The terms "granted," "surrendered," "alienated," and the like, are well calculated to mislead the mind, when they are applied to the powers of government.

They are technical terms, belonging to the science of law. They generally imply *irrevocability*, when used in connection with the proper subjects of "grant," "surrender," or "alienation," in matters of private contract. Such terms, though frequently used in writing and speaking upon questions of constitutional construction of the powers of government, must be understood to mean "delegated," which is the appropriate word when applied to powers conferred by a principal upon an *agent*.

Hence, in the 1st section of 1st article of the Constitution of the United States, the phrase "powers herein granted," means powers herein "delegated," as fully explained in the 10th article of amendments, viz:

"The powers not *delegated* to the United States by the Constitution, nor prohibited by it to the *States*, are reserved to the *States* respectively, or to the people."

Here Mr. Jones's time expired, but on expressing a wish to read some extracts from Rawle on the Constitution, on motion of Mr. Daniel, further time was given.

In conclusion, I desire to read some passages from a view of the Constitution of the United States, by Wm. Rawle, L. L. D., ch. 32, "Of the Permanence of the Union."

This work was first published at Philadelphia, in 1825, and a new edition was published in 1829, in which the author says: "In this edition the principles laid down in the first remain unaltered. The author has seen no reason for any change of them." The author was one of the most eminent lawyers of the Philadelphia bar, and had received the degree of L. L. D. when such marked distinction was bestowed only upon pre-eminence. He was for many years United States District Attorney, appointed, it is said, by General Washington. In politics he was always *a high-toned Federalist*. In a time of profound quiet in the politics of the country, this eminent lawyer and jurist, belonging to the political school which had always inculcated the necessity of maintaining the powers of the Federal Government to the full extent that construction would allow, treats the right of State secession, as at that day a universally admitted right, as will be seen from the following passages:

Page 302. "The secession of a State from the Union depends on the will of the people of such State. The people alone, as we have already seen, hold the power to alter their Constitution. The Constitution of the United States is to a certain extent, incorporated into the constitutions of the several States by the act of the people. The State Legislatures have only to perform certain organical operations in respect to it. To withdraw from the Union comes not within the general scope of their delegated authority. There must be an express provision to that effect inserted in the State constitutions. This is not at present the case with any of them, and it would perhaps be impolitic to confide it to them. A matter so momentous ought not to be intrusted to those who would have it in their power to exercise it lightly and precipitately upon sudden dissatisfaction, or causeless jealousy; perhaps against the interests and the wishes of a majority of their constituents.

"But in any manner by which a secession is to take place, nothing is more certain than that the act should be deliberate, clear and unequivocal. The perspicuity and solemnity of the original obligation require correspondent qualities in its dissolution. The powers of the General Government cannot be defeated or impaired by an ambiguous or implied secession on the part of the State, although a secession may perhaps be conditional. The people of the State may have some reasons to complain in respect to the acts of the General Government, they may in such cases invest some of their own officers with the power of negotiation, and may declare an absolute secession in case of their failure. Still, however, the secession must in such case be distinctly and peremptorily declared to take place on that event, and in such case—as in the case of an unconditional secession—the previous ligament with the Union would be legitimately and fairly destroyed. But in either case the people are the only moving power."

Page 303. "It has been laid down that if all the States, or a majority of them, refuse to elect Senators, the legislative powers of the Union will be suspended." (In a note—"It is with great deference that the author ventures to dissent from this part of the opinion of the learned Chief Justice of the Supreme Court in the case of Cohen *vs.* The State of Virginia, 6 Wheaton, 390.")

"Of the first of these supposed cases there can be no doubt. If one of the necessary branches of legislation is wholly withdrawn, there can be no further legislation; but if a part, although the greater part of either branch, should be withdrawn, it would not affect the power of those who remained." (This is error. If the greater part of the Senate should be withdrawn, there could be no quorum.) "In no part of the Constitution is a specific number of States required for a legislative act.* Under the articles of Confederation, the concurrence of nine States was requisite for many purposes. If five States had withdrawn from that Union, it would have been dissolved. In the present Constitution there is no specification of numbers after the first formation. It was foreseen that there would be a natural tendency to increase

* But "a majority of each House shall constitute a quorum to do business."