

3rd. Vermont—article 7th, Constitution.

4th. Connecticut—article 2d, do.

5th. New Jersey—article 2d, do.

6th. Virginia—article 3d, do.

7th. Indiana—article 2d, do.

He would not detain the Convention by reading the Constitutions of the several States. They would be found, in very many cases, to embody the *very language* submitted by his friend. It was too late to question a doctrine so true, and which constitutes the very foundation stone, on which our whole republican system of government is built. But the gentleman from Kent, is afraid that it may be abused, and that popular frenzy may become excited. Has it produced any evil in the other States of the Union? Why is it that such danger is to be apprehended in Maryland?

The gentleman has said that there was no authority to sustain the doctrines that the people have the right to remodel their government, except in the mode prescribed in the Constitution; that no statesman had contended for such a proposition. To shew that the gentleman was wrong, he referred to the following authorities: Story, in his Commentaries on the Constitution of the United States, section 337, in speaking of our State Constitutions, says: "The understanding is general, if not universal, that having been adopted by the majority of the people, the Constitution of the State binds the whole community, *proprio vigore*; and is unalterable unless by the assent of the majority of the people, or at least of the qualified voters of the State, in the manner prescribed by the Constitution, or otherwise provided for, by the majority."

Mr. Rawle, who is another distinguished writer on the same subject, says: "The people retains—the people, perhaps, cannot divest itself of the power to make such alterations. If a particular mode of effecting such alterations be agreed on, it is most convenient to adhere to it, but it is not exclusively binding."

Judge Wilson, says: "Permit me to mention one great principle—the vital principle I may well call it, which diffuses animation and vigor through all others—the principle, I mean, is this, that the supreme or sovereign power of society, resides in the citizens at large, and that therefore they always retain the right of abolishing, altering or amending the Constitution at whatever time, and in whatever manner they may deem expedient." And again he says, "As to the people, however, in whom the sovereign power resides, from their authority the constitution originates; for their safety and felicity it is established; in their hands it is as clay in the hands of the potter."

Mr. Madison, in his report upon the Virginia resolutions of 1798, says: "The authority of Constitutions over governments, and of the sovereignty of the people over Constitutions, are truths which are always to be kept in view."

Mr. CHAMBERS here said, that at the outset he had said and now repeated, that he did not deny the inherent right of the people, and that it was the bounden duty of this Convention, to introduce into the Convention, some provision by which,

without doubt or difficulty, a convenient mode for the assembling of future Conventions might be designated.

Mr. SPENCER. Then why object to the insertion of the doctrine of *right in the people*, in this, its proper place? Why clog it with restrictions? We are now laying down the platform of a Republican government. There was nothing in the doctrine which would prevent us from prescribing a mode for calling Conventions in future. He advocated such a course. But he would never consent to place the Constitution in the hands of the Legislature. This was the ground on which he stood before the people of his county.

The authorities which he had quoted were right up to the point. They are too clear to require elucidation. The commonest mind can understand them. Story says, the Constitution may be altered in the manner prescribed in it, or otherwise prescribed by the majority. Then, according to him, it may be done in a manner *other than that in the Constitution*. If so, how? *In a manner prescribed for by a majority of the qualified voters*. And on this point Mr. Story is fully sustained by Mr. Rawle, who says, if a particular mode be agreed on, it is most convenient to adhere to it, *but it is not exclusively binding*. Let it not then be said by the gentleman, that we are contending for a principle, new and unheard of—one unsustained by authority.

The gentleman has asked, as has also the gentleman from Anne Arundel, (Mr. Donaldson,) his friend Mr. PRESSTMAN, how the government is to be altered by the act of the people, unaided by a constitutional provision, or a legal enactment? He says he likes to meet an intelligible proposition. Is there any obscurity in this? "He who runs may read." His, (Mr. Spencer's,) friend had answered with sagacity, that it was not for him to indicate how the people were to carry out and exercise their power. That would be determined when the crisis arose. He would, however, refer the gentlemen from Kent and Anne Arundel to Story to settle their difficulty. The gentleman from Anne Arundel had asked whether the whole people were to be consulted, whether women were to vote, and who was to fix and determine the capacity of voters, the question of age and incompetency from idiocy, infamy or other cause?

Judge Story, in sect. 327 of his commentaries, says, "Every State, however organised, embraces many persons in it who never assented to its form of government, and many who are deemed incapable of such assent, and yet, who are held bound by its fundamental institutions and laws. Infants, minors, married women, persons insane, and many others, are deemed subjects of a country and bound by its laws, although they have never assented thereto, and may, by those very laws, be disabled from such an act."

And again, in the same section, he says, "a majority only of the qualified voters is deemed sufficient to change the fundamental institutions of the State, upon the general principle, that the majority has at all times a right to govern the minority, and to bind the latter to obedience to the will of the former."