

powers of the Legislature, and not as a restriction thereon. The provision that the alteration, which it might enact, should be again enacted by a succeeding Legislature, was a qualification imposed upon this enlarged grant; being manifestly designed as a mode of testing, at the intervening election, the sense of the people upon the proposed amendment. The undersigned, therefore, say, that if the declaration of rights had not contained the 42nd article, or the constitution the 59th, the people would have been compelled to have assembled in convention for the purpose of effecting any change. It seems to them that the true construction of these clauses, goes no further than the prevention of this necessity.— They do not impede the assembling of the people, if the necessity for such assembling should arise, for the purpose of reforming the old, or creating a new instrument.

The undersigned, would further observe, that the declaration of rights and the constitution of the State, are of equal sanctity, and are to be construed together as parts of the same instrument. It is proper, then, to consider the 42nd article of the bill of rights, with the 59th article of the constitution. The first named, says: “This declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed or abolished *by the Legislature of this State*, but in such manner as this convention shall prescribe and direct.”

Now, what is the meaning of this clause? The undersigned, frankly confess, that they can perceive but one. Is it not perfectly clear that it was intended to prevent *the Legislature* from exercising the power of arbitrary alteration? Otherwise, why were the words “by the Legislature” inserted at all? It is true, that according to the interpretation of the undersigned, the whole article is needless; but it was doubtless inserted out of abundant caution. Its presence, however, is highly valuable as an element of interpretation, and as such, the undersigned would employ it. Suppose that the words in question had been omitted. There would have been presented the singular spectacle of a people, who had exercised the right of overthrowing one form of government, partially elected by themselves, establishing another on such a basis, as placed it beyond their direct control. Now, suppose that the 59th article was absent also, the Legislature could not alter the constitution, because they would not then have been empowered so to do; and, according to the theory of the report of 1847, the people could not, because there was no mode provided for it, except by the process of a Revolution. Is it not at once apparent from this view, that the 59th article is not a limitation, but a grant of power, restricted only by that portion which relates to the Eastern Shore? In fine, had the words “by the Legislature” been absent from the 42d article of the bill of rights, the convention would have by that act, have conferred all power over the constitution without check or limit, upon the Legislature. Had the 59th