

The question of a state convention to amend the constitution of Maryland had long been discussed in various parts of the State. Among those who were in favor of calling a convention to change the constitution there was considerable difference of opinion as to the proper mode of procedure. The 59th article of the constitution provided for its own amendment by the identical action of two successive legislatures, and the Declaration of Rights referring to that provision declared: "That this Declaration of Rights, or form of government to be established by this convention, or any part of either of them, ought not to be altered, changed, or abolished by the legislature of this State, but in such manner as this convention shall prescribe and direct."<sup>1</sup>

The question was presented whether it was within the constitutional power of the legislature of the State by a simple resolution of that body, without first repealing the 59th article of the constitution, to call a convention to alter or amend the constitution and frame a new one. This very important question gave rise to considerable discussion concerning the rights of the majority and of the minority, and of the true intent and meaning of these clauses of the old constitution.

Many leading men of the State considered that, without the previous repeal of these articles of the constitution the very call of a convention would be an open act of revolution, and its action null and void, even if sanctioned subsequently by the popular approval. They considered that the General Assembly had no authority either directly to call a convention, or to take the vote of the people in reference to its call.<sup>2</sup> On the other hand it was argued by the advocates of what was then called "conventional reform," that there was, underlying the whole system of state government, a principle of acknowledged right in the peo-

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<sup>1</sup> Md. Dec. of Rights, 1776, sec. 42.

<sup>2</sup> Report of Majority of Committee on Constitution, 1848.