

the legal voters of the State, the qualifications of whom are hereafter to be determined and fixed? If the gentlemen who are opposed to this amendment will say that the people are the legally qualified voters of the State alone, then I will agree with them. But the ground they take places the power absolutely in the people of the State unqualifiedly, in every man, woman and child in the State; and the opposition to this amendment and the 44th article will involve them in the absurdity of voting against the qualifications of voters, because they assert the doctrine that the people, all the people, have this unalienable right, and can exercise it by a majority of that people.

Mr. MILLER. This Convention is involved in precisely the same difficulty which our predecessors of 1850 found themselves in, in relation to the adoption of this first section of the Bill of Rights. That difficulty arose then, and it arises now, from the fact that an attempt is made to incorporate into this article the latter clause; that the people "have at all times the unalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient."

Now in the old Constitution of 1776 the first branch of this article stood alone: "That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole." That was a declaration made by our ancestors of 1776 as against monarchical forms of government. It was a declaration against the divine right of kings to govern; against aristocracy; against the right of mere birth or hereditary privilege; and it was not until the Convention of 1850 met that this new doctrine was sought to be incorporated into our bill of rights. When the gentlemen who composed the Committee on the bill of rights in the Convention of 1850, first drafted and reported it to the Convention, they stopped where the original bill of rights stopped—merely announcing the doctrine contained in the first branch of this article. The members of that committee were among the most able and distinguished men of the State—the Chief Justice of the State being chairman—and adopted in their report the old bill of rights alone.

Gentlemen of this Convention will find, by referring to page 223 of the Proceedings of the Convention of 1850, that the first article of the bill of rights reads thus as reported:

"That all government of right, originating from the people, is founded in compact only, and instituted solely for the good of the whole."

On page 228, Mr. Prestman, of Baltimore city, moved to amend that article by adding to it the following proposition:

—"and they have at all times the unalienable right to alter, reform or abolish their

form of government in such manner as they may think expedient."

And that was the first time, as has well been said by the gentleman from Frederick (Mr. Schley) that such an enunciation had ever been made in the Declaration of Rights of Maryland. It created surprise at the time that such a doctrine should be announced, and Gov. Hicks, at that time a member of the Convention, immediately upon the introduction of that amendment, offered the following amendment:

—"and that any portion of the people of this State shall have the right to secede and unite themselves, with the territory occupied by them, to such adjoining State as they shall elect."

He offered it either in serious earnestness, or with the view of throwing ridicule upon the amendment of Mr. Prestman. The amendment of Gov. Hicks was, however, voted upon in the Convention, and twenty-seven gentlemen from the Eastern Shore voted for it. The amendment of Mr. Prestman was precisely what we have now before this Convention in this first article. That amendment was adopted, and then the article stood as follows:

"That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times the unalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient."

Then the difficulty before that Convention was that they had before them also the 44th article of the old bill of rights, and they wanted to make that conform to this declaration. On page 232 the distinguished and honorable gentleman from Kent, (Mr. Chambers,) now a member of this Convention, moved to amend the amendment of Mr. Prestman by adding to the end thereof the following—"according to the mode authorized by the Constitution or laws of the land," and that amendment in substance was incorporated into the bill of rights. On page 238 Mr. McLane moved to amend the amendment of Mr. Prestman by adding to the end thereof the following:

"Provision ought therefore to be made in the Constitution now to be formed, whereby the exercise of such rights at seasonable periods, and in constitutional assemblies, would be secured and regulated."

Mr. Dorsey moved to amend the amendment by inserting after the words "they have" in the first line the words, "according to the mode prescribed in this Constitution, and the laws made in pursuance thereof." That was adopted, and afterwards the Committee on Revision modified it and put it in the form in which it now stands in the present Declaration of Rights of the State. That is: