

in their hands it is as clay in the hands of the potter; they have a right to mould, to preserve, to improve, to refine, and to finish it as they please. If so, can it be doubted that they have the right likewise to change it."

General Hamilton, discussing the objection made to the Federal Constitution because of the absence of a Declaration of Rights says: "They have no application to constitutions properly founded upon the power of the people, and executed by their immediate representatives and servants. Here in strictness the people surrender nothing, and as they retain everything, they have no need for particular reservations."

Such is the singular coincidence of opinion, on this subject, among men entitled to rank as the fathers of the republic, who, on other important questions have differed widely from each other. Nor are these opinions unsanctioned by the practical exercise of popular sovereignty.

The articles of confederation contained provisions for their alteration, much stronger and more exclusive than the bill of rights and form of government of Maryland. The 13th article, after declaring that the articles of confederation should be inviolably preserved, and that the union should be perpetual, proceeds, "nor shall any alterations at any time hereafter be made in any of them, unless such alterations be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State."

In February, 1787, Congress recommended the assembling of a Convention of Delegates from the States, for the purpose of revising the articles of confederation. That convention met in Philadelphia in May of the same year, and proceeded to form an entirely new government, providing "that the ratifications of the conventions of nine States shall be sufficient for the establishment of the Constitution between the States ratifying the same." The government was put in operation the instant the ratifications of nine out of the original thirteen States were procured - and yet, although the Federal government was thus organized in direct derogation of the articles of confederation, no one has ever ventured that government a usurpation, or inoperative and void.

The constitution of New York contained provisions, very similar to our own, empowering the Legislature to amend that instrument. Notwithstanding this, a convention of the people has recently revised the constitution of that State, and the new government is now in vigorous and successful operation.

Independently of these high and incontrovertible authorities, an interpretation of the constitution almost contemporaneous with its formation, made by a Legislature composed, in all probability of some of the very men who were members of the convention, will conclusively settle the question, both as it regards the power of the people and the authority of the General Assembly to pass a law for the call of a convention.

By the single act of November session 1787, eleven years after the organization of the State government, a convention was called to consider and ratify or reject the constitution of the United States. That convention assembled at Annapolis and without delay ratified the Federal Constitution; and by that act of ratification, transferred and delegated to the general government, many and important powers, which before that time, belonged exclusively to the State. No one has ever complained, either that the act of Assembly was unconstitutional, or that the proceedings of the convention were unauthorized and void. The power of the people and the right of the Legislature are thus placed beyond all doubt.