

June 1776, it was resolved, on July 3rd, that a convention should be elected to form a new government "by the authority of the people only." A resolution also fixed the proportion of delegates, who should compose it. Frederick was then the most populous county in the State. It was allowed *four* delegates from each of the *three* districts into which it was divided. Can it be pretended that the counties stood upon a political equality, when Frederick had twelve delegates, and Calvert, Charles, St. Mary's and the others, only four each? And it will be found by reference to the proceedings of the Convention, held in August 1776, that there were actually present at its opening, eleven delegates from Frederick county. It will be seen, also, that in this convention, the vote was not taken by counties, but that the delegates divided freely on the one side or the other, as their several opinions inclined them.

This circumstance, satisfies the undersigned that the convention which formed the constitution of this State, was not a convention of the several counties, for in that case the vote would have been taken by counties, but that it was assembled by the authority of the people of the Province, acting within their usual municipal limits. If the different representation, accorded to Frederick county, did not satisfy them of this fact, the vote upon all propositions in the convention would conclusively establish it. They respectfully submit, therefore, that the constitution and form of government, agreed upon by that convention, was no more a compact between the shores, or counties, than any law now passed by your honorable body, could be so regarded. It is the constitution of the people of this State, who formed it through delegates, elected in such a manner, as was suggested to them by the convenient nature of their local divisions.

Having expressed, as briefly as the nature of case permits, their interpretation of the organic nature of the convention which formed the bill of rights and constitution of the State, the undersigned will now examine in what way the said constitution can be legally changed, or altered.

They would respectfully inquire, what would be the position of the Legislature of this State, if the forty-second article of the bill of rights, and the fifty-ninth article of the constitution, were not parts of those instruments respectively. There is no doubt that the Legislature is the agent of the people, exercising powers confided to its care by the grant which the constitution contains. If we accept the construction of the committee, who reported in 1847, against a convention, the Legislature of this State can do nothing except what it is specially empowered to undertake. It could, therefore, in such event, whatever might have been the defects in the instrument, no more have amended it, than one receiving and acting under a power of attorney, can alter, qualify, or enlarge, by his own will, the grant of authority conferred upon him.

It is certain, then, that the 59th article, whatever may have been its effect in other particulars, operated as an enlargement of the