

those rights in determining the question of acceptance or rejection. And you will in my humble judgment transcend your powers and your obligations, by venturing to go beyond your duty to introduce a system which can have no possible support from any obligation or any power or any authority which has been conferred upon you, and which, as I said before, in the event of the rejection of this constitution you will find to have been mere waste paper.

I submit, whether under these circumstances a majority of this house will persevere in the infliction of what at least I esteem the most aggravated outrage upon our rights which has been suggested by any member of this body. I say this without any purpose to offend the personal feeling of any gentleman upon this floor. I say it from a high sense of duty. I say it under the belief that this act, if consummated, will not fail to be regarded by a large portion of these people as oppression of the grossest character, without any warrant of authority.

Mr. RIDGELY. I propose to occupy but a few moments of the time of this convention. A great deal that has been said by the honorable gentleman from Kent (Mr. Chambers,) in view of the tone and temper in which the sentiments have been expressed, sufficiently answers itself. It indicates to my mind at least that there has been much more feeling and excitement than deliberate judgment. I propose to vindicate this report upon the theories of law; and I propose in my humble way to acquit it of all the imputations of outrage and indignity and wrong which the gentleman has charged to be its purpose. I believe that all that we are charged by this proposition with doing, taking away from the people their rights, denying to them the exercise of their prerogative, is wholly without warrant or foundation, in view of the theories of the existence of this body.

I had occasion some weeks ago, when the question of the proper exposition of the convention bill was before the house, arising out of the question of the qualification of members of this body, to express my views upon the theories of that convention bill; and the gentleman from Kent took occasion to express his theory of the convention bill.

We differed *toto cælo*. I but repeat what I then said when I again remark that I believe that that convention bill indorsed by the people, submitted to the people by the legislature, is the programme, or *projet*, by which this constitutional convention was to be assembled and organized, and by which its powers were to be exerted, and by virtue of the indorsement which the people gave to it, became the fundamental law; and that in exercising our prerogatives here, our functions here, we were controlled by the convention bill, not by reason of the fact that it was a mere act of the general assembly, but by

reason of the fact that the people, the great sovereigns, the people, had indorsed it and gave to it organic life, so far as it described the powers which were to be exercised under it.

I have heard nothing which has induced me to believe that that theory was founded in error. I believe it is a sound theory. Although the honorable gentleman from Kent on that occasion confined the powers of the convention bill exclusively to the mere theory of indicating the process by which the body was to be assembled, and by which it was to be put in motion when assembled, and denied that even into that convention bill we could look for the qualifications of members, disregarding the qualifications of members as an inherent part of the machinery necessary to put the body in motion; yet I hold that the very admission that we were bound by the form and terms of the bill even in a single iota, admits the whole obligation; that if we were bound by the phraseology and terms of the convention bill, to adhere to it even in the organization of the house, the force of the obligation could not be restrained but that it became full and ample.

Under that theory of the law let us look at the convention bill, and see what it provides. I read from the sixth section:

*“And be it enacted,* That the constitution and form of government adopted by the said convention as aforesaid, shall be submitted to the legal and qualified voters of the State, for their adoption or rejection, at such time, in such manner, and subject to such rules and regulations as said convention may prescribe.”

I pray you, gentlemen, is there any limitation as to the power of this body to prescribe rules and regulations? May you not prescribe the qualifications of the voter as well as fix the day of election? May you not prescribe the qualifications of the voter as well as the period of time within which the election shall be held? Who shall say how, when, or where this power is to be restrained? The legislature have not qualified it nor limited it, beyond the terms employed in the act itself; and the people have indorsed at the ballot box the *projet* of law submitted to them by virtue of the authority of the legislature. We are here then armed with the power of the people; and by the authority of the people are we exercising the function which we propose now to exercise, to submit this instrument to them for their adoption or their rejection, pursuant to the very terms which they themselves have prescribed.

I propose to confine my observations entirely to this theory of the law, to discuss this question as a question of law. I hold, therefore,—I may be wrong, but if wrong it is my honest judgment, and on that judgment I have framed this report—I hold that the convention bill, by virtue of the power inspired into