

Mr. SANDS. If I have wronged the gentleman in classing him with the gentleman from Kent (Mr. Chambers) I beg his pardon. But I must beg him not to burden my shoulders with any sins committed by my predecessors.

Mr. CLARKE. I had heard Gov. Bradford's argument, but thought that he had erected a great many castles in the air, which he was trying to overthrow, which nobody ever supposed until then existed.

Mr. SANDS. Not being the Secretary of State, or Gov. Bradford's Private Secretary, I cannot be called upon to answer that. I will now read from page 26 of House Documents for 1864 what the Governor said upon that occasion :

"The first point involved in its consideration is one of constitutional power."

And right here let me say, as I have said before, that while I have all due reverence for Constitutions, I am determined not to perish, as I have known some men to do, of "constitution on the brain." Now as to what the Governor says in his message :

"The first point involved in its consideration is one of constitutional power. It has been supposed by some, that inasmuch as the Constitution provides that the question of its amendment shall be submitted to the people by the Legislature which assembles first after the taking of each census, that such question can be submitted at no other time and by no other body, and that the last Legislature, having failed to perform that constitutional duty, it cannot be discharged by the present."

Now, if the objection to the calling of this Convention by the last Legislature is not clearly and distinctly stated in this executive document, I do not know what is clearly stated. And, in contradistinction to the opinion of the gentleman from Prince George's (Mr. Clarke) I think the Governor's logic on this matter is just as sound as it is possible for reasoning to be. Hear it :

"The error of such a theory is in failing to discriminate between a question of *duty* and one of *right*, for though the duty imposed by the Constitution of submitting the subject of amendment to the people at stated times attaches only to the Legislature immediately succeeding the returns of the census, yet the right of submitting such a question and providing for a Convention belongs as unquestionably to you as it did to your immediate predecessors, or to any preceding Legislature."

There is the true distinction between the duty of the Legislature which convened next after the taking of the census, and the right of any subsequent Legislature to do what the last Legislature did ; that is, to give the people an opportunity of reforming their organic law.

Now there is another point I must briefly

notice. My friend, the gentleman from Prince George's, (Mr. Clarke,) by the manner in which he adverted to the meagreness of the vote at the election for this Convention, hinted, I thought, that it was scarcely coming up to the dignity of sovereign State action, inasmuch, I understood him to say, only some 30,000 votes were cast at that election.

Mr. CLARKE. For the Convention ; not at the election ; 50,000 votes were cast at the election ; 30,000 in favor of a Convention.

Mr. SANDS. The gentleman is a thousand votes or more out of the way.

Mr. CLARKE. Well ; 31,000.

Mr. SANDS. The vote cast at the election was between 51,000 and 52,000, of which 31,000 and more were in favor of the Convention. And we were sent here by almost two-thirds of nearly 52,000 votes. If, for the reason that only 31,000 and some hundreds of the qualified electors of the State voted for us, we are not here in a position to act as the representatives of the sovereign State of Maryland, then I ask what, on this same doctrine, becomes of that Convention which assembled in this hall in 1850 ? Burns put a very good sentiment into homely Scotch jingle, when he said :

"Facts are chiefs who winnading,
And darena be disputed."

It is always best to rely upon facts, and if we do so, then if this objection holds good as to us, we will see how it applies to the Convention of 1850. If gentlemen will turn to the proceedings of the Maryland State Convention of 1850, they will find on the page immediately succeeding the index, that the total vote cast at the election for calling that Convention, all parties included, for and against, amounted to only 29,463 votes ; not as many votes cast then, both for and against a Convention, by some thousands as were cast in favor of the assembling of this Convention. Then what becomes of the objection to this Convention, or its status as the representative of the sovereign people of Maryland, in the face of the fact, that the Constitution under which we have been living since 1851, was made by a Convention called together by a vote of less than 29,000 citizens of the State of Maryland.

The gentleman may ask, where, after you have counted the 52,000 votes cast at this election, are the balance of the 90,000 voters of this State ? Now, sir, I have an answer to that in part. Some of them were abroad on land and at sea, upholding the banner of their country—God bless them for doing that. Gentlemen may suggest bayonets. But where were the absentees of 1850 ? Bayonets were unknown things at that time. Gentlemen say—why did not the people turn out in force in 1864 ? I ask, why did they not turn out in force in 1850 ? There was a greater