

tation of the article. The right to alter, reform or abolish, is in this very article called unalienable. What is the signification of that word "unalienable?" You cannot by statutory provisions, or any provision put into a Constitution, deprive the people of this right. The plain meaning of the term is something that cannot be taken away." No restraining or subtracting power of the Legislature, or of any body of men, who frame or adopt such a Constitution as this, can ever take away from the people the right to alter, reform or abolish their form of government. It is an unalienable right; that is, its power resides in the people and cannot be taken away from them. It seems to me that the two ideas are inconsistent, an unalienable right, and a right alienated, given up, or surrendered by the people. How can the people surrender an unalienable right?

As to the phraseology of this article, I think, as suggested by the gentleman from Baltimore city, (Mr. Stockbridge) that if the latter part is to stand as it is in the present Constitution, the former part is inconsistent with it; and it ought to be changed so as to read that "the government of this State of right originates from the people thereof, is founded in compact only, and instituted solely for the good of the people of Maryland; and they have at all times in the mode prescribed in this Constitution, the unalienable right to alter, reform or abolish their form of government, in such manner as they may deem expedient." That phraseology would be more consistent. But I believe we have no right to attempt by this Constitution to take away an unalienable right. We have no right to put into the Constitution words that might be construed into taking from the people an unalienable right. For these reasons I shall vote against the amendment of the gentleman from Calvert.

Mr. SCHLEY. At the adoption of the Constitution under which we now live, for the first time I think in the Constitution of Maryland, the truth enunciated in this proposed article of our Declaration of Rights, made its appearance. It set forth, according to our form of government, a right declared to be unalienable; that is, the right to reform. But at the same time, the democratic principle which it enunciated was emasculated by the introduction of the words, "in the mode prescribed in this Constitution." How does the present phraseology of the sentence differ in meaning and effect from this reading?

"And they have only the right according to the mode prescribed by this Constitution, to alter, reform or abolish their form of government."

What makes this particularly inconsistent in the present Constitution is the fact that this Constitution was adopted in violation of the mode previously prescribed for altering or amending the Constitution under which we

had lived. In thus limiting the democratic principle, they inflicted a wrong upon the sense of the word applied to the right they meant to enunciate, for they made it anything else but "unalienable."

I do not suppose that the motives which would impel the people at any time to alter, reform or abolish their Constitution, would destroy the operation of this principle. I am not afraid of any revolutionary conspiracy in this State against the right contended for. I have no idea that if the doctrine is to be enunciated at all, it should be clogged by any provision whatever; and I shall therefore vote against the proposed amendment.

Mr. CHAMBERS. The question before the Convention at this moment has occupied the attention of many jurists of the State, and has been very fruitful of discussion. There seems to me to be some misconception as to the past history of this subject. I have before me the Declaration of Rights as originally adopted, the first Declaration of Rights adopted by the people of the State, which contains the whole doctrine which is embodied in the late Constitution, and which it is now proposed to embody in the present Constitution. It is in these words:

"Art. 1. All government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole."

"Art. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof."

The gentleman who has last spoken, is mistaken as to the force and effect of the provision in the first Constitution; in supposing that it did not limit the mode in which amendments to the Constitution were to be adopted. In Art. 42d of the Declaration of Rights, first made, it is provided—

"That this Declaration of Rights, or the form of government to be established by this Convention, or any part of either of them, ought not to be altered, changed or abolished by the Legislature of this State but in such manner as this Convention shall prescribe and direct."

Mr. SCHLEY. The gentleman misunderstood me. I said that the Constitution under which we live was not made in strict conformity with the provisions of the old Constitution.

Mr. CHAMBERS. It was a subject of very much doubt with many persons learned in constitutional law, whether by this means the Convention had not forfeited all claim to the respect of the people; but it was conceded, I believe, everywhere, that if the Constitution was adopted by that Convention, and recognized by the existing government of the State, and not opposed by any popular movement, it became, whatever infirmity might be charged upon it, in the incipient stage of the proceedings, imperative upon all the people