own conviction of the wrongful and illegal requisition is without a shadow of doubt. I have received from you so many proofs of your regard and confidence, communicated in a manner so very flattering and agreeable, that it enhances my regrets at the different views I have to take of constitutional law and executive duty. In what may be further said, I beg to assure you that I shall do so with perfect respect to you and your views, and yet with the freedom which a friend and citizen may take, when in his own mind he is vindicating the cause of truth and of law.

It is scarcely necessary to say that the objectional provisions of the proposed constitution would not prevent the enjoyment of my suffrage, and that I have no other interest in the matter than as a citizen of the State, who desires the constitution to be observed and the law respected.

In regard to the unconstitutionality of the provision which requires an oath of voters unknown to the constitution and in repugnance to it and to the law, I did not suppose that any lawyer in the State (outside of the convention) could entertain a doubt, nor do I understand you to express any, and I am sure if you entertained one, no one could find language more expressive and cogent than yourself to declare it. But you are too good a lawyer to entertain such an opinion, and your unwillingness to interfere must be predicated on other grounds. You refer to the first constitution as not having been submitted to the people, and express the opinion that such reference was not essential to its validity. I have not the data and the facilities to examine into the history of that constitution, and cannot therefore venture an opinion upon the fact of its submission to a popular vote, but I may safely lay down as a postulate, that if the law which called the convention required its submission, it was done; if it did not require it, it gave plenary power to the convention to form a constitution by its own acts. Another postulate I may safely advance is, that if an act of the assembly, authorizing a vote of the people upon the question of convention or no convention, directs the manner of electing delegates, and requires their work, when done, to be submitted to the voters of the State, the convention cannot make a constitution that would be binding without its submission to and ratification by the people. You refer to an irregularity in calling the convention of 1851, and the provisions of the old constitution upon the subject of its amendment. I believe that some did think the manner of the call irregular, but not that the people could be restrained from making another constitution. However, if it proves anything, it is only as to the manner of calling it, not to any abridgment of the people's rights under it. The call, if irregular, was made by the people, for their benefit, to enable them to form such a constitution as they wished, embracing their views and opinions which the changed circumstances and progress of the age made expedient, but there was no complaint that the sovereign people were affected or prejudiced in their rights by any innovation. If the opinion was well founded, it only shew that the people were sovereign, and did not feel bound by forms and regulations which affected only the time and manner of doing what they thought should be done in a briefer period and a different mode. It was the *people* who did and sanctioned it. If then these irregularities existed, of which you write, they were those of the people, the *masters*, to carry out and effectuate their own will, and not those of their own agents or deputies appointed by them, and whose acts are now attempted to be set up to defeat the will and purposes of their principals and sovereigns. It would be an anomaly to allow an agent to prescribe terms to his principal to restrict him and deprive him of his primary and essential rights; or where there were a number of principals, that the agent should select such as he pleased to adjust their accounts, or make conditions precedent that would exclude some from any participation in the settlement. But the reason applies with greater force where a constitution is to be made for all time, when the prohibition is to be perpetual, binding not only the present but future generations.

If the late convention had authority to insert the oath as a prerequisite to the right to vote, they had equal authority to insert other provisions upon that subject. The constitution declares that voting shall be by ballot. Had the convention power to change that requirement and say it should be *viva voce?* The constitution enacts "that every free white male person of twenty-one years of age, who shall have been one year next preceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county, in which he may offer to vote, and being at the time a citizen of the United States, *shall be entitled to vote* in the ward or election district in which he resides, *in all elections hereafter to be held*, and at all such elections the vote shall be by ballot." (Article 1, section 1.) Would it not, therefore, have been as competent for the convention to abrogate the ballot as the elective franchise of those who, in the same article, are declared to be entitled to exercise it? Suppose the convention had required of every one offering to vote, to swear that he was worth five hundred acres of land and a stated amount of personal estate? Suppose it had asserted that every free male person, without distinction of color, over twenty-one years of age, &c., should be entitled to vote, would these attempts be more palpably unconstitutional than the other in regard to the oath? To be sure, they strike the moral sense with