

cannot forbear from again briefly adverting to it, and some of the considerations by which I feel constrained to take the course I have already indicated.

I am fully aware that in coming to the a different conclusion you are influenced by no personal motives, and that you can take the oath prescribed by the Convention as conscientiously as myself; such a conviction however, only the more inclines me to make manifest, if I can, the reasons that compel me to differ with you.

In adverting to that clause of the Act of Assembly which authorizes the Convention to submit the Constitution to the people, subject to such rules and regulations as it might prescribe, and to which I had previously called your attention, you seem to think the Legislature in the use of these terms only meant to confer upon the Convention "minor and inferior powers," such as "the fixing of the time for holding the election," "and also the manner &c", and that it was never thereby intended to give to the Convention the power it has assumed; but the more I reflect upon the purport of these terms the more I am inclined to think that in the use of them the General Assembly meant to confer some such power. If this was not their meaning, and they really intended, as you assume, only to allow the Convention to provide for the time and manner of the election, why was not the clause concluded with the "minor powers" thus conferred? Already in express terms, the Convention had been authorized to submit their work to the people, "at such time and in such manner" &c. What then, was meant by the further provision, that they should submit it "subject to such rules and regulations" as they might prescribe? A well known rule of construction requires us to give effect to every member of a sentence if it be possible, and if it was not intended that these rules and regulations to be prescribed by the Convention were to embrace the subject of the voters qualification, to what other subject could the Legislature have possibly meant them to apply.

But again you argue that this construction is inconsistent with the terms used in the latter clause of the same section, requiring the Constitution to be submitted "to the legal and qualified voters of the State", and from which you infer that no other qualification could have been contemplated but that provided in the existing Constitution. But with great deference I submit that this is by no means the logical inference.

If the Legislature referred at all to the persons by whom the Convention was to be ratified, it could only have referred to them as voters - of course as legal and qualified voters; to have said that it should be submitted to the people, or the citizens, or the inhabitants, would have been to make it subject to the ratification of people of all ages and both sexes. In designating therefore, the class of persons who were to ratify the Constitution, the Act of Assembly necessarily uses the phrase legal and qualified voters - but whether qualified according to the rules & regulations ordained by the old Constitution, or those which the Convention were authorized to prescribe, is the very question in issue.