

establish, for their future Government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated."—[1 Cranch, 157, cited 431 Story's Comm. vol. 3.]

Rawle, an able commentator on the Constitution, says:

"Vattel justly observes, that the perfection of a State and its aptitude to fulfil the ends proposed by society, depend upon its Constitution. The first duty to itself is to form the best Constitution possible, and one most suited to its circumstances; and thus it lays the foundation of its safety, permanence and happiness. But the best Constitution which can be framed, with the most anxious deliberation that can be bestowed upon it, may, in practice, be found imperfect and inadequate to the true interests of society. Alterations and amendments then become desirable. *The people retain—the people cannot, perhaps, divest themselves of the power to make such alterations. A moral power, equal to, and of the same nature with that which made, alone can destroy. The laws of one legislature may be repealed by another legislature, and the power to, repeal them cannot be withheld by the power that enacted them. So the people may, on the same principle, at any time, alter or abolish the Constitution they have formed.* This has been frequently and peaceably done by several of these States, since 1776. If a particular mode of effecting such alterations has been agreed upon, it is most convenient to adhere to it, but it is not exclusively binding."—[Rawle on the Constitution, p. 17.]

Justice Story, of the supreme court of the United States, says, in his commentaries on the Constitution:

"The declaration puts the doctrine on the true ground—that government derives its powers from the consent of the governed. And the people have a right to alter it," &c.—[page 300, vol. I.]

Again, Judge Story, in speaking of the Declaration of Independence, says:

"It was not an act done by the State governments then organised, nor by persons chosen by them. It was emphatically the act of the whole people of the united colonies, by the instrumentality of their representatives, chosen for that, among other purposes. It was an act not competent to the State governments, or any of them, as organised under their charters, to adopt. Those charters neither contemplated the case, nor provided for it. It was an act of original inherent sovereignty by the people themselves; resulting from *their right to change their form of government, and to institute a new government, whenever necessary for their safety and happiness.*"—[Story's Com. on Con., vol. 1, page 198.]

Mr. Locke, in his work on civil government, says:

"For where any number of men have, by the consent of every individual, made a community,

they have thereby made that community one body, with a power to act as one body, which is only by the *will and determination of the majority*; for that which acts in any community, being only the consent of the individuals of it, and it being necessary to that, which is one body, to move one way, it is necessary that the body should move that way, whither the great force carries it, which is the consent of the majority; or else it is impossible it should act or continue one body—one community—which the consent of every individual that united into it agreed that it should; and so every one is bound by that consent to be concluded by the majority. And therefore, we see that, in assemblies empowered to act by positive laws, where no number is set by that positive law which empowers them, the act of the majority passes for the act of the whole, and of course determines as having, by the law of nature and reason, the power of the whole; and thus every man, by consenting with others to make one body politic, under one government, *puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it.*"

Mr. Madison, in relation to the same subject says:

"If we resort for a criterion to the different principles on which different forms of Government are established, we may define a republic to be, or at least may bestow that name on a Government *which derives all its powers, directly or indirectly, from the great body of the people.*" \* \* \* \* \* "It is essential to such a Government that it be derived from *the great body of the society*, not from an *inconsiderable proportion* or a *favoured class* of it; otherwise, a handful of tyrannical nobles, exercising their oppressions by a delegation of their power, might aspire to the rank of republicans, and claim for their government the honorable title of republic.

"It is essential for such a Government that persons administering it be appointed, either directly or indirectly, *by the people*; and that they hold their appointment by either of the tenures just specified; otherwise, every Government in the United States, as well as any other popular Government that has been, or can be well organized, or well executed, would be degraded from the republican character."—[Federalist, No. 39.]

The Declaration of Rights of a large majority of the States of the Union, contain a provision analagous to that proposed here.

The bill of rights of Virginia of 1776, which was unanimously adopted, contained the following provision.

That Government is—or ought to be instituted for the common benefit, protection and security of the people, nation or community. Of all the various modes and forms of Government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration. And that when any government shall be found inadequate or contrary to these pur-