

by them in such cases with powers adequate to such a proceeding, but they rely upon the grant of express authority to that effect by the Legislature which provided for their meeting, and upon the authority of similar proceedings by other Conventions.

You and I may look at these transactions from different points of view, but I think it must be admitted I have correctly recited the leading facts in the two cases, and, assuming this to be so, can it be contended that there is any similitude between them, and that because in the one I promised that the power of the State should be exerted to defend the Judges in the execution of its unquestioned law, I should now interfere, not as then, to protect them for obeying these laws, but to become the opponent of what these laws are in a case where the people of the State differ widely in opinion, whether the law of the next election is to be found in the old Constitution or the new?

You, I know, consider the action of the Convention a usurpation. I have briefly stated some of the reasons why, to my mind, that it is not so palpable. Not because in the plenitude of the powers with which such Conventions are supposed to be invested, and to which I have occasionally referred, they can do no wrong - for I can imagine that such a body, as well as an individual, might assume an authority that would be a flagrant usurpation.

If the people, for instance, at the election at which the members of this Convention were chosen, had voted that we should have no Convention, and these members had still insisted on assembling; or if some small number of those elected, confessedly less than a quorum, had undertaken to form a new Constitution - these would have been unquestionable usurpations, revolutionary almost in their character, that no officer in the State would be bound to regard them; but to my mind the difference between such cases and the one we are discussing is very obvious.

I referred in my previous letter in illustration of the powers claimed for a Convention of this character, to the present Constitution of the State, inaugurated as it was in a manner forbidden by the Constitution which it superseded. You object to that precedent as not applicable to the present case because the part of the old Constitution disregarded, related only to the manner of amending it, and did not affect the rights of the people under it.

Let me cite another authority, the applicability of which I think you will not deny, and which supports the course of the late Convention in the proceeding in question as far as precedent possibly can.

In 1829 a Constitutional Convention assembled in Virginia. A recurrence to a list of its members will show a roll of illustrious names surpassed in character & talent by none that ever formed a similar assembly.

They adopted a new Constitution, which, like ours, was only to become operative when ratified by the people. The concluding lines of its preamble declared that: "We therefore, the delegates and representatives of the good people of Virginia, elected and in Convention assembled, do