

article been absent, no change, whatever, could have been made in the constitution, except by revolution.

There is a rule in physics, which very well applies to subjects of this description. We can better judge the effect of a force, by observing its withdrawal, than by considering its presence as part of an aggregate number. If the words "by the Legislature" were absent from the 42nd article of the bill of rights, would it mean the same thing, as when they were present? That convention was then demonstrating that it had power to alter the old form of government, and it assumed to act upon a legal organization. If the meaning had been the same without, as with the words in question, it would have operated as a denial upon the part of a convention assembled as that was, of its own legality, because it had assumed, without a verbal authority or sealed commission, to change the form of government. But the passage is not reduced to this absurdity. The common principles of construction, require that it should have a meaning, and that meaning lies upon the surface. The article provided that no alteration should be made "by the Legislature," except as thereafter directed. Having placed a restraint upon this body, the creation of its will, it left the great sum of popular rights where it found them, for the reason, among others, that it had no power to control them by an absolute inhibition.

Applying the same principal to the 59th article, we see, that if it were absent, the Legislature could not amend the constitution at all. Being present, the only effect is the precise converse of this, viz: that the Legislature can amend it in the manner prescribed. The general words, "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, 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; Provided, 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,"—must be construed by all that relate to them in the preceding parts of both instruments. The words "by the Legislature," in the 42nd article of the bill of rights, thus acquire their full sense and signification. The 59th article is the prescription of the only mode in which the Legislature can exercise the power impliedly given to it by the 42nd article of the bill of rights.

The undersigned, therefore, conclude that the 42nd article in the bill of rights, was intended to restrain the Legislature from acting, except in the manner prescribed by the constitution; and that the the 59th article of the Constitution was intended to direct the Legislature in the mode of exercising the power contemplated in the bill of rights, as forming a part of its authority.