

duancements to confer these rights. His principal object was to have the colony settled as fast as possible—to induce immigration to his province.

Having that end in view, he must of necessity, by every consideration of prudential policy, which was calculated to make the settlers satisfied with their situation, and induce others to come, confer upon them such privileges, as would enable them to minister as much as possible, in a legislative way, to their own wants and necessities, which were at that time, identical and uniform throughout the settlement. There is therefore, no analogy of cases, between the people then, who possessed these rights, by virtue of a charter most graciously given by his most gracious lordship, and the people now, the "eternal people," as the gentleman calls them, who hold these inherent and inalienable rights, by virtue of their sovereignty alone.

There was then, an identity and uniformity of interests throughout the settlement, which was confined to narrow limits; and every intelligent settler had an opportunity of knowing the legislative wants of the whole people. There were no conflicting local or sectional interests.

Such, sir, is not the case now. The conflicting and peculiar local interests, which exist in the different divisions of the State, are well known to all, if not properly appreciated. In view of these facts, the legislative body should be so organised as to guarantee the preservation, enjoyment and protection of these interests, wherever they exist, whenever it is possible to do so, without working injustice to other sections. I will endeavor, in the course of my remarks, to show what these local interest are.

Again, I repeat, sir, there is no parallel of cases in the examples of that day and the present, nor any thing approximating to it; nor can the gentleman legitimately deduce therefrom, an argument, or establish a fundamental truth, in support of his views on the subject of representation.

The doctrine of the "right of the majority to govern" has been descanted upon, at much length, by gentlemen who advocate the proposition of representation according to population, and has been regarded as an insuperable argument in favor of this proposition. It has generally been spoken of as a truism—an uncontrovertible position—a settled principle, against which, it would be the veriest political heresy, that could be conceived of, to utter one word of objection. With all deference and respect for the opinions of others, and with a full consciousness of the risk I run, of being characterized as an innovator upon the rights of the people, I beg leave to dissent from this broad, and as I believe dangerous doctrine, unqualified as it is, by any limits, or restrictions.

This doctrine as advocated here, as an absolute principle, has I believe no practical existence in *extenso* either in the Federal Government, or in the State Governments. If we regard it as an absolute principle, (I use the word absolute, as applied to power) where, I ask, shall we go to find it developed in every branch and feature of

of government? Not to the Federal Government—for in neither branch has it such an existence. The Federal Executive may be elected by a minority of voters. Those who represent the majority in the National Legislature may be defeated by those representing the minority. The judiciary and every office within the reach of Executive patronage, may be appointed and filled by a President elected by a minority. These are facts known to all, and it would be a useless expenditure of time, to enter into illustrations, for the purpose of proving them. The doctrine as an absolute principle of Government, does not therefore exist in the Federal Government.

It is true, the converse of these facts may and does exist. But this will not prove the existence of the principle.

If it be an absolute doctrine or principle, established and recognised as the only basis or foundation of our governmental organization, it could not be subject to this accidental defeat. If it be such a principle, it must be imperative, unlimited and unfettered by any changes or circumstances of chance, or accident; it must exist as a unit—as a whole, incapable of division or qualification.

I do not profess, Mr. President, to be very conversant with the organization of the governments of the different States of the Union, and it would be tedious to examine them in detail. But sir, I believe I hazard nothing when I say, that this principle has, in no government in this Union, any existence other than that which may be exercised, and is only operative within the pale of certain checks and restrictions imposed by the organic law of the State. It is true, that the governments of some States verge nearer to a pure democracy than others—circumstances, such as an uniformity and identity of interests in the different sections of the State, favoring such a tendency. But when we come to examine them, we are certain to find some checks, beyond which the will of the majority can not step without the exercise of illegal force, and the consequent violation of organic law.

As there are two classes of monarchies—absolute and limited or constitutional—so, also, are there two classes of democracies, the one absolute, having no law but the iron will of the majority—the other having all its laws framed with a due regard to the will of the majority, within the pale of certain wholesome checks and restrictions, prescribed and established by constitutional law. It is to this latter class that our governments belong. In this class alone can liberty be perpetuated; diffusing its rich and inestimable blessings to all alike—guaranteeing security to all and shielding all from oppression.

The former class is liable to all the objections of an absolute monarchy. It is more vacillating and instable, but, at the same time, more powerful for weal or for wo, than an absolute monarchy. And its despotism would be as much to be dreaded as that of the most absolute monarch that ever lived in the eastern hemisphere.

It was in this connexion that an intelligent and observant French author, Mons. De Tocqueville, who misconceived, somewhat, the nature and