NO. 32.

PUBLISHED EVERY WEDNESDAY BY E. WELLS, JR. EDITOR AND PROPRIETOR.

TERMS OF SUBSCRIPTION. For one year, if paid within six months,

Communications addressed to this office must be POST PAID.

[PUBLISHED BY REQUEST.]

SPEECH THOMAS F. BOWIE, Esq., Delivered in the House of Delegates of Maryland,

> February 27th, 1846, ON THE REFORM BILL.

to decline any such expression of their o- inherent and unalienable rights, have any lutionary right."]

sing their opinions is a privilege which the they were invoking the aid of the members man to point me to that part of the consti- now considering. I am not here, sir, said friends upon this floor call upon this general what authority do gentlemen act, when they

not have been the part of wisdom, and words.

their constitution, all would agree, he sup- and to become champions in their defence has not proved the right to be a "constitu- looked to the legislature, and to the legisla- forth spirits from the vasty deep, and whatposed, that the general assembly had the when any attempt should be made from any tional right," any more than the gentleman ture alone, with delegated powers from the ever else gentlemen may choose. Aye, sir, undoubted power to make such alterations quarter to invade them. Whenever that from Baltimore city has proved it to be a people to do all that might be required on even the sword to assist them; but in the as might be required by the public will.— time should come, Mr. B. said he had no "constitutional legal right." I place them that subject. And, sir, will the gentleman name of God, spare us from joining them. He had not heard a solitary being question doubt he should be found quite as far in both, sir, in the same category. Both, I say that our ancestors, who framed that We live, sir, under government, with which \$1.50 the power of the legislature to reform or the advance, defending those rights, as those fear, if they venture too far, will be unfor- constitution and bill of rights, were not as we are well pleased. Under laws, wholeif not paid within six months, 2.00 change the constitution in any of its par- gentlemen, who in debate here, had dis- tunately stript of their "constitutional," as vigilant of the people's rights as we, their some, mild and salutary, and we are going ADVERTISEMENTS. - \$1 per square for three inser- ticulars, in which change might be deemed coursed so loudly and so eloquently in well as their "constitutional legal rights." decendants, areat the present day? Were not to pursue our way under that government tions-12 lines of small type or 14 of large type necessary or proper. In the place of an their behalf. He commended gentlemen to If such should be the case, let me tell these the men of the revolution, sir, quite as zeal- and under those laws. If they are pleased constituting a square—and 25 cents for every subappeal to doubtful powers—instead of resequent insertion. If the number of insertions be appeal to doubtful powers—instead of resequent insertion. If the number of insertions be appeal to doubtful powers—instead of reto go back to a state of nature, and to innot marked on the advertisement, it will be pub- sorting to means and modes of change, they would not permit their ardor to abate. nimous foes to deal with; and if they erty as we are now? Recollect, sir, they woke "inherent rights" to their aid, why let lished until forbid, and charged accordingly. A which would be almost sure to meet with The time might come when the people would but keep cool, Mr. B. would promise were engaged in the most glorious struggle them do so. But let them not ask us to liberal deduction will be made to those who ad- opposition, he submitted whether it would want their services instead of their them, in advance, a restoration in due sea- that ever animated the bosoms of men.— assist them. We are not the people—we .

of prudence, of forecast, and of sagacity, in The question now before us, said Mr. and "legal." the true friends of reform, to have gone at B., has no relation whatever to the abstract, The gentleman from Baltimore city, (Mr. the government that then bound them. In structions to do their will and to promote once to that tribunal whose power to act inherent rights of the people. We are not McLane) had thought proper to plant him- the act of throwing off the old, and establish- their happiness in the mode prescribed and was not called in question? Here, they now deliberating here in a state of nature— self upon the platform of the constitution ing a new form of government for them- under the forms of the constitution. We would have found a road broad enough for that only state in which inherent rights are and the laws. Mr B. would agree to stand selves, who so likely to have studied more are sitting here now, sir, in obedience to all to travel; and although some slight dif- known-but we are sitting here as a legis- on the same platform, side by side with the thoughly, or to have imbibed more largely their will, written down here on ferences might have taken place on the lature—a component part of the govern- gentleman. He rejoiced to hear the gentle- the principles of human rights than these this parchment, in letters large and unmisway-side, they would have found themselves ment. We are here, sir, in a state of gov- man utter such sentiments. He says he same men of the revolution? Sir, I com- takable. And I tell gentlemen wewere. at their journeys end united together in one ernment, and under a form of government. wants no reform or change of the constitu- mend the silence of such men on the sub- how they raze out those letter, so oblitecommon brotherhood of action and of feel- And the simple question is, what are the du- tion, unless it can be effected in a "consti- ject of reform by a convention of the peo- rate those instructions! Gentlemen have ing. From these gentlemen Mr. B. had ex- ties, and what are the powers, of this gene- tutional way"—he wants no revolutionary ple, to the discreet and sober consideration been pleased to speak of the legislature as pected something better than the unmean- ral assembly over the subject matter of a- change. Mr. B. thanked God for so manly of gentlemen on the other side. Conven- being hostile to the people. Sir, it is not Mr. Bowie said: It was matter of sur- ing bill now under consideration. He had mending the constitution. Mr. B. under- and candid an avowal-for the expression tional reform were not words, sir, to be found so, and never can be so. Our powers are prise to him, that the friends of the bill now looked to them to bring forward some stood some of his political opponents to of sopatriotic a sentiment. He had a right in their vocabulary. under consideration, if they be what they wholesome and practicable plan of reform, maintain that the people, as a mass, had to expect such from one of such well known But, sir, the gentleman from Baltimore one and the same with the people's. We profess to be, friends of conventional reform, which would have reflected their opinions, the right to altar and amend the constitu- moral worth and intelligence as the gentle- city, in his zeal to discover new sources are legislators to-day—to-morrow we are had not before this brought forward some and satisfied the just wants and wishes of tion at will-without respect to the restric- man from Baltimore city. He was not pre- of power for the people in the forty-second part and parcel of the people-bound in measure more calculated to produce practi- the people. But he had looked in vain - uons and limitations of that instrument - pared to hear from that gentleman such ap- article of the bill of rights, entirely over- common with them, by the same laws that cal results. When he advocated a measure Instead of setting themselves heartily to But he had not so understood the gentleman peals as had been made by some others on looks the restrictions and limitations to that are made here—sharing alike in all the good he desired to do it in a way, that, when a work in moulding and bringing to perfection from Baltimore city (Mr. McLane.) He ad- that floor-appeals to the physical powers power, to be found in the fifty-ninth of the and all the evil that may spring from wholedopted would lead to something effective some great measure of reform, for which mits that it must be done, and can only be of majornies of the people. Such language, constitution itself. That article declares some or improvident legislation. In comand permanent. The bill now before us they had clamorously cried out, they were done "in a constitutional legal way." He Mr. B. thought, was better fitted for savages "that this form of government and the de- mon with the people, we love and venerate runs to be sure in the shape of an act of the found mooting mere abstract questions of speaks of the "constitutional legal right;" and barbarians than for civilized, christian claration of rights, and no part thereof, shall those great and glorious principles of hu-Legislature. It is preceded by the charac- political rights, and raising issues, which, if but insists that the call of a convention by men, living under a constitution and form be altered, changed or abolished, unless a man liberty which brought this government teristic of a law, "Be it enacted by the Gen- they ever were determined, would have to the people, to amend the constitution, is a of government, which dispensed so large a bill so to alter, change or abolish the same into being. And we mean, by the blessing eral Assembly of Maryland," &c., but it has be determined beyond the walls of that "constitutional legal right." The inherent share of happiness and liberty to the peo- shall pass the general assembly, &c. &c. of God, to stand by the people and along none of the terms or nature of a law. In House. Sir, said Mr. B, the power of the or revolutionary right is now out of the ple. the shape of a law we profess to ask the legislature to reform or alter your constitution. With it we have nothing at pre- Mr. B. said that by the term "constitution- which, and in which only, the general as- sary to maintain and to perpetuate those people their will. Gentlemen admit that if tion is one question. The power of the sent to do. It is the "constitutional legal al," he understood something granted by, sembly shall alter, change or abolish any principles. If gentlemen suppose that by

tions. But, the legislature are now called they formed a component part. I should ex- every other person so means, a right, secur- and so had the legislature powers which prohibitory of every other power or mode stitution. on to reverse the order of things. Instead pect to be told that the general assembly, ed and provided for by the constitution it- the people had not. Whatever abstract of amendment. Its language is general and Sir, said Mr. B., much has been said in of passing an act to have the force of a law, unlike the people, had no inherent or una- self. By "legal right," I mean a right pro- rights the gentleman might claim for the comprehensive, and embraces every form the course of this debate about the will of we are called on to recommend to the people lienable rights. That their power as well vided for and secured by law. Perhaps the people from this article of the bill of rights, and variety of power to which the subject the people. The majority on this floor has the consideration of a measure, which, when as their very existence was derived from the gentleman can give us some other definition he could certainly find no power there given matter of amendment could appropriately been told that they should be cautious how done, can only be done by the legislature. constitution itself; and its destruction would of those terms. If he can, I should be hap- to the legislature to call a convention of the belong. Then, sir, with what semblance of they thwarted the wishes of a majority of The right of petition and the right of expres- be theirs. Gentlemen should reflect, when py to hear it. Then, sir, I ask the gentle- people. And that was the question we were reason can the gentleman and his political the people. But, Mr. B. would ask, on

people enjoy, not by any act of assembly of the general assembly in carrying out the tution, or to show me any law which secures Mr. B., to most with the gentleman ques- assembly, in violation of this provision of thus assume that the people are in favor of It springs from an infinitely higher source. exercise of the people's reserved rights, that the right to call a convention to alter the tions of abstract popular rights. I am here the constitution, to sanction or adopt any conventional reform? Have any petitions It can neither be given to them or taken a- they were making a large draft on their love constitution, either to the people or the legis- sitting as a member of this general assembly, other mode of amending the constitution or memorials from the people been sent way by an act of the legislature. They re- of self-immolation, a principle not very lature. Until the gentleman can do this, I bound to inquire and to know how far, as than the one there specifically designated. here, praying for this mode of reform? No, quire no legislative stimulants to excite them likely to be found, sir, in the members of shall have a right to claim that he shall aban- one of its members, I can legitimately act, Do they not know that we are bound by sir, none. True, we have had sent to us a to an expression of their opinions. On all this house Mr. B. said that the legislature don his position. The gentleman, sir, as it either positively or negatively, within the the solemnity of our oaths to support and memorial signed by three or four persons. and every question, affecting their political were then sitting under a state of govern- seems to me, might have been content with scope of powers denied to maintain the constitution as it is? Sir, But these persons only profess to be the or individual happiness, they have the right ment. All their powers and duties were de- the "constitutional right." I see no reason for by the constitution itself. But I must say with my understanding of this article of the representatives of a convention held in the to give utterance to their sentiments. And rived from the bill of rights and the constitution—as I find it there written down city of Baltimore; which convention itself, they will do so, with or without the leave tution. They could exercise no power "constitutional right," if he could have why he should congratulate himself upon not yet altered or changed—but blazing out on the face of its proceedings, professeses which was denied by the organic law. Not shewn it, would have been strong enough this newly discovered source of popular in letters of living light-I do solemnly de-only to represent the opinions of the friends Mr. B. said he regarded the present bill only were express powers granted, but othe for him to have stood upon. But he lays power. I can see nothing, sir, in this forty- clare that I should consider myself as hav- of reform of the State. Here, then, we have as an invasion of the people's rights. It was er powers were denied. However gentle- claim also to the "legal right." This sure- second article of the bill of rights which ing committed that most foul and damnable the representatives of representatives only, so by implication at least, whether its friends men might differ as to the competency of ly, sir, was an unnecessary expletive. I looks, in any sense whatever, to the call of of all sins—foul and damnable, both in the coming to this body. And could it be said designed it or not. It assumes that the peo- the general assembly to exercise all legisla- fear the gentleman did not intend those a convention, or which recognizes such a sight of God and man—the sin of perjury— that the opinions of such persons, thus ap-

ple have no right, independently of the pro- tive powers, whether expressly granted or words for this intelligent assembly. They right, even in the people themselves. The were I vote for the bill in the form in which proaching the legislature, were entitled to as visions of the bill, to express themselves for not, he presumed none would maintain that were used, perhaps, for another, and a dif- language of the article assumes, as a conced- it now lies on your table. With other gen- much respect as if the people themselves had or against a convention. Now, Mr. B. they had the right to exercise such as were ferent tribunal. Legal right! Will the ed proposition, that the right to alter or the right to thought, that the people had at all times the expressly prohibited. Now if there was gentleman shew me the law, in pursuance change the constitution is and ought to be do-I will not call in question their sense not. The memorialists were but politicians right to express their sentiments upon ques- any subject on which the constitution had of which, he claims the right to call this in the legislature, and not in the people.— of propriety, nor will I suffer myself to representing politicians; and Mr. B. had tions affecting the public interest. And spoken more plainly than on any other, it convention? There is no such law; and And then in accordance with this assump- doubt for a moment the purity of purpose long since learnt to know that politicians when occasion required it, they would make was the power of changing and altering its the gentleman knows it. Then cut out tion, it declares that the legislature ought which has induced them to bring forward not only did not control the people; but themselves heard and felt, too, by their pub- own provisions. It had not only express- those words, sir, for they are at least paren- not to alter or change any part thereof, "but such a bill for the deliberate sanction of the very seldom faithfully represented their true lic agents. In the exercise of the elective ly confided that power to the general as- thetic. They were intended but to round in such manner as this convention shall pre- general assembly. franchise, and through the ballot box, that sembly, but it had also forbid the exercise off a sentence—to sound upon the ear— scribe and direct." Now, sir, if the framers Mr. B. said he agreed with the gentleman morial ask for? Does it ask that we shall

government ought to be had—to such, he tion threatened to burst over them, those discovery, to the gentleman from Baltimore the framers of that instrument, to confide more than what may rightfully be done, will be, to advise the legislature as to the supposed, the bill now under consideration constitutional rights were subjects of especitive. I listened to the speech of the gentle- the whole power over the subject of amend- under this constitution, let them do so. Let substance, and as to the extent of the prowould be altogether unacceptable. How- cial commendation to every patriot in the man from Frederick (Mr. Lowe) with great ment to the legislature. The power of the them go forth, and invoke the mountains posed alterations in the constitution. Whatever gentlemen might differ as to the absubject of the inherent rights of the people to change or altar subject of the inherent rights of the people, not think he has redeemed his promise. He contemplated by them for a moment. They

son, of all their rights, both "constitutional" Their cause was emphatically the cause of are not the people with inherent rights.--

most potent of all political engines, they of it in any other mode. Gentlemen might and mayhap to deceive the people. The of this article of the bill of rights had ever that the people had some powers which the callaconvention of the people, which convenhad the right, the constitutional right, to be talk as they pleased of the inherent and unidea, sir, that reform by a convention of the looked to the exercise of the "reserved rights legislature had not. But when he spoke of tion shall have full power to make amendheard. Then why pass a bill to authorise alienable rights of the people, is a "constitutional legal right," is, of the people," in the form of a convention the powers of the legislature, he spoke of ments and alterations in the constitution? them to express their opinions? It was idle longed to a party that had always been fore- however, not entirely orginal with the gen- or otherwise, in reference to this power of their constitutional powers, such as they No, sir. It simply prays that an act may be to profess by a mere act of the legislature most, both in times pre- tleman from Baltimore city. I think it owes amendment, they surely would have ex- might rightfully exercise under and by vir- passed by this general assembly, calling a to give them this right. It was an insult sent, in defending those rights; but that much of its paternity to the gentleman from pressed themselves fully on this subject.— tue of the constitution of the State. We convention of the people, with power to to them, and but a mockery of their consti- same party were also equally vigilant in pro- Frederick, (Mr. Lowe.) He told us in his Here, was the very place were, it was true, the representatives of the propose modifications and amendments to tutional privileges. If he could assign no tecting the constitutional rights of the peo- introductory speech upon this subject, to have inserted some provision of the kind. people—sent here with powers delegated the constitution, and to be submitted to a other reason, this alone would be sufficient ple. The constitutional rights of the peo- that when he approached the great question They have not done so. This deliberate by them, but our powers, as representatives succeeding legislature for their ratification to induce him to vote against the bill. ple were as sacred and as worthy of defence of reform, he would prove conventional re- and studied silence upon the subject of of the people, were limited and defined.— and adoption. The convention contempla-Mr. B said that to those who are in favor as their inherent rights. And in times like form to be a "constitutional right." I do changing the constitution, by means of a As a legislature, we had no right to do any ted by this memorial, is to have in itself, of reform—who sincerely believe that some the present, when the political horizon was not think he ventured to claim the "legal convention of the people, can only be aschange in the forms and principles of the unclouded, and no storms of civil commo- right." We are indebted, at least for this cribed to a settled purpose on the part of Sir, if gentlemen propose to do any thing ever. Its sole business, and its sole duty

It then goes on to prescribe the manner in with them in every effort that may be neces-

the proposed measure is adoped it will not people to do it, in opposition to the forms right" with which we have now to deal.— or not repugnant to, the constitution. Now, part of either of them. It contains also a uttering tirades of abuse and denunciation be binding on the people. We are called and limitations of that constitution is an- [Mr. B. here read an extract from the speech he would again ask the genleman from Bal- provision, in the event that any changes or against the general assembly, they can bring on to pass a mere advisory or recommenda- other. Whilst all would be willing to ad- of Mr. McLane, as reported in the alterations are made by the general assem- this body into odium with the people; if tory act. We are to recommend to the mit the former, Mr. B. could well excuse which he says "he does not deem it neces- constitution or bill of rights which autho- bly, that such amendments shall be submit- their object is to engender feelings of dispeople the expression of their opinion those who had their doubts as to the latter. sary to open the question of the natural rizes the call of a convention of the people ted to the people for their ratification or re- trust, or to encourage a spirit of opposition whether a convention will or will not be ex- One thing was perfectly obvious, and, Mr. right of man to alter his system of govern- to reform or alter any of its provisions? __ jection through the action of a succeeding and hostility between the people and the pedient. This is the sole provision of the B. was surprised that it had not occurred to ment. The true issue is, the right of the The gentleman refers to the forty-second legislature. Now, sir, said Mr. B., this lan- legislature, I can tell them, sir, they will bill. Such a recommendation can be of no gentlemen. If the people, in the exer- people to change their fundamental law in article of the bill of rights, in which he sup- guage is directed not to the general assem- have nothing to boast of when they shall binding force. The people have the right cise of what they may choose to term their a constitutional legal way-not their revo- poses, if the power to call a convention is bly only. It addresses itself to the whole have succeeded in accomplishing their denot expressly given, there is yet nothing people, and to every department and portion signs. They may destroy the usefulness pinions. Mr. B. would like to be informed such power, then it is a power independent Mr. B was glad the gentleman had chosen there to prohibit it. What says the forty- of the government. It not only prescribes of the legislature; but it will be a victory in what manner gentlemen are prepared to of the legislature and not derived from it.— that ground. And if he could shew that second article of the bill of rights? "That and and directs, in accordance with the pro- over the constitutional liberties of the peameet such a contingency? Will they re- If Mr. B. though, as some of his opponents the people had no "constitutional legal this declaration of tights or the form of visions of the forty-second article of the ple—a victory subversive in its results of gard it as an act of contumacy, describing of profess to think, that the people had the right? to call a convention to alter or change government to be established by this con- bill or rights, "the manner" in which the all the principles of free, representative gopunishment by the summary process of this power to change their constitution at will, the constitution at will bring along House? or will it be considered as little by virtue of their inherent and reserved theman from Baltimore city, who was known not to be altered, changed or abolished by tions, but it goes still further. It declares with it no laurels which a republican statesless than high treason? We call upon the rights—rights which they were not capable to possess, not only great intelligence but the legislature of this State, but in such that no changes and alterations shall be man should desire to wear. It is here, sir, of delegating—he would be the last man a large share of candor, to admit that the manner as this convention shall prescribe made, unless they be made by the legislature, in this branch of the government, and in this Now, Mr. B. would ask, whether such a in the world to ask of the legislature the bill under consideration ought not to pass. and direct." The gentleman says that this and in the mode prescribed. No changes branch of the government only, that the proceeding could, in any just sense, be class- passage of any bill whatsoever in reference Mr. B. did not deny the right of the people article contains a restriction or limitation shall be made by the people—none by any people are represented. They are here toed among the duties or functions of the le- to the subject. He would leave the people to change their fundamental law in a "con- on the power of the legislature only. It other department of government — none day, sir. They are here in your person and gislative department of the government.— to act their own part, in virtue of their own stitutional legal way," That was the very does not affect the power of the people. It even by the legislature itself, but in the man- in my person, and in the person of each and The legislature, under the constitution, can reserved rights, and would not deign or way in which he (Mr. B.) desired them to does not prohibit the call of a convention ner prescribed. I ask the gentleman if words every one of us, with unrestricted freedom of exercise no other power than the law mak- condescend to ask any action from the le- make the change, if any change was wanted. by the people more clearly expressing a denial of powers speech and of thought, and with no other liming power. The exercise of all other pow- gislature, who had and could have no con- But he denied that a convention of the peo- may rightfully exercise that power. But I to the people, on the subject of reforming itation ontheir legislative power, save only

popular freedom. In a state of resistance to we are but agents of the people, with in-

limited and restricted, but our interests are

ers is expressly prohibited. To render an trol or jurisdiction over such reserved pow- ple, under the provision of the constitution, ask, is there any power given by this article the constitution, could have been used?— that which they themselves have imposed by act of the legislature constitutional, it must. ers. Sir, if such were my views I would as it now stands, was a "constitutional legal to the legislature to provide for the call of This article is not, as the gentleman sep- the written constitution of the State. Let genin Mr. B's judgment, have the power and not come to the general assembly, the very way." He would enquire of the gentleman a convention of the people? Mr. B. said that poses and has argued, a mere designation themen, then, take care how they wage war binding force of law. It is the peculiar body whose power I was endeavoring to from Baltimore city (Mr. McLane) if this was the issue between the gentleman and "of the manner" in which the general as- against "the people's" representatives. But privilege of the people to petition the legis- overturn and destroy, to seek for immunity, was not the real question at issue, and himself. We are now discussing, not the sembly shall make amendments to the con- above all, let them take care that they do lature, and to ask of them the passage of or to ask for power. I could not reasonal whether he (Mr. B.) had not correctly stated abstract rights of the people, but the power stitution. But it is prohibitory of every not exceed the limits of their power, or laws for their benefit. It is the province of bly expect any assistance from them in my it. (Mr. McLane assented.) Now, sir, and duties of the legislature. The people other mode of change—prohibitory to the violate the injunctions which have been the legislature to enact laws on their peti- crusade against the government, of which by "constitutional right," I mean, and I think had right which the legislature had not; legislature—prohibitory to the people—and imposed on them by "the people's" con-