

for which the government was organized. Without intending to enter into the argument, it may not be amiss to remark, that one of the modes of ascertaining the true meaning of the Bill of Rights is to be found in the practice purporting to be in pursuance of its provisions, of those by whom it was framed. Looking for that practice we find the statute books of Maryland are full of laws authorizing the opening and establishing of roads. And we find also there, numerous acts of Assembly delegating power, (and the Legislature cannot delegate what it does not possess) to the corporate authorities of cities to open, pave and otherwise improve streets, and to commissioners and other officers of counties to lay out and repair roads; to build bridges, and to levy on the assessable property within their respective jurisdictions, taxes to defray the expenses attendant upon the exercise of the powers thus granted.

Whatever may be the contrariety of opinions, all doubtless, honestly entertained, as to the constitutional competency of the Legislature which contracted our internal improvement debt, it would seem there must be a concurrence of opinion, that the present lamentable state of things demands some guaranty to the rights of private property for the future. However the contest between those who deny, and those who contend for the existence of this power in government may eventually, it is easy to foresee the most lamentable consequences are inevitable to the one or the other class, equally innocent, of its unfortunate victims. If the debt could be repudiated, numerous bond-holders are to be beggared; and if it is paid, the people of the State are to be oppressed, most grievously, with taxation. — Seeing this, ought not all to unite in devising an effectual, complete and perfect guard against a possibility of such painful alternatives.

Experience proves that the vigilance of the people is not always a sufficient guard against improvident legislation. Occupied as they must be, by daily returning toil, in pursuits intended to secure personal comfort for themselves and their families, they have not an eye constantly fixed on the proceedings of their representatives. Intervals of a long series of years will occur, when public attention is diverted too much from the action of government, and at such times, mistakes and abuses, in the administration of public affairs, gross and glaring, will be committed necessarily. For these ordinarily, a remedy is to be found in a change of rulers. — No such remedy however can be applied where the public faith has been pledged under contracts, entered into by one generation, to be fulfilled by another. This being the case, the instances in which, and the purposes for which a public debt may be contracted, ought to be pointed out as distinctly as possible, in the constitution.

As necessarily connected with the public debt and internal improvements of the State, the attention of the Legislature is invited to the Law passed at December session 1840, prescribing the mode in which all agents and directors intended to represent the State in the joint stock companies, shall be appointed and continued in office. To appreciate the purpose, intent and effect of this law, a few preliminary observations are indispensable.

It is known everywhere, that prior to 1836 the Governor of Maryland was elected by joint ballot of the two Houses of the Legislature. It is equally well known, that at that time, such was the unjust principle of apportionment