

by inserting after the word "liberty" the words "of speech and."

Upon this question Mr. CLARKE called the yeas and nays, which were ordered.

The question being then taken, by yeas and nays, upon the amendment submitted by Mr. Jones, of Somerset, it resulted—yeas 28, nays 28—as follows:

Yeas—Messrs. Bond, Brown, Clarke, Dail, Duvall, Farrow, Harwood, Henkle, Hodson, Horsey, Jones of Somerset, Kennard, Lansdale, Mitchell, Miller, Morgan, Mullikin, Negley, Noble, Parker, Robinette, Scott, Smith of Carroll, Thomas, Todd, Valliant, Wickard, Wooden—28.

Nays—Messrs. Abbott, Baker, Barron, Cunningham, Cushing, Daniel, Davis of Washington, Earle, Ecker, Galloway, Greene, Hatch, Hebb, Hopkins, Hopper, Jones of Cecil, Keefer, King, Larsh, Murray, Ridgely, Russel, Schlosser, Smith of Worcester, Sneary, Stirling, Swope, Sykes—28.

Pending the call of the yeas and nays, the following explanations were made by members, as their names were called:

Mr. KENNARD. As to the object of this amendment, I am not prepared to say. But I will say that in the past history of the State of Maryland, its citizens have not had liberty of speech in regard to certain interests of this State. As I am in favor of liberty of speech, I hope that in the future our citizens may have it, and therefore I vote "aye."

Mr. TODD. I wish to say in explanation of my vote, that I shall vote for this amendment with the same understanding that I would vote for the article as reported, by the committee; with the understanding that the declaration of this privilege does not imply the right of abusing that privilege.

The amendment was accordingly rejected.

Mr. ABBOTT. I move to amend this article by adding—"except when used for treasonable purposes." And I would like to have the yeas and nays on this question.

Mr. STIRLING. This article is intended merely to assert a general principle. There are ways in which a paper can be stopped from making treasonable utterances. But if this broad exception is made to the rule, then the question is—who is to decide what are treasonable purposes? who is to have the right to decide that question? I do not think this amendment is necessary for the purpose of defining either the rights or the duties of the people. I prefer to let this article stand as it has always stood, and I am perfectly willing to take the consequences of it.

Mr. ABBOTT. I have the privilege of differing with the views of the gentleman; and I still insist upon the yeas and nays upon my amendment. If you do not say that the liberty of the press shall be inviolably preserved except for treasonable purposes, then I claim that you assert that treasonable utterances

are a part of the liberty of the press, and you cannot take it away.

The yeas and nays were ordered.

The question was then taken, by yeas and nays, upon the amendment of Mr. Abbott, and resulted—yeas 10, nays 46—as follows:

Yeas—Messrs. Abbott, Baker, Barron, Davis of Washington, Hatch, Jones of Cecil, King, Larsh, Negley, Sneary—10.

Nays—Messrs. Bond, Brown, Clarke, Cunningham, Cushing, Dail, Daniel, Duvall, Earle, Ecker, Farrow, Galloway, Greene, Harwood, Hebb, Henkle, Hodson, Hopkins, Hopper, Horsey, Jones of Somerset, Keefer, Kennard, Lansdale, Mitchell, Miller, Morgan, Mullikin, Murray, Noble, Parker, Ridgely, Robinette, Russell, Schlosser, Scott, Smith of Carroll, Smith of Worcester, Stirling, Swope, Sykes, Thomas, Todd, Valliant, Wickard, Wooden—46.

Mr. THOMAS said, when his name was called: In explanation of my vote, I desire to say that I am at all times opposed to treason in any shape or form, whether it comes from the pen or from the tongue; whether it be written or spoken. But I am opposed to this amendment for the reason assigned by my colleague, (Mr. Stirling.) I therefore vote "no."

The amendment was accordingly rejected.

No further amendment was offered to this article.

Articles 40, 41, 42 and 43 were then read, no amendment being proposed.

AMENDING THIS CONSTITUTION.

Article 44 was then read as follows:

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

Mr. TODD. I move to strike out this 44th article, for the reason that the Committee on Future Amendments to the Constitution have reported provisions for amending, altering or changing the Constitution. And if the report of that committee be adopted by this Convention as a part of the Constitution, it will be as binding upon the people of the State as any enactment which may be incorporated in the Declaration of Rights.

Mr. CLARKE. Before the vote is taken upon striking out this article, I desire to move to amend it by striking out all after the word "that," and inserting—"The Legislature shall pass no law providing for an alteration, change or abolishment of this Constitution, except in the manner therein prescribed and directed."

The old bill of rights read as follows:

"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, according to the modes prescribed in this Constitution, the unalienable right to alter, reform or abolish their form of government, in such manner as they may deem expedient."