

and I was perfectly astonished upon taking up my neighbor's copy of the report (for I have none of my own) to find that the 43d article of the bill of rights of the last Convention was not incorporated in it.

Mr. HERR. The gentleman is correct. That article was adopted by the Committee, and I supposed it had been printed in their report.

The PRESIDENT. The article referred to is printed in the journal, where it will be found on page 65. It is omitted in this copy of the report by error of the printer.

Mr. CHAMBERS. This is the article: "That this Constitution shall not be altered, changed or abolished except in the manner therein prescribed and directed."

Now I am not aware that there is anywhere in this State a class of politicians, designated by any phrase or term, who maintain the doctrine that there ought not to be some mode prescribed by which the people can express their desire by legislative enactment to peaceably change their Constitution.

With regard to what has been said by the gentleman from Howard (Mr. Sands) I have only to say that I am illuminated by his information; what he has told us is entirely new to me. I have circulated through portions of this State; I have been in counties where a very large majority were opposed to the calling of this Convention, and I have conversed here with a great many gentlemen who represent that class of people; and until the gentleman made the statement here, I never heard it whispered that the objection to this Convention was that which he has stated, viz: that the Legislature that called this Convention had no power to do so.

Mr. SANDS. I did not say that the people believed that the Legislature had no right to call a Convention; but that the objection was made by some was, that the Legislature which was directed by the present Constitution to call the Convention having failed to do so, no subsequent Legislature had that right.

Mr. CHAMBERS. The argument then was this: Ten years after the session of the last Convention the Legislature was to make a call for a new Convention; the Legislature not having performed that duty precisely at the expiration of the ten years, then they had no power to call a Convention; in that respect they were *functus officio*. Now I can say that I never heard that doctrine expressed by any human being until I heard it to-day from the lips of the gentleman from Howard (Mr. Sands). Suppose that the Legislature had been directed to pass forty laws soon after the adoption of the Constitution, as they were directed; some of them they neglected to pass for ten years. If they neglect to do so to-day, do they forfeit their right to pass those laws to-morrow? I have too much intelligence to use or adopt any such argument as that. We repudiate that entirely, so far as I am informed. The Legislature; it is true, should have passed

the law as directed; nobody doubts that; they should have obeyed literally the direction of the Constitution. But having failed literally to obey it, they were bound as soon afterwards as possible to repair the neglect of the preceding Legislature. My friends, and I have consulted several of them, tell me that they never heard any such suggestion as that before.

Mr. SANDS. If the gentleman will refer to the message of Gov. Bradford he will find reference there to this very argument against the Convention.

Mr. CHAMBERS. Was he among the class that opposed this Convention?

Mr. SANDS. No, sir; but in his message he endeavors to meet this doctrine urged against the call of the Convention. It is not confined to myself.

Mr. CHAMBERS. Then the gentleman has one individual to sustain him in his position, and that is one more than I supposed he had.

I presume my friend from Calvert county (Mr. Briscoe) will not press his amendment here, upon finding that his proposition is virtually embodied in the bill of rights as reported; because the bill of rights is to be taken together as a whole, and this proposition being in a different position upon the face of the paper will make no odds. In regard to the verbal criticism which has been made here I have nothing to say. But I maintain the absolute necessity of adopting some provision of the kind offered by my friend from Calvert, (Mr. Briscoe). But I should not have troubled the House at all except that there was no such provision in the printed copy I examined. I am happy to find that the recollection of the gentleman from Allegany (Mr. Hebb) agrees with my own, that such a provision was adopted by the Committee, and that the entry upon the journal confirms the fact which I am sure existed, that this was adopted without any amount of difficulty or comment.

Mr. SCHLAY. I desire to say in explanation, that I had only consulted the journal of proceedings of this body, and did not read this printed paper until my attention was called to the fact that the 44th article as reported had not been printed in it. Of course I know that such an article was common to the two Constitutions we have been living under, and I supposed that to renew it in this first article would be superfluous and unnecessary; and would indicate a disposition to infringe upon the absolute right of the people there announced.

Mr. PUGH. I am opposed to the amendment of the gentleman from Calvert, (Mr. Briscoe,) for the reason that I think it only mystifies the subject. If it is in order to make any amendment—

Mr. BRISCOE. If the gentleman will allow me, I will simply state that I have fallen into the very error into which it seems a great