

ercise of a sound discretion, within the limits of the delegated authority. But whenever there is a special delegation of power, with prescribed restrictions, it destroys all exercise of discretion, and the party to whom the power is delegated must conform strictly to the restrictions imposed, as connected with his delegated authority. The two positions here advanced, it is presumed, can not be controverted. We will endeavor to exemplify them.

The Constitution vests in the Legislature of Maryland, power to pass such laws, for the municipal regulation and good government of the State, as in their judgments will best promote the public interest and convenience. Here is a general delegation of power for general purposes, where a sound discretion may be exercised; restricted, however, within constitutional limits. They can pass no *ex post facto* law—no law impairing the obligations of contracts, &c. These being prohibited by the Constitution. By the fifty-ninth section of the Constitution of this State, to which one of the reports refers, power is vested in the Legislature, to change the Constitution in a particular mode; at the same time using strong negatives against its being changed in any other way. The language used reads thus: "That this Form of Government, and the Declaration of Rights, and no part thereof, shall be altered, changed, or abolished, unless a *bill* so to alter, change, or abolish the same, shall pass the General Assembly, and be published at least three months before a new election, and shall be confirmed by the General Assembly, after a new election of delegates, in the first session after such new election." Here then is a special delegation of power, to be exercised in a particular way, to effect a particular purpose, to wit: a change of the Constitution, and if to effect such change means are used not recognized in the Constitution, or power is exercised not specially delegated, it would seem to your Committee to be an assumption over and above the grant conferring on them the ability to act, and therefore illegal and unconstitutional.