

adverted to by several members, and which I believe to be held by most,—the American doctrine of the sovereignty of these Conventions. I do not dispute the sovereign power of the people, the fact that they are the source of power, that they can assemble *en masse* and change their laws, or that they can assemble Conventions equally sovereign to do the same thing. But I draw the distinction here. It is not only sovereign Conventions that are known to American law and practice, but bodies like this also, which by the very act that frames them, and the very circumstances under which they are assembled, only so far represent the sovereignty of the people as that sovereignty has indicated that it shall be represented by them. "Sovereign Conventions" undoubtedly *may* be held, when the people choose—but bodies like this are only assembled, as a general thing, in this country, for the mere restricted purpose of *proposing* amendments to the organic law, and they can in no just sense be said to possess the unlimited attributes of the sovereignty itself.

This Convention meets under the sanction of a law passed by the last Legislature. That law prescribes the oath by which we shall qualify ourselves before taking seats here, and presents several other limitations upon our acts, one of which is that we shall begin our session, assemble, at Annapolis, and continue from day to day until our work is complete. I concur with the gentleman from Anne Arundel, (Mr. Miller) that the clear and obvious legal intentment and construction of that clause is that the session is to be continued from day to day where it began. Do I pretend that because this Convention is limited in respect to these clauses, it is limited by virtue of any alleged power of the *Legislature* to put a limitation upon a sovereign Convention? Not by any means, sir. The limitations are effective only because, having been submitted to popular vote, they have been ratified by the *people* at the polls, and therefore proceed, not from the Assembly, but from the great source of all power. What should be the extent of our powers was a part of the question submitted to the people and acted upon by them?

Will it be said that the people can be limited in their power to call Conventions, so that any Convention called by them must necessarily be sovereign whether they intend it to be so or not? Do we not detract from the fullness of their sovereign power when we say that they cannot call a Convention which shall be a little less than sovereign? If sovereignty be the great and controlling power which according to our American law we are taught to believe it is, it ought certainly to have the power of self regulation and self limitation. The question under this bill was not whether there should assemble at the city of Annapolis a sovereign Convention which

should be possessed of full power from the people to overturn the laws, and the Constitution of the State, *subject to no control but its own will*; but the proposition for which the people voted was that the Convention should meet here for the purposes, with the objects, and under the limitations that were stated in the act by which the body was to be called.

In other words, this Convention has whatever power the people have intended it should possess. The extent of that power is to be measured by a consideration of what the people did on the 6th day of April. I hold that the only question before them, on that day, and the only question which they voted upon and decided, was—not that a Sovereign Convention should meet—but that a Convention should assemble to propose changes in the organic law, the said body to be constituted in the manner and under the limitations contained in the act which authorized said election. Will it be pretended that we could violate *that* limitation in said act, which requires the submission of our action to a vote of the people? And if *that* limitation be binding, as qualifying our powers, why not the others?

This is my opinion then, in which I have the misfortune to differ with many gentlemen, upon the true construction of the constitutional law. Admitting that sovereign Conventions may exist, I consider this as merely one of those American resorts to which the people of these States have so often had recourse to reform their government, and which fall outside of the scope of what we understand by strictly and absolutely sovereign Conventions. If I am not right upon that point, if it be true that this body is sovereign and can do anything it may think proper to do; if it be true that we may disregard the oath imposed for our qualification; if it be true that we may perform ordinary legislative functions; if it be true that we may, under the circumstances under which we now meet, annex this State, if we choose, to the State of Pennsylvania; if it be true that we may empty the treasury; if it be true that we are here as a sovereignty, with no legal obligations to be guided by:—at least I may successfully contend, as ably argued by the gentleman from Anne Arundel, (Mr. Miller,) that the passage of this bill and its adoption by the people, imposed upon us the highest sort of *moral obligation* to be guided by its provisions, even if not legally binding, unless some controlling reason be shown to the contrary. And that obligation is strengthened by the consideration of the antiquity of this city as our capital, its identification as such with the history of the State, the conveniences which we have here, which have not been shown to be surpassed by any superior conveniences of Baltimore or any other city, the knowledge that the people expected us to meet here, in precisely the place where the