

It was the duty of the Government to give a proper control and direction to popular excitement, and to keep it always in the bounds of order. They did not accomplish, by what was called "the doctrine of acquiescence." This was certainly a strange creed. He could understand the consistency of a doctrine which recognizes the right of the people to reform their government, and which declared, that all offices created by the old Constitution were *ex-necessitate* vacated, when the people established a new order of things. But he could not understand this doctrine of assent, by the officers of the old Government, to an order of things which they believed illegally ordained. The judges under the present Constitution might resign, but if they thought that the new officers were chosen in contravention of that authority which they had sworn to sustain, how could they acquiesce? And even if they did, how could they do more than resign, and leave their office vacant indeed, but still in legal existence. Acquiescence in the existing government, if it believes that its authority was encroached upon, or unduly subverted, might be treason to the Constitution—but it could be nothing more. The difficulties of the creed held by gentlemen on the other side were inevitable.

Mr. PRESTMAN followed in some remarks, a report of which is withheld for revision.

Mr. BUCHANAN said, he did not design to trouble the Convention with any remarks at this time. He thought that the question would come up hereafter. But he felt it his duty, before his friend from Kent, (Mr. Chambers,) proceeded with his remarks, to exhibit to him certain authorities, from the examination of which he, (Mr. B.) had come to the conclusion that there was no doubt whatever, of the correctness of the doctrine set forth in the amendment of the gentleman from Baltimore city, (Mr. Prestman.)

He, (Mr. B.) had come to the conclusion, from a full examination of those authorities, that the people had an undoubted, an inalienable, and indefeasible right to amend their Constitution at any time, and in any manner they might think proper; and he would go further and say, on authority, that this was an inalienable right, of which it was doubtful, whether or not, the people could even divest themselves, if they desired to do so. He agreed with the gentleman from Baltimore city, (Mr. Prestman,) that it was not important, so far as the rights of the people were concerned, whether a provision was embraced in the Constitution, authorizing the people at specified times, to reform their Constitution or not. He, (Mr. B.) would vote for such a provision. Still it was unimportant. The people could do this thing, by virtue of their inherent sovereignty. Now, although the doctrine seemed to be broad, and although he could not, until he had examined the authorities, go to the extent to which he would now go, yet he had come to the conclusion, that this power did exist in the people, no matter what the Constitution might say. Under monarchical governments, the absolute sovereignty rested in the monarch, but with us the sovereign authority was in the people; and if the people themselves—a majority of

the people—should at any time think it expedient to remodel their form of Government, they had a right to do it *non obstante*, any other power upon earth.

Mr. JENIFER. Does the gentleman mean to say, that if a provision should be inserted in the new Constitution, declaring that hereafter the Constitution may be altered by a Convention, and that Constitution should be ratified by the people, does the gentleman say, that notwithstanding that article, the people may, through all time, and without a revolutionary movement, change their government?

Mr. BUCHANAN. At any time. The people—a majority of the people—have at all times the right to remodel or change their government.

Mr. SOLLERS. How is that majority to be ascertained?

Mr. BUCHANAN. That is a matter for their consideration.

One word, (Mr. B. said,) as to what might be regarded as the sentiment of the people of the United States, on the subject. There were some twenty-four States which embraced, substantially, this very doctrine in their Constitutions—most of them, the very words. But he rested on the example of that proud old State of Virginia—he rested upon a principle which was there promulgated by Marshall, Madison and Monroe, and their compatriots in the Convention which formed the Constitution of '76, where phraseology, even stronger than that of his friend from Baltimore city, (Mr. Prestman,) had been employed. The original Constitution of Virginia, asserted the inalienable right of a majority of the people—not the aggregate people—but of a majority of the people to remodel and change their government. That doctrine had been ratified and re-affirmed by the Convention of '30. The same principle had been adopted by Texas, Florida, and Iowa.

Mr. B. then read the following authorities, which he handed to the Reporter, as a substitute for his intended argument.

The Declaration of Independence:—

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; among them are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that when any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its power in such forms, as to them shall seem most likely to effect their safety and happiness."

Mr. Jefferson says:

"It is not only the right, but the duty of those now on the stage of action, to change the laws and institutions of government, to keep pace with the progress of knowledge, the light of science, and the amelioration of the condition of society. Nothing is to be considered unchangeable, but the inherent and inalienable rights of man."