

position to be interrupted, but was always ready to hear what any gentleman might say to him. He desired to ask the gentleman what was the doctrine to which he referred, as having never been broached before, since the commencement of our government.

Mr. C. referred to the proposition he had endeavored distinctly to state, that a Constitution was binding on the whole people, and could not be changed in a mode prohibited by its own terms, but only in conformity to a legal provision—in short, that in this respect the people could bind themselves. This had been received as a settled doctrine. It was but lately that any one had controverted it. The argument of the gentleman from Cecil, himself, ended in a proposition to introduce into the Constitution a mode of amending it—amending it by Conventions.

There was no collision with the sovereign rights of the people. He termed it a *limitation* or *restriction* of the right, to a particular mode of amendment. The gentleman from Cecil termed it a "*regulation*," by which a particular mode was to be pursued. The difference seemed to be verbal, as explained by the gentleman, and he inclined at present to withdraw his own amendment, and allow that of his friend to replace it, being much more anxious to accomplish the object, than to be the author of the resolution.

Agreeing so nearly, in conclusions, he felt no disposition to assail the arguments by which the gentleman had arrived at his, though he must say they were unlike those on which he rested his own opinions. All the gentlemen who have taken the opposite view, have reiterated the sovereign rights of the people. The "eternal people are immortal," says one gentleman. Yes, and he might have added, practically invisible and intangible. Who denies the supreme, sovereign, political power of the people? Most certainly no one on this floor. But may not political right, like any other rights be controled, regulated by self-imposed restraints or regulations? Why else do we make a Constitution? Why all this expenditure of time and money? Is it to prepare an instrument to be submitted to the solemn consideration of the whole people, for their agreement and assent to it, as the terms on which they will continue the government for all time? Is all this expensive, tedious and solemn form of proceeding to be gone through, to produce a government, and yet in one year, or month, or week, an irregular unauthorized mass of men, calling themselves a majority, may decree its termination? Aye, rightfully and without acting in violation of law, annul and destroy it.

What, sir, is a Constitution? Why is it proper to have one? Chief Justice Marshall has said "a Constitution is framed for ages to come, and is designed to approach immortality as nearly as human institutions can approach."—[6 Wheaton, 384 Cohen on Virginia.] But if this assemblage can convene at one time, it can at another. It is said to require no provision for its terms, mode of organization or action—all are to be self-imposed, self-decided—all, on an impulse, which may happen in ten years or one—

at any hour of any day. If there was nothing else to condemn this heresy but its mischievous consequences, its unmixed evils, these should make it odious. All the laws of the Great Eternal source of truth, are in beautiful harmony—all most wisely destined to continue the harmonious action of man, and all creation around him.

The source of infinite order never could be the birth-place of confusion and strife. He feared this doctrine came from below, and tended downward. Wise men and patriots had anticipated the difficulties now urged on the other side as growing out of the concession of the sovereign power of the people. His friend near him, (Mr. Donaldson,) had made full reference to the various speeches of Mr. Calhoun, to show his utter abhorrence of the doctrine of the absolute, unrestrained rule of bare majorities. The gentleman from Cecil, had spoken of the events of Mr. Calhoun's life, as weakening his claim to authority, after 1828. He must be permitted to say, from personal associations with Mr. Calhoun, to whose intellectual and high moral worth, he bore the warmest testimony, that these opinions were not adopted for the first time after 1828—they were those which he had always maintained.

He claimed the authority of Judge Story, that a Constitution should not be altered, but by previous provision. He read from page 305, sec. 337: "The understanding is general, if not universal, that having been adopted by the majority of the people, the Constitution binds the whole community, *proprio vigore*, and is unalterable, except by the consent of the majority of the people, or at least of the qualified voters of the State.

[Here several gentlemen were seen to laugh and produced a slight interruption.]

Mr. C. said, wait a moment and instead of "*visum teneatis*," he might have occasion to remark "*hinc illa lacryma*."

Justice Story continues, "in the manner *prescribed* by the Constitution, or otherwise *provided for* by the majority. Now, "provision" implies previous arrangement—preparation. It is to be done by the Constitution, or by the authority of those who make it. This is precisely the language of my amendment, "by the Constitution or law of the land," and there can be no law of the land on this subject, but an act of the Legislature authorised by the Constitution. No other meaning could be attributed to such language. What sort of legal provision could be made by this assemblage of people, who were to wield the sceptre and rule the State? They, the people, had been presented in all sorts of shapes and described in softest, sweetest phrases, but he had not yet heard the idea suggested that they were to become a regular Legislature to pass laws and make "provision" for changes in the government. The very etymology of the word "provision," implied a "previous" preparation. The gentleman from Cecil is for "previous provision," and his is a more stringent plan. He would not allow the Legislature to provide.

Mr. McLANE. "No, it ought to be in the Constitution itself."