the 3d February, 1864, directed a vote to be taken upon the call of a convention; if a majority should decide in favor of the call, an election of delegates was to be held in the manner directed by the act, which also prescribed an oath to be taken by the challenged voter (of very doubtful legality.) The sixth section provides that the form of government prepared by the convention shall be submitted to the legal and qualified voters of the State for their adoption or rejection; that the provisions of said act *for the qualification of voters*, and the holding of the elections provided for in the previous sections, shall be applicable to the election to be held under that section. The eighth section provides, that if a majority of the legal voters shall adopt the said form of government as a constitution, the governor shall issue his proclamation declaring the fact.

In the form of government fabricated by the convention and submitted to the people, a provision exists, requiring as an essential qualification for the legal voters of the State, before casting their ballots for or against the said paper, that they shall take an oath not provided for in the constitution under which we live, or any law to be found upon the statute books, and in express violation of the requirements of the act of 1864, under which a legal existence was derived to the convention. This attempted innovation upon the constitution and statutes of the State must be designated for some sinister object, no less, we presume, than a disfranchisement of a large portion of the qualified voters, whose residence, property and interests identify them with the State. If a majority of the voters shall reject the said plan of government it will be inoperative and as a piece of blank paper. It is *now* of no more force or validity than any act reported to either branch of the legislature and not acted upon. It is a mere proposition which is to be accepted or repudiated. It is but a skeleton, a form or plan, without vitality or energy. It requires the people to breathe into it life and power; till then it is as a feather floating upon the breeze of popular opinion. If this be the true character of the instrument, how can it now, inert, inactive, without any symptoms of legal existence, contain power to disfranchise a voter, and subject him to a trial and ordeal unknown to the constitution and laws under which we are living? We hold our property, our rights and privileges under the constitution of 1851, and the laws of the State made in pursuance thereof. Could the proposed constitution, before its adoption, deprive a man of his property or liberty if it contained such provisions? No one would assert it. How then can it affect a voter's constitutional right to vote at "*every election*" to be held? The same reason would apply to both, because of its inherent want of life and energy. It follows that the provision is unconstitutional. The convention exceeded its authority, and as far as that excess extends its pretended enactment is inoperative and void. But as judges of elections, who are not supposed to be very conversant with law, and may deem themselves under an obligation to conform to its provisions in the respect mentioned, and as the legal and qualified voters must look to another and higher source of power and authority for anticipated redress and a vindication of their constitutional and legal rights, they naturally turn to *you*, the chief executive of the State, and ask your prompt and efficient interposition by a proclamation or letter of instruction to the judges of election to disregard the unjust and illegal requirements attempted to be put upon the loyal voters of the State. The fourth article of the bill of rights declares that the executive is the trustee of the public. The fifth article says that "every free white male citizen, having the qualifications prescibed by the constitution, ought to have the right of suffrage." The ninth section of the first article of the constitution declares that the governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia, repel invasions, suppress insurrections, and *enforce the execution* of the laws. The next section, ten, declares that the "governor *shall take care that the laws be faithfully executed.*" A law is a rule of action prescribed by the supreme power of the State. The legislature is the law-making power. If it should be convened by your excellency, it would now be the supreme and only law-making department of the government within constitutional limits. As there cannot be two law-making powers in existence at the same time, it is evident that the action of the convention in the matter referred to is nugatory and should be held to be of no avail. If the law as it now exists is suffered to be overcome or overridden by the unlawful assumptions of the convention, then are the laws not executed in the State in a matter vital to the best interests of the citizen? The manner of preventing such an outrage upon the rights of the citizen is left to the executive. It was never intended to be a barren power that was not to be wielded in a crisis like the present. There is no authority to redress the wrong after it is perpetrated. The mischief once done is irreparable. There is no tribunal to which the people can appeal but to you. You hold their rights and privileges in your keeping. You are a "trustee" for them, and you have all the discretion and latitude of power to prevent the wrong as the nature of the case demands. The rejected voters may sue the judges of election, but that will not prevent the consummation of the outrage. Whatever the case requires, you have the power commensurate with the necessity. You are to "take care that the