

Art. 6. That all persons invested with the Legislative or Executive powers of Government are Trustees of the Public, and as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

An act of assembly delegating the power of taxation to certain taxable inhabitants, held not to violate this article. *Burgess v. Pue*, 2 Gill, 19.

Art. 7. That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose elections ought to be free and frequent, and every¹ male citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

This article referred to in construing art. 15 of Declaration of Rights—see notes thereto. *State v. C. & P. R. R. Co.*, 40 Md. 63 (dissenting opinion).

This article referred to in construing art. 1, secs. 1 to 5, of Md. Constitution—see notes thereto. *Anderson v. Baker*, 23 Md. 600, 580, and 568.

This article referred to in construing art. 3, sec. 29, of the Md. Constitution—see notes thereto. *Postal Tel. Co. v. State*, 110 Md. 612.

Art. 8. That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.

Limitations upon legislative powers.

The act of 1906, ch. 450, determining what amount is due by one county to another in connection with a certain bridge, and directing its payment, together with a certain sum annually for the maintenance of the bridge, held void under this article. Cases reviewed and distinguished. *Queen Anne's County v. Talbot County*, 108 Md. 197.

The act of 1854, ch. 160, authorizing the court upon application, and on the establishment of a *prima facie* case, to open certain decrees, provided the court should be satisfied that justice would be promoted thereby, held not to violate this article. *Calvert v. Williams*, 10 Md. 486.

The act of 1872, ch. 310, purporting to authorize the court of appeals to reopen and rehear certain cases and pass such judgments, decrees, etc., as right and justice require, held invalid under this article. *Dorsey v. Gary*, 37 Md. 79.

The act of 1845, ch. 358, requiring Washington county court to grant an appeal in a certain case and providing what should be contained in the record, held to be unconstitutional under this article. *Miller v. State*, 8 Gill, 145.

The act of 1868, ch. 249, held, in so far as it authorized the courts to change the effect of decrees which had become final, to be void under this article. *Roche v. Waters*, 72 Md. 272.

The legislature may not in any given determination of the court of appeals, declare what would be the rights of the parties, since that is a judicial power. *Prout v. Berry*, 2 Gill, 147.

The legislature may pass resolutions directing credits or the waiver of interest upon judgments of the state against a county clerk and the sureties upon his bond. *Green's Estate*, 4 Md. Ch. 349.

The act of 1825, ch. 190, purporting to abolish the corporation known as "The Regents of the University of Maryland," and to appoint trustees composed of different persons, and to transfer to the latter all the franchises and property of the corporation, held to be in violation of this article, since it is an exercise of judicial power by the legislature. It is difficult to perceive how an unconstitutional act can be made valid by a subsequent acquiescence in it. *University of Maryland v. Williams*, 9 G. & J. 410.

Act of 1816, ch. 157, vacating certain deeds, decrees, etc., held to violate this article. *Berrett v. Oliver*, 7 G. & J. 206; *University of Md. v. Williams*, 9 G. & J. 411. And see *Daly v. Morgan*, 69 Md. 476 (dissenting opinion).

¹ The word "white" omitted under the 15th amendment to the Constitution of the United States.

The word "male" is no longer effective under the 19th amendment to the Constitution of the United States.