

to be a great preservative of freedom ; and the constitution formed at the same period had indirectly provided for an annual session of the legislature. This legislation undoubtedly concerned the counties and cities. Why did they not vote as units, instead of losing their entire identity in the mass of a general ballot? However this may be, the right to take such a vote has now become a constitutional precedent. The undersigned entertain no doubt that the legislature had the right exercised in the case of the bill for biennial sessions, but they are happily released from the necessity of arguing the point by the precedent referred to.

If the people should desire a convention, the next inquiry is whether the Governor can issue writs for the election as provided for in the said bill. The act of 1836, chapter 197, sec. 13, provides "that the whole executive power of the State shall be vested exclusively in the Governor, subject, nevertheless, to the checks, limitations and provisions, hereinafter specified and mentioned." Now what is the executive power of the State? Clearly, wherever the Legislature has the right to order an executive act, the Governor may, very properly, be entrusted with its performance. The whole inquiry is, therefore, narrowed down to the simple question as to the power of the Legislature to provide for a convention, as specified in the Bill reported herewith.

The committee, who reported in 1847, triumphantly asked the friends of reform to show by what authority the Legislature could direct the assembling of the convention, provided for in the bill then reported to the House. It might be answered that the precedent set in the bill for biennial sessions, justifies so much of the bill submitted herewith, as provides for taking the sense of the people. If the strict construction of the committee of 1847 be correct, the Legislature had no right to look for guidance beyond the narrow limits of the two houses. In what section of the constitution is to be found the article which provides that the Legislature shall have power to pass a law taking the sense of the people upon any question whatever? If it was done in pursuance of the general belief, that it could not legislate wisely without information, then, as a matter of course, after taking an element of such importance as popular opinion into its councils, it could not in honor and conscience act otherwise than as that opinion dictated. If the Legislature had the right to call for the decision of so great an arbiter on such a question, it certainly has more reason to consult the same authority upon a matter of such moment as the summoning of a convention to reform the constitution of the whole State.

The undersigned have endeavored to show that the sole power of altering the constitution is not, by the fair construction of the forty-second article of the Bill of Rights, and of the fifty-ninth article of the constitution, vested in the Legislature. The concurrent and indefeasible rights of the people to change their form of Government also exists. The sole question is, whether it can be taken advantage of in any other manner than by revolution. The