

Referred to the committee on representation.

The PRESIDENT also laid before the Convention a communication from E. Root, Esq., State Superintendent of Public Instruction of the State of Wisconsin, covering the reports of the State, of the Board of Regents of the State University.

Which was read, and

Referred to the committee on Education.

On motion of Mr. STEWART, of Baltimore city, the Convention proceeded to the consideration of the unfinished business of yesterday.

#### THE DECLARATION OF RIGHTS.

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. DORSEY, on the 11th ult., as chairman of the committee on the declaration of rights.

The state of the question was as follows:

The first article of the report being under consideration in the words following:

"That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole."

Mr. PRESTMAN had moved to amend the said article, by adding at the end thereof the following words:

"And they have at all times the inalienable right to alter, reform, or abolish, their form of government, in such manner as they may think expedient."

And Mr. CHAMBERS, of Kent, had moved to amend said amendment by adding, at the end thereof, the following words:

"According to the mode authorized by the Constitution or laws of the land."

And the question was on the amendment to the amendment.

Mr. CHAMBERS, of Kent, who was entitled to the floor from yesterday, resumed and concluded his remarks.

Mr. CHAMBERS alluding to his remarks of yesterday in relation to the question of "compact," said there were other authorities which would sustain him, but he had thought it sufficient to show the error of his friend from Cecil, in supposing Justice Story to deny this doctrine. He thought it quite as much an error to ascribe the origin of this notion of "compact" to the advocates of the Divine right of kings, and not less an error to suppose that Justice Story had so asserted. The doctrine of the Divine right of the king to govern, is as opposite to that of compact or agreement of the people as to the terms of government, as darkness is to light.

The Divine right to rule necessarily leaves nothing to the people but the Divine obligation to be ruled. The decrees of the Deity cannot be controlled by the agreements of men. His friend, (Mr. Donaldson,) had fully shown that the doctrine was introduced by Locke, Sidney and others, who were the patriots of their day and antagonists to the Divine right of kings—and so said Justice Story, p. 293, sec. 325. And in p. 313, sec. 343, he concludes, after examining the debates in Parliament on the abdication of

James the Second, by saying, "it is apparent from the whole reasoning of the parties, that they were not considering how far the original institution of government was founded in compact," &c.

He would now proceed to examine the other proposition which he regarded as of the very greatest importance to the very existence of government—the binding obligation on all—the whole community of the Constitution or organic law, until altered by a Constitutional or legal mode. He did not profess to give the authority of Conventions or Legislatures, in which this subject had been directly discussed. It was the duty of his antagonists on this occasion to produce some authority for their new doctrine which was at war with long settled opinion, and doubtless, if authority existed, it could not have escaped the extensive information and industrious research of the several gentlemen who have urged it. The gentleman from Baltimore county, (Mr. Buchanan,) supposes he has the authority of Mr. Burke. It was not the celebrated and justly celebrated orator and patriot, Edmund Burke—but a name-sake. He had not been sufficiently attentive to the political operations of the last few years, to know much of such matters, and he confessed he had not heard of this report until it was now produced by the gentleman, nor did he know where Mr. Burke came from.

[SEVERAL VOICES. "From New Hampshire. "]

\* Well, it seems Mr. Burke is, at least, of importance enough to have it known what State he represents. Most certainly he had evinced a commendable share of industry in the collection of writings, on the question of the rights of the people. But did not his friend perceive that each of these writers expressed the very doctrine which our bill of rights announces—which every Constitution in this broad land declares, which he had repeatedly said, none but a madman would deny—that is, that the people are the source of all power, and have the right to alter and change their form of government? This only left us where we were; they do not say the people, or a portion calling itself a majority, may do this without law—against law. Mr. Burke, indeed, does say, he thinks his is the true interpretation, and the authority of this opinion is against us. On looking over the journal, it will be seen that he came to the conclusion that the Dorr revolution or rebellion, was strictly justified, and that the general government should not have interposed to restrain, or the courts to punish it, and on the same day on which his report was presented, it was postponed to the next session of Congress, and he was not aware it had ever been heard of since.

Neither the President with his Cabinet, or the courts of Rhode Island, or the Supreme Court, so thought.

Mr. BUCHANAN remarked, he had not relied on the authority of Mr. Burke, but on the books he had cited from his report, and which were not in the library.

Mr. McLANE, asked leave to make an explanation. He had not intended to evince any indis-