

the people had a right to change their Constitution. No man could deny or fetter this right. But he entered his protest against some of the doctrines which had been laid down, and the effect of which might be the substitution of tyranny in the place of our free institutions. Admitting the abstract doctrine, the question is, who are the people of Maryland who are to be empowered to make a Constitution? Are they a multitudinous assembly, or are they agents, legally elected by qualified voters? It can only be ascertained by the ballot-box who are the repositories of this power. It is the ballot-box that overthrows all the abstractions of the gentleman from Kent. He differed from his colleague who had expressed his opposition to the action of the legislature in framing a Constitution.

Mr. PRESSTMAN asked his colleague if he thought there was no other way of obtaining a change of the Constitution, but by a legislative act?

Mr. BRENT replied, there was none. All must be orderly and legally done. That done, he was ready to go with his colleague through all the danger which was anticipated by some, from beginning to end. But there was no other way, except through the law. How could it be proved that there was a majority of the people in favor of any movement, but through the ballot-box; and the ballots must be deposited by qualified voters, before legally appointed judges of elections, and according to the prescribed forms; and when, in this way, the votes of the people shall be given in favor of the Constitution on which we are now engaged, it will have all the power of an organic law. The influence of the people is omnipotent, in a moral sense, at the ballot-box; and in a physical sense, when a resort to violence is resolved on. The majority which has made the compact has the right to revoke it. It is not like a compact made between two sovereign States; it is an agreement made among each other, and therefore may, at any time, be changed by the people who made it. It is not like the laws of the Medes and Persians. It may be altered at any time. If the people choose to say this Constitution shall not be revoked, still the same people may revoke it at any time by a resort to the ballot-box, or by physical force. While he would vote for the proposition, he differed from his colleague in his view of the manner in which the Constitution may be altered. There was no way to ascertain the sense of the majority of the people but by the ballot-box.

Mr. PRESSTMAN asked, supposing that the Legislature thought inexpedient to call a Convention, was there no such thing as a peaceable revolution? And if there is no provision inserted in the bill of rights to meet this case, the effect would be, that, in such extremity, the people might be driven to a bloody revolution, which if unsuccessful, would bring on all engaged in it, the penalty of treason. He wished to know if there was no mode of bringing about a peaceable revolution?

Mr. BRENT replied, that there was no such thing as a peaceable revolution. He asked his

colleague if a company of individuals were to get together, and take possession of the polls, and appoint the judges of election, would they not violate the law, and render themselves liable to punishment? The ballot box would be corrupted by such conduct, and no one could foresee the evils which would result from this kind of revolution. The only way in which the people can secure future Conventions, without legislative action, is to insert a provision that a Convention shall be held every seven years; and if the legislature is not to be permitted to act, he could devise no other mode by which it could be effected. Otherwise, it must be brought about hereafter, as it had heretofore been, by an act of the legislature. There was only one other peaceable mode, if such it could be called, that is, if the people should rise in the majesty of their power, and present themselves in such overwhelming numbers that those who had been entrusted with the charge of the Government should quietly yield and abandon their posts without resistance.

And then pending the question,

The Convention adjourned until to-morrow at 11 o'clock.

WEDNESDAY, January 29, 1851.

The Convention met at eleven o'clock.

Prayer was made by the Rev. Mr. GRIFFITH.

The roll was called, and a quorum being present, the journal of yesterday was read and approved.

The PRESIDENT stated that reports from committees were now in order.

No reports were made.

Mr. DORSEY presented the petition of James Sykes and others, praying that Howard District, of Anne Arundel county, may be made a separate county, to be called "Howard county."

The petition having been read,

Mr. DORSEY moved its reference to the committee on representation.

Mr. BOWIE moved its reference to a select committee.

The propriety of the reference was briefly spoken to, by Messrs. GWINN, BOWIE, SMITH and HARBINE.

The question was then taken and the petition was referred to a select committee.

The PRESIDENT announced the following gentlemen as composing the said committee:

Messrs. DORSEY, BOWIE, SMITH, HARBINE, and RICAUD.

THE HALL.

Mr. MAGRAW called the attention of the Convention to the order which had yesterday been adopted, providing for an adjournment over Saturday for the purpose of repairing the furnaces.

Mr. M. referred to the inconvenience to which