

constructionism so prevalent among the members of this last-named faction, and voted in the affirmative.⁹⁶ The change was evidently the direct result of an argument which had been most skilfully used against calling a Convention during the campaign of the preceding spring,⁹⁷ and was based not only on the above-mentioned clause of the "Declaration of Rights" of the old Constitution, but on Article 11 of that instrument which provided that "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 the calling a Convention for altering the Constitution." As we know, the Legislature of 1861-2 had failed to do this,⁹⁸ hence it was held by some that the succeeding body of 1864 had exceeded its authority in framing the Convention Bill, and that the Bill was unconstitutional. The advocates of the measure had at once answered the argument by taking their stand on the absolute sovereignty of the people, and their right of revolution as a last resort, urging that the acceptance of the Convention Bill at the election was sufficient to make it the supreme law of the land. This was the line of argument followed during the debate on the revision question in the Convention, it being stated in addition that it might with equal ease be proved that the Constitutional Convention of 1850-1 had been revolutionary, as it had not been called according to the provisions of the Constitution of 1776.⁹⁹

The other facts of importance which should be mentioned in connection with the "Declaration of Rights" as adopted are, first of all, that Article 7 still confined the right of suffrage to the free *white* male citizens. Again, the general sentiment of the Convention was without re-

⁹⁶ Proc., 90, 94-6; Deb., i, 133-46, 149-60. ⁹⁷ Deb., i, 134, 390.

⁹⁸ See page 13.

⁹⁹ Deb., i, 140-1, 150-5.