

time had arrived, when they were in session, at which, under the 11th article of the present Constitution, they were authorized to pass a law for taking the sense of the people in regard to calling a Convention. That 11th article provides:

"It shall be the duty of the Legislature, at its first session immediately succeeding the returns of every census of the United States hereafter taken," &c.

I understand that even when that Legislature adjourned the returns of that census had not been made to the proper authorities in Washington. That I understand to be a matter of fact. It was the first Legislature that met immediately succeeding the returns of the census, that was authorized to pass a law for taking the sense of the people in relation to calling a Convention. If those returns were not made during the session of the former Legislature—but were made, as I suppose they must have been, before the meeting of the last Legislature—then the last Legislature was the one whose duty it was

—“to pass a law for ascertaining, at the next general election of delegates, the sense of the people of Maryland in regard to calling a Convention for altering the Constitution.”

Now, sir, that was the plain letter of the Constitution as framed by the learned gentlemen who assembled here in 1851, and whether it was the duty of the one Legislature or the other, whether the former Legislature discharged its duty or not, still the express language of the Constitution is, that whenever the Legislature did pass a law for taking the sense of the people, it should be taken “at the next general election of delegates;” and, under the Constitution, it could be taken at no other time. But the last Legislature, just as the Legislature that called the Convention of 1850, disregarded the mode prescribed by the Constitution, and the Legislature directed that the sense of the people should be taken upon the 6th of April last, and that the people should at the same time vote for delegates to this Convention. I suppose they had the power of providing for the election of delegates then, because the taking their seats was conditional upon the sense of the people to be then ascertained. But it was not precisely the mode authorized by the present Constitution. Still, they had as much power to do that as to call a Convention at all. The 11th article provides, in addition to what I have already read:

—“and in case the majority of votes cast at said election shall be in favor of calling a Convention, the Legislature shall provide for assembling such Convention and electing delegates thereto at the earliest convenient day.”

Evidently this 11th article of the Constitution intended that, after the ten years had elapsed, and the census returns had been

made, the Legislature assembling next after the making of those census returns should pass a law to ascertain the sense of the people; that that sense of the people should be taken at the next general election of delegates; and that the Legislature elected at that next general election should pass a law for calling that Convention. And all this was intended for the purpose of providing a mode of altering and amending the Constitution, which should be not sudden, not rash, not intolerant, but with time for full deliberation and consideration among the people after the law was passed; for it would have taken two years to have assembled a Convention under the provisions of that article. It intended that the vote should be taken, not at a special election, but at a general election, at the usual time for electing delegates to the Legislature, and then, if the majority of the people was found to be in favor of a Convention, the General Assembly then elected should provide for the assembling of the Convention.

Now the result is this: We have had, including the present, two Constitutional Conventions in the State of Maryland that were unconstitutional. That is a paradoxical statement, I admit. But we have two Conventions called to frame a new Constitution for the State of Maryland in violation of the prescribed mode of the Constitution under which the Legislature was held which passed the law calling the Convention together, and I do think that this Convention is strictly and technically just as revolutionary as the Convention of 1850, in which my friend from Kent (Mr. Chambers) and my colleague (Mr. Dennis) served as delegates. Still there is a healing balm for all irregularities in the fact that our work here is, I trust, to be published after it shall have been completed, and is to go before the people, and the opportunity afforded them to understand and scrutinize the alterations and amendments in the organic law of the State which we may propose, and they can quietly at the polls pass in approval upon the Constitution under which they are to live until another revolution of this kind takes place. How frequent those revolutions will be in Maryland I cannot undertake to say.

But I do say that I think it is a bad custom; one in violation of the American system; one for which I do not think there has been any imperative necessity. And I think that whatever may have been the practice in the past, we ought to see that in the future the mode of amendment and alteration we may agree upon here, and which the people, when they shall pass upon this Constitution, shall adopt as their will upon the subject, shall be regarded and not violated by the Government organized under the new Constitution; and that the right of the people to alter and amend their form of Government