

BY THE HOUSE OF DELEGATES,

February 18th, 1846.

Read and ordered to be printed.

REPORT

OF

MESSRS. BOWIE & DELLINGER,

FROM THE

COMMITTEE ON THE CONSTITUTION.

The undersigned, a minority of the committee on the Constitution, to which was referred various orders and resolutions of the House of Delegates, and the several bills reported to the House suggesting and proposing certain amendments to the Constitution and form of government, beg leave to submit the following Report :

For twelve years past the question of amending and reforming the Constitution, in some mode or other, has been agitated by the people of the State ; and in the opinion of the undersigned, that question will continue to be an exciting topic of discussion until some settled and definite course is adopted by the Legislature of the State, which may be considered as indicating a permanent and established policy, likely to meet with general acquiescence on the part of the people. The two great political parties of the State are now divided in opinion, as they have hitherto been, as to the best mode to be pursued in reforming the present Constitution. The one party insisting, that as the Constitution now stands, no amendments or alterations can be made, except by two successive acts of the General Assembly, in the mode provided by the fifty-ninth article. The other party maintaining, that the people, in the sovereignty of their power as a concentrated mass, have the inherent right to abolish the old and to establish a new constitution, or form of government, irrespective of the limitations and restrictions, if there be any such, to be found in the constitution of the State.

The undersigned fully concur in all that has been said on this subject by the majority of the committee, in the report which they have submitted to this House. That the General Assembly have power to make all and any alterations in the constitution which the people may desire, and that, without a change of that instrument, reform, by means of a convention of the people, would be in violation of its express provisions, as well as repugnant to its whole spirit, the undersigned entertain no doubt. The language of the fifty-ninth article is too clear to admit of a doubt. It is " That this form of government, and the declaration of rights, and no part thereof shall be altered, changed or abolished, unless a bill so to alter, change or abolish the same shall pass the General Assembly." These words contain not only an express grant of power to the General Assembly, but they are also words of negation, expressly interdicting all other modes of amendment. It is no answer to this view to say, that the words are to be construed with