

and the legislature. If there was no actual prohibition in the Constitution, the legislature could at any time call a Convention, according to the American doctrine, expounded by Mr. Webster in *Luther vs. Borden*, a doctrine which he believed was now acquiesced in on all sides.

With regard to the amendment of the Constitution by acts of two successive legislatures, without a direct submission intermediately to the people, as was proposed by the gentleman from Calvert in the terms of the old Constitution, he would say, that no better method could be devised for giving control to managing politicians. They could often succeed in securing the majority in two successive legislatures, in favor of projects, not called for by public sentiment, and even in opposition to public sentiment. Especially was this the case where majorities of quorums only were required to pass laws. He would cite for illustration a case within his own knowledge, which he had referred to on another occasion. In 1836 an article was engrafted on our Constitution prohibiting all lottery grants by the legislature; a special exemption from this provision in the form of a new lottery grant for a particular purpose, was passed by two successive legislatures, and is now a part of our Constitution. It was notorious that this was accomplished by log-rolling combinations, and voluntary absences of members of the legislature. Could any one pretend that such an amendment would have received a thousand votes from the people of the State? The contrary was well known. Here politicians, for private and local, or for party ends, had managed—and if the old system were retained, would hereafter manage, majorities of quorums in our legislatures. Should the section be had offered be adopted, it would allow amendments to be made to the Constitution within the same time as formerly, but in a manner more safe and more under the control of the people.

Mr. BOWIE said, that he was not sure but that the amendment of the gentleman from Anne Arundel, (Mr. Donaldson,) would be an improvement, if amendments to the Constitution were to be entrusted to the Legislature. But in regard to taking the sense of the people every ten years, or at any other particular periods of time, he was utterly opposed to it. He thought that the right of the people, through their representatives in the General Assembly, to call a Convention at any time that the public exigencies required it, ought to be sanctioned and acknowledged in its broadest and most unlimited sense. He was opposed to all restrictions upon their power to amend the organic law. The denial of the right, and the restrictions which the present Constitution contained upon the great inherent right of the people, was in his judgment the cause of all the agitation which had led to the assembling of the present Convention. If the people, through their representatives, were allowed to call a Convention, whenever they might think it necessary, there could be no necessity for any limitation at all—either for ten years or any other periodical term. Let us throw no impediments in the way

of the exercise of this great and fundamental principle of all free governments. There could be then no complaints from any quarter. But if there was a limitation to ten or twenty years, there would be complaints and continued agitation. The surest way to produce repose and quiet among the people on this important question of their political rights, would be to secure to them the untrammelled enjoyment of those rights. There would be nothing then left for them to dispute about—nothing about which they could excite agitation. But the moment restrictions are imposed upon these rights, there would be agitation. He thought the people of the counties, would be infinitely more secure, with such a provision in the Constitution. They would then always unite in opposing the extravagant demands of Baltimore city. If the basis of representation which had been adopted by the Convention, should be ratified by the people, what section of the State, would gain by any further reforms? Certainly not the counties. The only gain would be to the city of Baltimore, which would, for all time to come, at regular periods of ten years, agitate the question of representation according to population. Every change hereafter to take place, would necessarily enure to the benefit of those who advocated that doctrine. It was already engrafted on the Constitution, that after the year 1860, representation according to population among the counties, should be the established and permanent principle. Do the counties want any thing more? If periodical returns of agitation on this subject were to be allowed, for whose benefit would it be? He would say now, that it could enure to the benefit of Baltimore city; and he warned the counties to look to it in time. The counties after the year 1860, would have no conceivable motives in wishing for further reform on this subject. If Baltimore city is allowed every ten years to agitate the people of the State, on the question of representation according to her population, she would keep it up until the day of judgment. He hoped the substitute of the gentleman from Allegany, (Mr. Fitzpatrick,) would not pass.

Mr. JENIFER said, that it had appeared to him that the proposition of the gentleman from Calvert embraced all that was necessary. The first section was intended to provide for all minor amendments; and the second for the calling of a Convention, when more important amendments were contemplated. The only question was whether the Convention should be called by the people or by legislative act. He would suggest that if the gentleman would accept the amendment of the gentleman from Carroll, to settle the basis upon which the next Convention should be called, it would be better than to leave it to an act of the Legislature.

Mr. SOLLERS here stated, that he had intended to say that if the proposition of the gentleman from Allegany should be voted down, he would accept the amendment of the gentleman from Carroll.

Mr. JENIFER said, that with that proposition