

the General Assembly shall, at their next session, provide by law for calling the same. The Convention shall consist of as many members as both Houses of the General Assembly, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid."

And section third provides:

"At the general election to be held in the year 1882, and in each twentieth year thereafter, the question—'shall there be a Convention to revise, alter or amend the Constitution?'—shall be submitted to the electors of the State, and in case a majority of all the delegates voting at such election shall decide in favor of a Convention, the General Assembly at its next session, shall provide by law for the election of delegates, and the assembling of such Convention, as is provided in the preceding section; but no amendment of this Constitution, agreed upon by any Convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the State, and adopted by a majority of those voting thereon."

That last section provides that the question of calling a Convention shall be submitted to the people in 1882, and not until then. Now, admitting, as many thought who voted for the bill last winter, that the Legislature did not carry out the exact provisions of the Constitution; still the people ratified their action. Now suppose that five years hence, there should be some urgent necessity for a new Constitution; that, as was said here last winter, the people cannot wait until fall to vote upon the question, but must do it at once; there is a clamor which must be obeyed; but you cannot get sufficient members under this second section to vote for the bill; and a majority of the Legislature undertake to pass a law submitting the question, two months after its adjournment, to the people, whether they will have a Convention or not; and the people vote in favor of a Convention. Now that is the very case I want to reach with my amendment. I desire that this Convention shall say to the Legislature: "The article in reference to amendments of the Constitution provides how this Constitution shall be amended; and you shall only pursue the mode prescribed in the Constitution, and not do as you have always heretofore done, call a Convention just as you think proper, independent of constitutional provisions." We do not attempt to reach the power of the people at all. All we do is this: when we come to swear in the Legislature we make them swear to support the Constitution, and this provision which says to them: "You legislators, you members of the Legislature, shall not undertake to provide for the assembling of a Convention, or in any manner alter the Constitution,

except as the power is given you under this Constitution."

My own idea is that the Legislature should be unrestricted. I believe we should have better laws, and a more stable Constitution, and less demagoguism in the State, if the people of the State knew that whenever they desired to vote to have a Convention to remodel their organic law they could do so. All the agitation preceding the last reform Convention, and preceding the call of the present Convention, was addressed rather to the restriction upon the exercise of the popular right; was rather calling upon the people to assert their rights, than to any necessity for the Convention. Therefore when you do reach the provision in relation to future amendments, I hope you will give the Legislature the unrestricted power at any time of submitting the question of a Convention to the vote of the people. I want the people to have the right and the opportunity at any time they choose to remodel their organic law.

Mr. TODD. I would like to ask the gentleman from Prince George's (Mr. Clarke) a question. Is an article in the body of the Constitution any less binding upon the Legislature than an article in the bill of rights? It seems to me that if the Legislature are disposed to override a provision in the body of the Constitution, the same disposition will incline them to disregard a provision in the bill of rights. Hence I see no necessity for the amendment offered by the gentleman from Prince George's, (Mr. Clarke); I see no good that can result from it, for it will not accomplish the object he has in view.

Mr. CLARKE. It was announced upon this floor last winter that although the Constitution restricted the power of the Legislature in this respect, yet they would submit the question to the vote of the people, and if the people adopted the call for a Convention, that would purge the Legislature from the violation of their oaths.

Mr. STIRLING. Who said that?

Mr. CLARKE. I heard the doctrine asserted here,—I do not now remember by whom,—and some member introduced an order, that any member who asserted that doctrine ought to be expelled. The doctrine has been very popular heretofore, that although the Legislature is tied up by this constitutional restriction upon this subject, yet if you submit it to the vote of the people, and they vote for it, that vote has a sort of retroactive effect, it becomes the act of the people from the beginning, and the Legislature is relieved from this obligation and restriction. Now I wish to get rid of all that, and bring home to the members of the Legislature that they shall, in accordance with their oaths, pursue the mode and manner prescribed in the Constitution. What manner shall be prescribed; how the Legislature shall be tied up; or