

they choose to put into the bill offensive matter of any other kind, and if the people are bound by it, what is the consequence? They must either elect the Convention subject to this offensive matter, or they must go without a Convention forever. The Legislature have nothing to do but to make the bill too offensive to be adopted by the people as a whole, and it will be defeated. Yet the Constitution has entitled the people to a Convention.

The gentleman has asked a question which I take pleasure in answering, and, unless he is very unreasonable, I think, to his entire satisfaction. It is this: If the Convention can name the time and the place, and bind the people by that, why not name something else?

Mr. BELT. I hope my friend will excuse me for asking him a question in regard to the restrictions imposed by the legislative act calling the Convention. Suppose the people of Kent had elected twenty delegates to this body, instead of the three they actually sent, who would determine upon their right to a seat here? Do you say the act does not bind anybody?

Mr. CHAMBERS. I was just arguing that question, and I will meet the gentleman's difficulty. The Constitution of 1850 has this provision: The Legislature shall give the people an opportunity to hold a Convention. That is a plain case. That obligation the Legislature are bound to comply with. How is it to be done? My answer is by legislation—*ex necessitate*—from the very necessity of the case, that is a part of their constitutional obligation. The necessity of the case is, that the manner of getting it up, the time of getting it up, and the time and place of holding it shall be designated by the Legislature. Cannot my friends perceive the difference between getting up an organization and controlling the government of that organization after it is met and completed? There is no more difference between light and darkness than there is between getting up a Convention and restricting the Convention.

Mr. RIBESLY. Is not the qualification of members of the body a part of its organization?

Mr. CHAMBERS. Not at all. The Legislature may undertake to say that Prince George's county shall have twenty members, which my friend puts to me a question about, and that Baltimore city shall have five members. Is not that a necessary consequence of your arguments? Must the people take that or be denied what the Constitution has entitled them to? My doctrine is, that the same doctrine applies to the Constitution of the State that applies to the Constitution of the United States. The United States have no authority except they can put their finger on the power. What is the extent of that power? Everything implied in its language

and terms, and everything necessary for the exercise of the powers designated in the terms and words of the power. So I say here, when the Constitution of the State directs the Legislature to call a Convention, if the people wish it, it confers upon them the necessary power, without which that could not be performed which is enjoined upon them. It conveys the necessary power to appoint time, manner, place of election, time and place of assemblage, &c. That being done, they may just as well undertake to control the winds that blow, as to control the action or power, either of the people in selecting, or of this Convention in acting. I say, therefore, as a short answer to my friend's question, why they can do this and cannot do the other, is that the Constitution empowers them to do the one, and forbids them to do the other.

Mr. MILLER. Mr. President—

Mr. STOCKBRIDGE. I suggest, as a question of order, that this debate is irrelevant. It is manifest that we shall have a very interesting time when the report comes in, but the question now is merely upon the adoption of the order of the gentleman from Kent.

The PRESIDENT. The general custom is to allow debate on such an order, upon the general merits of the subject embraced in it; but, as the gentleman insists upon restricting the debate, the Chair must confine the debate to the question of the adoption of the order.

Mr. CHAMBERS. I intended to say, in noticing the remarks of my friend before me (Mr. Ribesly,) that I could not understand how, with his theory, he could sit here day by day and see an open violation of what he supposed to be the obligation of this body, without exacting the report for which this order calls. If he believes the bill to be obligatory, so far as it designates the qualifications of members, how can he consistently with his obligations here, daily and hourly see around him, forming a part of this body, and participating in its deliberations, gentlemen known by the very appellations they bear not to be within the conditions of that bill?

Mr. RIBESLY. I will answer that question. I have no official knowledge whatever that there is a single member of this body disqualified, under my theory, from participating in the organization of this body. What may be rumor is not for me to go upon. This House has devolved upon one of its committees the very inquiry which we are now discussing, and I chose to defer what I had to say until a report should be made by that committee, whereby I might get the information upon which to act as a delegate to this body.

Mr. MILLER resumed. The question is upon the adoption of the order submitted by the gentleman from Kent (Mr. Chambers,) instructing the Committee on Elections to report as speedily as possible. I am in favor of the