

rist or statesman in respect to any of our State institutions." Let us pause here a moment. The gentleman would have us suppose that which Judge Story never heard of, as being claimed, was the idea of Government being founded in compact. A greater mistake never was made. He had quoted throughout the whole chapter, name after name, book after book—amongst them the Constitution of his own State, saying, "it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people. "And had he never heard of that? The gentleman will find by reading the preceding pages of that chapter, or even the last few antecedent lines, that the "no such claim" refers to a claim like that of independent nations—a claim to "negotiate anew," "select an arbiter" or "declare war." To make it mean any thing else, is to make Justice Story to stultify himself. Why, in this self-same section, 337, a few lines below, he repeats the same doctrine, and yet expressly treats of the "compact" as recognizing it. "No right exists or is supposed to exist on the part of any town or county, or other organized body within the State, short of a majority of the whole people of the State, to alter, suspend, resist or dissolve the operations of that Constitution, or withdraw from it. Much less is the compact supposed liable to interruption, at the will of any private citizen, and this according to Mr. Locke, is the true sense of the original compact by which every individual has surrendered to the majority the right to control," &c.

Why talk of the qualities of a compact if there be none? How, sensibly speak of the sense of the original compact, if no such thing can be alleged? No, sir, it is the nature and effect of that very thing of which he had so long and so ably been discoursing, and let gentlemen think as they may on other matters, every one who would carefully examine the pages of Justice Story, would look in vain at the 337th section of his 1st vol. on the Constitution, for any authority against the doctrine that government was originally founded in compact, nor did he admit that the high authority of Mr. Webster was in any degree opposed to him. He did not allege the Constitution to be *technically* a contract or compact. It could not be enforced in a court of law. What says Mr. Webster in the speech referred to? After saying "in strictness," the Constitution is not a compact," he adds, "I believe it is founded in consent or agreement, or on compact, if the gentleman prefers that word, and means no more than *voluntary consent or agreement.*" Indeed the gentleman from Cecil comes to this conclusion at last—that it is founded on assent and agreement. It is then but a philological difference between us, and I rather think that Noah Webster, as well as his great namesake, will show that agreement is but another word for compact.

But, after all, the question is of comparative unimportance. The great and interesting point is, as to the force and effect of a Constitution as a mode of executing the sovereign power of the people.

The absolute right is one thing, but the mode

of enforcing it another. If a trespasser takes my farm or my horse, I have a perfect right to repossess myself, but I may not go on the premises and with a bludgeon knock out the brains of the one, or seize a revolver and shoot six bullets through the vitals of the other. That is not the mode in which the right is to be exercised.

At this point of his remarks, Mr. C. gave way to a motion that the Convention adjourn.

Which motion having been agreed to,

The Convention adjourned until to-morrow morning at ten o'clock.

TUESDAY, February 4th, 1851.

The Convention met at eleven o'clock.

Prayer was made by the Rev. Mr. GRIFFITH.

The roll was called, and no quorum being present,

Mr. RIDGELY moved that the Convention adjourn, (with a view to give time for members to come in,) and asked the yeas and nays, which were ordered, and being taken, were yeas 0; nays 39.

So the Convention refused to adjourn.

Mr. KILGOUR moved a call of the House.

The motion was rejected.

A quorum was now present.

HOUR OF MEETING.

On motion of Mr. WEEMS,

It was ordered,

That the daily hour of meeting hereafter, be 11 o'clock, A. M.

The PRESIDENT laid before the Convention the following communication from Jos. C. G. Kennedy, Esq., Superintendent of Census.

CENSUS OFFICE,  
Washington, Feb. 3rd, 1851. }

To the President of Maryland State Convention:

SIR: I find by an examination of the official returns (to which my attention was called by a newspaper statement,) that an error exists in the returns made for Frederick county, of which the total population will not vary much from 40,941. I will send a more particular statement to-morrow. We have been much delayed in reconciling the inconsistencies existing between the returns made by the marshals of the population in the several sub-divisions, and the number exhibited by the returns themselves.

I regret that the return has been made for Frederick, so much at variance with the facts, and hope no great inconvenience has resulted therefrom.

I have the honor to be, sir,

Very respectfully, your ob't serv't,

JOS. C. G. KENNEDY,

Which was read, and