

least of the business of any deliberative body having a constituency, is that of determining who are proper representatives of that constituency. My attention was called to this subject by what passed yesterday, when it was said to my great surprise that it was a question not expedient for this Convention to discuss; that "it might result in the breaking up of the Convention," I think was the language used by one gentleman. It seems that at the earliest period, in conformity with universal practice, a Committee on Elections was appointed. Practice equally universal requires that committee to make a very early report. It seems from what passed yesterday that to this hour not one word has been heard from that committee.

I do not choose to be misunderstood in regard to this order. I am not one of those who believe that the Legislature can impose upon this body the slightest restraint. Much less do I believe that the Legislature can impose upon the people themselves, our constituency, any restriction in the selection of those whom they choose to represent them. Of course I have no idea that any gentleman of this body who has received a majority of the votes of the people of his county, or city, can be in any less degree entitled to a seat from any other relation which he may have to the State or the Federal Government, or to any other corporate or civil institution. My opinion is freely avowed, never concealed.

My doctrine is that the Legislature have the right to prepare all the necessary materials for the session of the Convention. They have a right to appoint the time, place, manner, &c., of holding the election. They have the right to designate the period and the place at which the Convention shall meet. These are essentials. There could be no Convention without the exercising of such a power on the part of the Legislature. But they have not one atom of power beyond that. They can neither restrain the people in the choice of their representatives, nor can they restrain this body in the exercise of its legitimate power, the power to make the government what they please. With regard to the people at large, it seems to me to be a solecism to undertake to say that the Legislature shall dictate to them what shall be the qualifications of those they choose to represent them. The people, in mass, according to every principle that underlies our government and the government of every other State in the United States, and the General Government, possess the power. They are exclusively and entirely sovereign and supreme. For a delegated party to undertake to say to this supreme power, you shall not do this, and you shall not do that, is a solecism in politics.

Again, sir, when the assembled people choose to confer upon their representatives a

delegation of the supreme power which they possess, it is an idle effort upon the part of any inferior body to undertake to limit the power of that representation of the people. What are we, who are assembled in this body, sent here for? To make a government for the people, whom we are supposed—I wish it were the fact—to represent. Can the Legislature tell us what government we shall form? If they can tell us, in terms obligatory upon us, of one single obligation, if they can command us in one single particular, I challenge anything like the appearance of an argument why they should not assume the power to control us in any other particular. They may tell us that you shall not exercise the power of appointing a judge, except by the mode which they choose to designate. They can impose no such obligation upon us.

Nor can they, in my humble judgment, tell us who shall represent the people of the State. I have therefore, of course, not the least idea of interfering with the rights of any individual who sits upon this floor. I hold it as belonging to the forms proper to be observed in deliberative bodies in the conduct of their business according to the forms of propriety and regularity, that we should be certified who are entitled to seats upon this floor. There are other reasons which can disqualify an individual, reasons which the Committee on Elections is bound to inquire into, if there be any such question raised. There may exist other disqualifications besides those of the relation which individual members may have either to the State government or the general government. We are authorized to have a report. I hope I do not express myself offensively when I say that we ought to have been advertised long ago of the result, upon the matter submitted to the committee; for I do not mean to say that the committee have been derelict so far in not reporting. I have no purpose therefore of interfering with the claim of any individual to a seat in this Convention, in offering the following order:

*Ordered*, That the Committee on Elections be requested to report at as early a day as practicable."

Mr. PURNELL. The remarks which have fallen from the gentleman from Kent (Mr. Chambers) impose upon me, as chairman of the Committee on Elections, the duty of making some explanation with regard to the delay, or apparent delay, that has occurred in making their report. At an early day after the appointment of the committee, they assembled in the committee room; and in view of the importance of the subject intrusted to them, they have had from time to time under deliberation the various subjects which have been presented to them, and which come within the sphere of their duties; and perhaps we are as well prepared now to report as we can ever be. I am not aware that there