

your Honor had jurisdiction or power to restrain them from appointing or qualifying judges of election, the code of the State provides for their failure to appoint and for the failure of such judges to be present, by authorizing and directing justices of the peace to act as judges in such case, and in their absence or default, for the election of judges with full powers by the majority of the people present at the polls, whom the said complainants have not as yet ventured to pray that your Honor will enjoin. Your respondents, therefore, respectfully suggest, that even if the prayer of the complainants could be granted as made, it would result practically in nothing but possible confusion and certain irregularity and inconvenience. And, indeed, as the local jurisdiction of your Honor is limited and the result of the utmost exercise of the power which this court is invited by the complainants to assume could be nothing more than the interruption of the people of the City of Baltimore in voting under the legislation which is here impugned, it will be manifest to your Honor that the action of the complainants contemplates neither more nor less than leaving to the rest of the people of the State, to the exclusion of the people of Baltimore, the determination of the question of holding a convention and the election of delegates to compose it. In fact, as will thus be seen, the prevention of the election in the city of Baltimore would not only not prevent the convention from being held, but would prevent those who are opposed to it, as well as those who favor it, in said city, from being heard on the question.

But your respondents respectfully submit, that whatever may be the jurisdiction of chancery in restraining the execution of ordinary laws upon the allegation of their unconstitutionality, it is a novel doctrine that it is competent for the judiciary, or any part thereof, to assume the province of restraining the people themselves from the exercise of their sovereignty in modifying an existing constitution. And while it is quite clear that the Legislature are incompetent to assume any ordinary powers prohibited to them by the State Constitution existing, it has always been regarded as equally clear, your respondents are advised, that any legislative action upon a change of constitution, submitted to the people for their approbation and