

The question of a Convention to revise the Constitution of the State is, at all times one of deep interest to its citizens, and is just now enhanced by considerations, which, in my opinion, require you to dispose of the subject by early action, and in a spirit of calm, dispassionate and unprejudiced deliberation.

The first point involved in its consideration is one of Constitutional power. It has been supposed by some that inasmuch as the Constitution provides that the question of its amendment shall be submitted to the people by the Legislature which assembles first after the taking of each census, that such question can be submitted at no other time and by no other body, and that the last Legislature having failed to perform that Constitutional duty, it cannot be discharged by the present. The error of such a theory is in failing to discriminate between a question of *duty* and one of *right*; for though the duty imposed by the Constitution of submitting the subject of its amendment to the people at stated times, attaches only to the Legislature immediately succeeding the returns of the census, yet the right of submitting such a question and providing for such a Convention belongs as undoubtedly to you as it did to your immediate predecessors or to any preceding Legislature. Were this not the case it would be in the power of every Constitutional Convention to make the work of its hands practically unalterable, by requiring the question of its revision to be submitted to the people at such long intervals of time as would amount in effect to its indefinite postponement.

But it is next objected that if the present Legislature does possess this power, it can only be exercised in the precise manner prescribed by the 11th Article of the Constitution and that you can, therefore, only submit the question to the people at the general election of 1865.

If the right to exercise this power upon your part, was conferred only by that Article, such a conclusion would be undoubtedly correct; but such is not the case; in submitting the question at this time to the people you are not exercising any authority derived from the Article referred to, but are simply asserting a right which exists independently of that Article, which would belong to you if the Constitution had contained no such provision, and which still belongs to you as that instrument, though requiring such questions to be submitted at stated times, yet contains nothing that prohibits their submission at any other time.

It has again been by some supposed that the 43d Article of the Declaration of Rights, which declares "that this Constitu-