Now if that be the doctrine, then I would say that there were only 30,000 voters in this State who voted in favor of this Convention, while the whole vote of the State is something like 90,000. We wanted a provision in the bill requiring a majority of the 90,000 in favor of the Convention before it should assemble. It is to be presumed that the balance of the voters, 60,000, or say 50,000, are opposed to the assembling of this Convention. Now if the majority of the people of this State have the right to frame such a Constitution as they think proper and when they think proper, all that is necessary to be done is to have a Convention assemble representing those 50,000 voters, and according to the gentleman from Howard it would have just as much authority as this Convention. I am merely calling the attention of members to this matter—those who are announcing their wild theories here, which will catch the ear of the populace who like something radical, such as this "power of the people"—in order that they may stop and reflect a moment and see where they are going; see if they are not carrying out an idea involving the power of those who were silent at the polls to exert their will with just as much authority as those here.

Mr. PUGH. I thought the President informed me just now that there was nothing before the Convention.

The PRESIDENT. There is no amendment pending; this first article is before the House for consideration.

Mr. JONES, of Somerset. I desire to move an amendment to this first article. It now reads:

"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 propose to add the following:

"But this right ought only to be exercised in the mode previously agreed upon and prescribed by the people, whenever the mode of alteration or amendment of their form of government has been agreed upon and prescribed by the people in their written Constitution."

Now, sir, I am a strict constructionist and a conservative man to an extent that I suppose I shall not find many upon this floor to go beyond me. I hold the abstract prin-