

The Constitution is in force, the whole body politic is bound to respect its provisions, it can, nevertheless, expressing its will in the only practicable form, through the action of a majority of its members, alter, abolish, and create the organic law, at pleasure. It follows, first, that it is our duty in obedience to the implications of the social compact, to extend to the citizen the widest individual freedom, consistent with the equal social rights of all. It follows, also, that, to the citizens, at large, should be accorded the exercise of the most extended privilege, which can safely be entrusted to the wisdom of the ballot-box, not only in regard to the regulations of their governmental policy, but likewise as relates to the choice of their public functionaries. And, it is also clear to my judgment, that they, or a majority of them, have the unquestionable right to seek the fruition of this privilege, as they have done, by the call of a Convention, to remodel the constitution of the State. This brings me to a topic, which I approach reluctantly. I would have it expressly understood that my remarks are not, in the least degree, to be considered as addressed to that body of eminent and patriotic men, who have been sent here, to reflect the sovereign will of Maryland. My appreciation of their distinguished position, and of my comparative unimportance, in this commission, would of itself, apart from sentiments of personal delicacy, inhibit the remotest interference, on my part, with their exclusive prerogatives. My purpose is rather to show the advance made in the political opinions of Maryland, in reference to this question of popular rights. With the subject matter of reform, which belongs alone, for the present, to the convention here assembled, I do not feel at liberty to interfere. My opinions upon the various leading measures proposed are well known to the people of the State. I have said that Maryland did not remain satisfied with the simple expansion of her physical greatness and power. She has, indeed, done what is of far greater import. She has finally established for herself, and given to other States the precedent of her decision, that the people are above the constitution, and that the majority have the right to govern, because they have the right and power to prescribe the rule of government. Although it may be said, and with truth, that the present Convention, does not, according to the basis of representation, upon which it was convened, reflect the will of a majority of the people of Maryland, yet, it must be conceded, I think, (with the alternative of a manifest desecism,) that its very existence is derived from the will of the majority as expressed in the election of May last. But five years ago, and we heard the doctrine advocated by many of the most renowned men of the State, that, without the previous repeal of the 59<sup>th</sup> article of the Constitution, the very call of a Convention would be an overt act of revolution, and its action null and void, even though subsequently sanctioned by the popular approval. It was expressly said that the 59<sup>th</sup> article of the Constitution, prescribed the only mode by which the organic law could be altered. On the other hand, it was opposed by some of the Reformers that, as the authority to change, alter, or abolish their form of government was guaranteed to the people, in the declaration of rights, and inasmuch as a Convention was neither prohibited by the Constitution, nor the mode of its organization prescribed, the Legislature, by virtue of non-inhibited powers, could, in the form of law, obligatory in its character, provide for the assembling of such a body, in such a manner as public opinion seemed to demand. And, it was further argued by others (who repudiated the latitudinarian doctrine of the non-inhibited powers of the Legislature, and contended that the General Assembly of Maryland possesses none but strictly delegated powers, which cannot be made to transcend the express or necessarily implied grants of the Constitution,) that a Convention, so called, would derive its whole vitality and force not from the act of Assembly, which was purely recommendatory, but emphatic