

people have so ratified the act of Assembly, as to make it binding in all its terms, even when repugnant to the Bill of Rights.

Before such a result could follow, it must be shown that at the September election, those of the people who objected to the terms of this law, had the privilege of voting in the negative. No such privilege was allowed, because no votes under the act could be counted except for candidates, and even in respect to candidates, the Legislature decided by the terms of the law, that such a number of the highest candidates should be returned for delegates, as was allowed to each county and Baltimore city by the pre-existing basis of representation. In Baltimore city, for instance, many persons were voted for, and yet, the Legislature, by its own authority, selects the six highest as, and for, delegates to this Convention. Again, the basis of the vote in September, does not proceed upon numbers nor does it secure to a majority of the people, a majority in this Convention. Hence, the undersigned submits that the people have not been allowed any choice about the terms of this law, and have, in fact, meant to decide nothing about its validity in whole or part.

If so, the law, under which we meet, does not emanate from the people in their sovereign capacity, and its authority must be found in some other source. Unquestionably, the Legislature of Maryland is not prohibited by the constitution from calling a convention. By the universal American practice, the Legislature may lawfully call a Convention, though the constitution may be silent as to any such power—such seems to be the plain doctrine laid down in the very able opinion of Chief Justice Taney, in the Rhode Island case, to be found under the name of *Luther vs. Borden*, in 7th Howard's Reports. So far from the call of a Convention being prohibited by the constitution of Maryland, the right of the people to change their form of government is repeatedly recognized in the Bill of Rights. The act of 1849, calling this Convention, is, therefore, a constitutional act, so far as not in conflict with the constitution of Maryland, but so far as it undertakes to strike down any clause of the Bill of Rights or constitution, it is simply void. From the act of the Legislature and the Bill of Rights, this Convention derives its whole authority to meet, and by that act and the organic law, subject to which it was passed, the qualifications of members of this body must be tested. If the organic law—the constitution itself—had expressly prohibited the Legislature from calling a Convention, then any attempt on the part of the Legislature to legalise or sanction a Convention, would be idle and nugatory, because the creature of the constitution, cannot violate the fundamental laws which gave it birth and being. In such a case, there could be no convention under the authority and sanction of existing government. But still, even then, the great inherent right of the people would remain, in the just exercise of which they could and ought to abolish so odious a constitution. In that case, however, the majority must rebel and proceed in defiance of existing institutions. It would