

which it is exposed, may, in its judgment be necessary to defend it. To do more than this would be to expose the particular section to the uncontrolled dominion of others, with no security for its liberty, but the forbearance of the stronger sections. The idea of pure democracy, urged by the gentleman from Baltimore city, [J. Brent] is Utopian. It can exist only when every member of society does, or can, participate in every act of government. It is inconsistent with the representative system, and utterly at war with local or district representation. Government is a practical affair, and must be adapted to the people over whom it is to operate. Different forms, or at least a different distribution of its powers are necessary in different places. In the mere act of forming a Constitution, each member acts for himself and majorities, as such, have no rights. The Constitution, when formed, gives the majority all its rights and is designed to limit it to physical power. Its object is to afford equal protection and equal rights to all, to protect the weak from the strong, the few from the many. If the former were at the mercy of the latter, the government would be a despotism, no matter what may be its form, less tolerable than even imperial tyranny—for one tyrant is less to be feared than many. Checks and restraints must therefore be impeded, sufficient on the one hand to enable the weaker portions to defend themselves from oppression; and, on the other hand, not so strong as to defeat the will of the majority any further than may be necessary to give protection to the minority. And let it not be said that such a system is inconsistent with the maxim that majorities are to rule. On the contrary, it is the only theory consistent with that maxim. If the majority have a right to rule, independent of compact, it is a right founded on no better title than mere brute force—the law of the strongest; it is subject to no control, and written Constitutions are of no value. But when the powers of government are clearly defined, and political privilege is apportioned by the organic law according to the wants and the dangers of every part that law, when sanctioned by the express assent and acquiescence of the governed, becomes the will of society, and it can not be rightfully violated or resisted. Thus sanctioned, it speaks the voice of the majority, and as such, is entitled to the highest respect and most perfect obedience.

The idea of a government of mere numbers has never prevailed in this State. It is not sustained by any part of our history. From the earliest period the necessity of some limitation on the power of numbers, has been realized and acted upon. Until within a few years, representation was apportioned without respect to population; and now it is apportioned on a compound basis of numbers and territory. Under the proprietary government, as early as 1659 the counties were equally represented in the lower house; and under all the mutations of sovereignty, and of parties, the same principle has been preserved, and continued in full vigor down to 1836.—In the Convention of 1774, called into existence

by the tyranny of a foreign government, to devise means for the common defence, and filled with patriots, in whose bosoms freshly burned the fires of freedom, the first resolution, was that each county should have an equal vote, and all questions should be decided by a majority of counties. The Conventions of 1774, 1775 and 1776: were composed of "delegates from the several counties." Taxes were laid on the counties, as such. Upon the vote to expel Governor Eden from the Province, the yeas and nays were taken by counties; St. Mary's, Charles, Calvert, Prince Georges, Anne Arundel, Frederick, Baltimore, Harford, Cecil, Queen Anne's, Somerset and Worcester counties, voting for his expulsion, and Kent, Talbot, Dorchester and Caroline counties, voting against it. And so the yeas and nays continued to be taken down to 24th June, 1776, when it was

"Resolved, That all questions be determined by a majority of members." On the passage of this resolution, the yeas and nays were taken by counties. St. Mary's, Charles, Calvert, P. George's, Anne Arundel, Frederick and Harford counties voting yea; Queen Anne's, Dorchester, Somerset and Worcester counties voting nay; and Cecil, Kent and Talbot counties, were divided. The principle of county representation was seemingly departed from in the Convention of 1776, which framed the Constitution of that year. But the departure was only apparent, not real. Frederick county at that period comprehended all the territory which afterwards formed Montgomery, Frederick and Washington counties, and was divided into three districts, called the Upper, Lower, and Middle districts. She was all voted twelve delegates in that Convention, which were elected, four from each of the three districts. The reason of this was, that the Convention designed to divide Frederick into three counties, corresponding to the three districts; and very early after the meeting of the Convention, the division was made. Washington and Montgomery counties were established, and the twelve delegates represented three counties, which was in perfect accordance with the previous usage. The principle of territorial representation was deeply engraven on the Constitution of 1776, in both Houses. The Senate was elected by equal number of electors, chosen by each county, and by half that number by each of the cities of Annapolis and Baltimore; and in the House of Delegates each county had four members, and each of the cities two. The principle remained unimpaired down to 1836, when it was partially invaded, but not destroyed. In the constitution of that year it is very distinctly maintained, though with less force; the Senate is purely territorial, and in the House, representation is based on territory and population. And this body, too, has approved of the principle of territorial representation. This Convention, by a very large majority, has denied that representation is to be based on numbers simply; and by a unanimous vote has determined the Senate shall be composed of one member from