

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 principals 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 of 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 citizen 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!" (Art. 1, Sec. 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 500 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 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 more force and shock the judgment; but analyzed, are they greater violations than the other? They all violate the letter and spirit of the Constitution and the genius of our Government, and undermine its foundation.

You refer to the language of the Act of 1864 which, in providing for the submission of the Constitution to the people, declares that it shall be submitted "at such time and in such manner and subject to such rules & regulations as said Convention may prescribe." You do not however contend that these expressions, quoted and italicised, give to the Convention the power they have assumed. The fixing of the time for holding the elections should of course be given to the Convention, because it was uncertain when they would adjourn, and also of the manner &c; these minor or inferior powers were intended to subserve the great object of calling the Convention; that is, to form a Constitution and obtain in a manner most convenient and agreeable to the people their true sentiments upon it.