

for the ordinary purposes of legislation, he would be the last to complain of the mere vagaries of gentlemen, however wild and fanciful. They should be free to seek their own objects in any innocent manner which their hopes and fears might suggest. But the Convention now holding its sittings was not of that character. It had met to frame a new organic and fundamental law—to wipe away the aristocratic features and fettering restrictions that belonged to the past generation, and in their place, provide new systems better suited to the intelligence and necessities of the people, and more in harmony with the wants and progressive spirit of the age. The task was one of no little labor or light responsibility, and he earnestly invoked gentlemen to abandon Eutopian and undigested theories and bring to the work before them all the wisdom, dignity and solemnity which the subject and the occasion alike, imperatively demand.

The proposition before us was in the following words: [Here Mr. D. read the amendment offered by the gentleman from Baltimore city.] It asserted the unrestricted and unqualified power of the people in its broadest and most extended sense; and in his judgment, was evidently not designed to be followed by any limited and wholesome constitutional restraint.

This question of inherent power of the people had already been well and ably explained, and indeed from the first slight examination, had seemed so clear and plain, as to require no masterly argument to bring it within the grasp of the humblest comprehension. No one imbued with the philosophy of our form of government, and understanding the great moral principle upon which it rested, had ever denied the fact, that all power was in the people, and that from them, as the great inexhaustible source, all power flowed. The very existence of our Government, the creature of their hands, and the offspring of their combined intellect, gives the happiest and noblest evidence of their free and glorious sovereignty. They, and they alone, can bind themselves, and it is in this very power of binding themselves that all free government has its strength and origin. It is this power that ushers into being great compacts, and develops itself in the form of Constitutions and solemn agreements, by which the whole people are bound up into a mighty body-politic, under the most sacred obligations and guaranties [to secure each and all in the mutual enjoyment of every civil right and political liberty. He conceded to the people even greater power than the amendment proposed was designed to indicate—for he conceded the power of binding themselves by a compact of as much moral force as though executed between individuals—by a compact infinitely more sacred, because its violation, either in letter or spirit, would involve the happiness and peace of a whole people. It was because he entertained this great fundamental maxim as part—aye, as the foundation of his political faith, that he was compelled to take issue with the sentiments now boldly announced—that the people, or rather that majorities, could not be morally bound by the

most solemn contract—nay could not even bind themselves—but that having the physical power they must necessarily have the political right at all times, and in any manner they may choose, to break down every restriction, independent of the most sacred constitutional compacts, and in defiance of the violated rights of a down trodden and oppressed minority. If such was indeed the correct theory of government, every consideration of social and individual security rendered it imperative that some new and more powerful restraint should be devised—something more stable than might be its whims—and more secure than might be its mercy. Happily such has never been the design of the intelligent citizens of Maryland. The Constitution now in being—the creature of their formation—contains the very idea of compact, and recognizes its binding power to the fullest extent. 'Tis every where filled with conditions and restrictions—mere contracts of majorities with minorities, imposed, doubtless, for the protection of sections and communities, and tending to the general benefit of the whole. The doctrine now urged was a new one—and he indulged the hope would have passed away, long before it could work out its legitimate and ruinous consequences.

He regarded every provision and guaranty that had been or might hereafter be inserted in the Constitution, of as much moral and binding force, as it was possible for anything to be under the canopy of high heaven, and they could not be abolished save in the manner designed, or violated without the assumption of the most tyrannical and arbitrary power, and without open and flagrant abuse of all individual and political honesty. True, there was a mode by which every feature of an existing government could be thrown aside, without consulting the established method. But that was revolution—an expedient not contemplated or provided for in a Constitution, or by laws. It was a something without, above, and beyond them all—a fearful remedy left to man to protect him from tyranny and oppression, and always to be used under a high and awful responsibility to the great God of the Universe.

But it had been gravely argued by a gentleman from the city of Baltimore, “that the term ‘compact,’ in government, implied nothing more than agreement, and might at any time be changed by a mere majority without regard to restrictions.” And pray, sir, what is the difference between the words “compact” and “agreement?” What force does the one carry that might not legitimately be deduced from the other. When he heard this fancied difference urged with so much earnestness and gravity, the old and oft quoted couplet came instinctively to his mind, and he could not forbear repeating

“Strange what difference there should be,
’Twixt tweedledum and tweedledee.”

Mr. BRENT here arose and said he hoped the gentleman would state his position correctly, before he likened it to tweedledum and tweedledee. He had said that the word *compact* in the bill of rights, did not mean *contract*.