

this subject, to show their conformity with his, (Mr. McLane's.) The gentleman from Kent had denied that Mr. Webster had sustained any such doctrine. He knew him, he said, too well, to believe for a moment that any thing could be found in a speech of his, sustaining the gentleman. He had read the speech, and nothing like it could be found in it. Mr. S. thought the gentleman was mistaken, and had not read far enough or with proper care. He begged leave to refer him to the same speech, delivered by Mr. Webster in reply to Mr. Calhoun, February 16th, 1833, on the bill "further to provide for the collection of duties on imports." He particularly invited the attention of the gentleman to that part of it, found on page 176, of the 2nd volume of Webster's speeches.

It is as follows:

"Mr. President, I concur so generally in the very able speech of the gentleman from Virginia near me, (Mr. Rives,) that it is not without diffidence and regret that I venture to differ with him on any point. His opinions, sir, are redolent of the doctrines of a very distinguished school, for which I have the very highest regard; of whose doctrines I can say, what I can also say of the gentleman's speech, that, while I concur in the results, I must be permitted to hesitate about some of the premises. I do not agree that the Constitution is a compact between States in their sovereign capacities. I do not agree that in strictness of language it is a compact at all. But I do agree that it is founded on consent or agreement, or on compact, if the gentleman prefers that word, and means no more by it than voluntary consent or agreement. The Constitution, sir, is not a contract, but the result of a contract, meaning by contract no more than assent. Founded on consent, it is a government proper. Adopted by the agreement of the people of the United States, when adopted, it has become a Constitution." And again, he says, in the same place, "So the Constitution of the United States founded in or on the consent of the people, may be said to rest on compact or consent, but is itself not the compact, but the result. When the people agree to erect a government, and actually erect it, the thing is done and the agreement is at an end. The compact is executed and the end designed by it, attained. Henceforth the fruit of the agreement exists, but the agreement is merged in its own accomplishment."

Can language be more explicit? And does not the authority cover the whole ground of the debate, and leave the gentleman without a spot to rest on? But the authorities are more explicit, if possible, still. Remember that the point under consideration, is, whether our State Constitution can be considered and treated as a contract. This is the true point. This is the point, without which the gentleman's whole fabric crumbles and falls. He has said, very emphatically, in reference to a remark uttered by the gentleman from Cecil, that he never before had heard such an opinion expressed, until this day, *Anno Domini eighteen hundred and fifty-one!*

With the same emphasis, he, Mr. SPENCER, would repeat, that he had never before heard any statesman or jurist contend that our State Constitutions were to be continued as compacts or agreements, and he was glad to find, that in this, Judge Story sustained him. He then cited and read from sec. 337 of his, (Story's,) commentaries.

Mr. CHAMBERS here said, I deny that Judge Story says any such thing.

Mr. SPENCER. I say he does.

Mr. CHAMBERS read the preceding sentence.

Mr. SPENCER. It would be necessary for him to read a number of pages to show that Judge Story was treating the question of compact in government. He, (Mr. S.) would assert without fear of successful contradiction, that he was fully sustained by him. At the section referred to, Judge Story says, after elucidating the question of compact, and the views of distinguished men, "no such claim has ever, (at least to our knowledge,) been asserted by any jurist or statesman, in respect to any of our State Constitutions." Again in sec. 338, he says, "the true view to be taken of our State Constitutions, is, that they are forms of government, ordained and established by the people in their original sovereign capacity. The language of nearly all these State Constitutions, is, that the people do ordain and establish this Constitution." And again, at sec. 349, he says, "the subject has been thus far considered chiefly in reference to the point, how far government is to be considered a compact, in the sense of a contract, as contra-distinguished from an act of solemn acknowledgement or assent, and how far our State Constitutions are to be deemed such contracts, rather than fundamental laws, prescribed by the sovereign power. The conclusion to which we have arrived, is, that a State Constitution is no further to be deemed a compact, than it is a matter of consent by the people, binding them to obedience to its requisitions, and that its proper character is that of a fundamental law, prescribed by the will of a majority of the people of the State, (who are entitled to prescribe it,) for the government and regulation of the whole people." And again at sec. 340, he says, "a State Constitution is then in a just and appropriate sense, not only a law, but a supreme law, for the government of the whole people." And again, "it would be an extraordinary use of language, to consider a declaration of rights in a Constitution, and especially of rights which it proclaims to be unalienable and indefeasable, to be a matter of contract."

How now does the question stand. The gentleman, in order to show that the majority have no right to change their form of government, except in the prescribed mode, took the ground that they could bind themselves by a Constitution, which became a compact or contract. But he is contradicted by the authorities. They all show that government is not a compact, but a fundamental law, prescribed by the supreme power of the State—that the supreme power have at all times a right to change and remodel their form of government in the manner they may appoint—and that the