

in one of its Articles, "that this form of Government and Declaration of Rights, and no part thereof, shall be altered, changed or abolished, unless a bill so to alter, change or abolish the same shall pass the General Assembly, and be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election of Delegates in the first session after such new election."

Yet the Constitution of 1851 under which we at present live, was not ordained in the manner thus limited and prescribed, but was the work of a Convention, and its validity was chiefly maintained upon the ground of the paramount authority of the people on the subject, and the plenary powers possessed by such a Convention. I would not be understood as concurring in all these conclusions, but I advert to such cases to show that the proceedings of this Convention of which you complain, may not be so unquestionably unconstitutional as to warrant upon that ground, as you suppose, the Executive action you invoke. I think it would have been wiser for the Convention to have avoided the exercise of all doubtful power, but having after due deliberation and discussion, adopted the changes in question, had they, in so doing, as clearly exceeded their authority, in my opinion, as they have in yours, I should still consider myself as obnoxious to the same objection, were I to interfere in the manner you suggest, for the purpose of nullifying their action. This Convention was elected by a majority of the voters of the State, and charged with the most important duty that they could delegate to representatives - the formation of a new Constitution. These Delegates have discharged that duty, and in the Constitution which they have adopted, they have, by a very decided majority, introduced the provision to which you object; for the Executive of the State to interpose in such a case, instruct the officers of the State to disregard these provisions, and to disregard them himself, upon the ground that he considers them unconstitutional, would not only be a precedent fraught with the most dangerous consequences, but would be the assumption of a judicial function which he is not at liberty to exercise, and a denial of that ordinary respect due to the proceedings of a deliberative body, and to the constituency they represent. Nor can I agree with you that "there is no authority to redress the wrong after it is perpetrated," and that "there is no tribunal to which the people can appeal but to you" (me). If any wrong has been perpetrated by the Convention, or any one should suffer in person or property by its wrongful action, surely the judicial tribunals of the State are the proper ones to redress the injury, and possess the power to do so.

You refer to "these times of exciting passion & prejudice", and to the period when "an enlightened, chastened and true public sentiment must succeed the agitation and injustice of these days." No one I assure you regrets such a state of things more than I do, or would go farther to promote such a chastened public sentiment, but I cannot but think that were I to interfere in the manner you propose,