

tion shall not be altered, changed or abolished, except in the manner herein prescribed and directed," is a limitation upon your authority which obliges you to conform to the precise requirements of the 11th Article aforesaid. If this were so and this clause of the Bill of Rights could be construed as referring to *time* as well as *manner*, it would oblige you to postpone the subject altogether until after the taking of the next census. This, as I have attempted to show, is not the case, nor is there any thing in this clause of the Bill of Rights warranting such an inference or restricting the popular vote either to the general election succeeding the promulgation of each census or to any other general election. It is a mere declaration that the Constitution shall only be amended "*in the manner*," and not at the *time* "prescribed and directed," and this requisition is fully met when the Constitution is altered by a Convention of the people, assembled in pursuance of the voice of the people indicated at an election held for that purpose.

The manner in which our former Constitution was changed was, as we all remember, apparently in decided conflict with the provision it contained for its own amendment; certainly far more so than is presented by the objection last noticed.

It was by that Constitution expressly declared that it should only be changed or abolished by the Acts of two successive Legislatures in a manner particularly specified, yet it was entirely abrogated by the action of a Convention.

These views manifestly accord with the construction of the Constitution made by the Legislature of 1858, which by an Act passed at that session, and of course before the time prescribed by the Constitution, ordered a special election for the purpose of taking the sense of the people on a similar question, and made provision for a Convention in case the people should decide in favor of it; the majority, however, at that election being against a Convention that body never assembled.

Assuming therefore that you have the Constitutional power to provide for taking the sense of the people on this subject at a special election, and for such Convention in case their vote be in favor of it, the next question for your determination is whether such a course is at this time expedient.

Although, as I have already said, the same Constitutional obligation does not rest upon you that did upon your predecessors, it nevertheless would seem to be in some respects your duty to provide as far as possible against the consequences of their failure. The people had the right under the Constitution to pass upon the subject of a Convention at the general election of 1863, and if they have not been permitted