

Assembly. Nine Senators were to be taken from the Western, and six from the Eastern Shore, to be chosen by an Electoral College, to which each county was entitled to send two; and the Governor was to be elected annually, by the joint ballot of both branches of the Legislature, thus constituted. This was the government, and *this the compact*, into which the people of the different counties of the State, through their Delegates to the convention entered when the constitution was adopted, and there is little risk in affirming that it never would have been assented to, but for those provisions. The proviso to the 59th article of the Constitution, the whole of which has been already quoted, is especially applicable to this view of the subject, so far as the Eastern Shore is concerned—that proviso is, “that nothing in this Form of Government, which relates to the Eastern Shore particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof, at least two-thirds of all the members of each branch of the General Assembly shall concur.”

The undersigned think, that the insertion of this provision, must have materially influenced the Delegates from the Eastern Shore, in giving their assent to the constitution, and that to violate it, by changing that instrument in any other way than the mode prescribed, would be a breach of the compact for which there could be no excuse.

But if, as the advocates of a convention assert, the restriction in the 59th article, is only applicable to changes of the constitution by the Legislature; whence is derived the power to that body to call a convention for that purpose. If the Legislature can itself, only alter the instrument in the mode prescribed, how can they confer power over it, to another? they cannot surely, confer an authority upon a convention which they do not possess themselves, because this would be doing indirectly what they are prohibited from doing directly,—a mode of exercising power, which the undersigned could not think of recommending.

If however, it be said, that the convention is not itself to form a constitution, but to recommend such alterations or modifications to the General Assembly as to them may seem expedient, then we respectfully submit, that the labor and expense attending such an assemblage, would most probably be thrown away, as there is no reason to believe, that such recommendations coming from a convention, would be more likely to find favor with the Legislature, than suggestions made in a different way. If on the contrary it be the design that a new constitution, or alterations in the present constitution, are to be adopted by the convention, and submitted directly to the people for their ratification or rejection, and this under the authority of a Legislature, expressly restricted in the mode of changing that instrument, then we submit, the attempt is to procure from the Legislature by indirection, that which in terms they are clearly prohibited from doing directly, and consequently it is asking them to violate the oath which they took, when they qualified as members.