had in view in ordaining the Constitution of the United States were "in order to form a more *perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity.*" The people in all the States were assured that the Constitution would certainly insure all these. Many good and true men doubted and opposed the ratification; many others doubted and were reluctantly persuaded to try "*the experiment,*" (as General Washington called it;) whilst in only the three States of New Jersey, Delaware and Georgia, was the ratification by the State Conventions unanimous In the States of Pennsylvania, Connecticut, Maryland and South Carolina, it was ratified by large majorities; but in the other six States it was carried by small majorities, and in Massachusetts, New York and Virginia by only a few votes. In fact, the first Convention called in North Carolina in August, 1778, refused to ratify the Constitution, and Rhode Island refused even to call a Convention, in 1778, to consider the question. The eleven States that adopted the Constitution, did by that act separately secede from the Articles of Confederation, leaving North Carolina and Rhode Island still united under those articles. The eleven States proceeded to organize the new government, elected their Congress and President, and the new government went into full operation in March and April, 1789. North Carolina and Rhode Island remained out of the new Union, and in the full enjoyment of every right as sovereign States, till North Carolina adopted the new Constitution in November, 1789, and Rhode Island in May, 1790. No one doubted that any State had the unquestioned right to remain permanently in the enjoyment of their separate sovereignty.

Those who are compelled to admit all this, try to evade the force of the facts in construing the Constitution of the United States, by insisting that the Confederation was a compact between the several *State governments*, but that the Constitution of the United States was ordained by the people of the States themselves. Much stress is laid upon this statement. But what *real* difference does it make? The State governments *represented the people of the States* in authorizing their commissioners to agree to the Articles of Confederation, as fully to all intents and purposes, as the State conventions did in ratifying the Constitution of the United States. The one was the *general agent* whose authority was fully recognized and acquiesced in, and the other the *special agent* specially appointed for the one particular purpose. * *

In both cases it was the *act of the people* of the several States in their separate sovereign capacity. The *act done*, in each case, was by each of thirteen sovereign States, in entering into a compact with the co-States; and the question is how can it vary the rules of construction of that compact, whether the act was done by general or special agents. The inquiry is, what powers were delegated in the one case to the confederation, in the other to the Federal Government. On examination of the two instruments, the powers will be found nearly identical. The principal difference will be found in their distribution and mode of exercise. Instead of all the powers being exercised by Congress or an Executive Committee, they were by the Constitution, vested in three departments of government, executive, legislative and judicial, with authority to lay taxes, and execute all the delegated powers directly upon the individual citizen. The reservation of powers not delegated in the second article of the confederation, and in the tenth amendment of the Constitution, is substantially the same. The *implied* obligation that no State could ever secede because the Constitution was a government and therefore *intended* to be perpetual, could not be more binding than the *express* agreement with the confederation that the articles should be inviolably observed by every State; that the Union should be perpetual; and that no alterations should be made in any of the articles, unless agreed to by Congress and confirmed by the Legislatures of every State. Yet within seven years from the time the last State formally agreed to the confederation, twelve States, without Rhode Island, proceeded to form a new government, and eleven of them afterwards seceded from the confederation, against the consent of North Carolina and Rhode Island, and in utter violation of the compact. Their right so to do, when the compact, in the judgment of each, had failed to answer its purpose, was not denied or doubted. As Justice Marshall says in McCulloch *vs.* Maryland, 4 Wheaton, 316, "Surely the question whether they (the people) may resume and modify the powers granted to government does not remain to be settled in this country."

That was supposed to be settled by the Revolution, and to be inseparable from the idea of self-government by sovereign States.

It is a principle of public law, in grants of franchises by government, that "nothing passes by implication." "The object and end of all government is to promote the happiness and prosperity of the community by which it is established; and it can never be assumed that the government intended to diminish its power of accomplishing the end for which it was created."

8 Peters, 738.
11 Peters, 420.

A fortiori, the right of the people of a sovereign State "to resume and modify the powers granted to government," when the compact is broken and the government utterly fails to secure the safety, happiness and prosperity of the community, cannot be taken away by implication.