

from the sources from which it emanated; from the opinions of those who sustained it, and whose views, as the gentleman from Carroll, (Mr. Brown,) had yesterday remarked, would go "upon the record which all the waters of the Chesapeake could never wash out." That would be looked to as its contemporaneous exposition. The most innocent proposition in the world might, in such a way, become most noxious. The principle, that a mere numerical majority should in all cases rule, was one which he had never pretended to acknowledge. It seemed to him, that the proposition, interpreted as it had been by gentlemen who advocated its adoption, was identical with that which had been voted down the other day, in respect to representation according to population. If a mere numerical majority, as such, had the right at any time to annul the Constitution and the Laws, then that majority had a right to be represented according to their numbers. The one was a necessary corollary from the other.

Mr. D. proceeded to express the extreme surprise with which he had heard the gentleman from Queen Anne's, (Mr. Spencer,) argue that the Constitution was not founded on compact; when the very first article of the bill of rights declared, "that all government of right originates from the people, *is founded in compact only*, and instituted solely for the good of the whole."

Now, whatever that might mean, or however "absurd" it might be, it was there; our forefathers had placed it there, and there it had remained for seventy-five years. Whether it was a sound principle or not, it came from a high source—a source from which all the principles of modern political liberty were derived; and the gentleman from Queen Anne's, (Mr. Spencer,) knows that it was the very principle established by John Locke, and adopted into our Constitution as a protection against arbitrary power. His, (Mr. D's,) doctrine was that the consent of all the individuals of a community was necessary to form a government, and that it was a compact of the whole. The terms of the compact were binding. A compact, if he understood the term, was something that bound together. The differences between law and compact, as defined by the gentleman from Queen Anne's, (Mr. Spencer,) were entirely aside from the subject. They had nothing to do with it. Mr. D. illustrated this position, and proceeded to show that a compact was no compact at all, if it could at any moment be annulled without the consent of the parties making it.

He had stated the meaning of the amendment of the gentleman from Baltimore city, (Mr. Presstman,) under the different constructions that might be put upon it; and that there was a certain class of gentlemen (amongst whom, as he understood the gentleman from Baltimore city, Mr. Presstman, was to be placed,) putting a large and radical construction upon it—a construction against which, he, (Mr. D.,) protested; and which he did not desire to see sent out from this Convention, without the addition contemplated by the amendment of the gentleman from Kent, (Mr. Chambers.)

The gentleman from Baltimore city, (Mr.

Presstman,) in his remarks, had cited the authority of the late John C. Calhoun. However much he, [Mr. D.,] might disagree with that great man in some of the principles he had maintained, as to the relative powers and duties of the general and State governments of the Union, yet he, [Mr. D.,] declared that illustrious statesman's theory of government were identical with that which he, [Mr. D.,] had avowed, and in direct opposition to that of the gentleman from the city of Baltimore. Mr. D. read several extracts from the speeches of Mr. Calhoun in support of this position; and asked whether any thing could be more explicit? [Calhoun's Speeches, pp. 29, 65, 247, ed. of 1843.] However much the opinions of Mr. Calhoun might have changed, or seemed to have changed, upon other questions, he had in this stood from the beginning, firm and immovable, "like a great sea-mark standing every flaw."

According to the argument of gentlemen, this Constitution was not to bind us a single moment, if a bare numerical majority should decree its destruction. Of course, then, the protection of the minority was gone. Now, the true principle was, not that numbers should have no weight; not that wealth should have no weight; not that territory should have no weight; not that other considerations growing out of divided or aggregated interests should have no weight; but that, when a government was to be made for the people of a State, all these interests should be considered. Upon this question of representation, for instance, he was for a compromise—but against the principle for ever, that a mere majority of numbers should have the right to govern the rest absolutely. The advantage and the interest of the whole were to be consulted, and he had not the slightest idea that any interest would be injured when such a compromise was made. Wherever there is danger of one aggregated interest possessing the whole power in a State, it was wrong and must lead to injustice. He stated that the decision of political questions and elections by majorities, was merely a rule of convenience; and that, for the same object, the power of deciding such questions, was often given, as in this State, to mere pluralities.

He then proceeded to reply to the argument of Mr. JOHNSON, made a day or two since. That gentleman had said that a bare numerical majority of the people had a right at any moment, and in any manner, to annul the whole or any part of the Constitution, because, in his own words, "the eternal people were immortal." Now, if the people, in all its component parts, were eternal, then they were eternally bound by any compact. If, however, the gentleman's reasoning on that point was sound, it would lead directly to the result of repudiation; because, if the compact of the people with each other was not binding for a single day, neither could the contract of the whole, with any creditor of the State, be binding for a longer time. He knew that there was a question, how far this power of binding a community from generation to generation could be exercised, yet it presented no practical difficulty, because we are bound to place such pro-