

If, then, the construction of the undersigned is correct, the proposition to assemble a convention, stands precisely upon the same ground as it would occupy, if the forty second article of the bill of rights, and the fifty ninth article of the constitution, were absent from those instruments respectively. The only legislative body in the world, where history is old enough to afford us information upon essential points of constitutional law, is the British Parliament. Yet the organic nature of this body, is so different from that of our Legislature, that we are apt to fall into serious error when we make comparisons.

The Parliament is, in theory, composed of King, Lords and Commons. It is a *representation* of these, however, by the respective members in that body. The legal consequence is, the old maxim of the omnipotence of Parliament. All parties being there represented, as integral divisions of the State, the laws which are ordained by that Assembly are not subject to any restraint whatever. The most remarkable instance afforded of the application of this theory, was the conversion, by its own act, of the Triennial into Septennial Parliaments. In such a state of things, there is no power remaining with the people. The authority of Parliament is not a concession of rights, but a compromise and adjustment of conflicting interests. Any assertion, therefore, of rights inconsistent with the entire dominion which it assumes, is a revolutionary movement.

But, in a case where the Legislative power is exercised not by representation, to speak strictly, but by delegation, there exist two modes of altering, or controlling the organization of the government. The first is, by revolution,—the second is, by revocation. When the authority to alter and amend laws, or to change an existing system, is exclusively the prerogative of any class, or body of men, however composed, no other class, or body, can assert their general rights, as members of society at large, except by *Revolution*. Even if such body or class, should chance to be very largely in the majority of the whole people, their want of *legal* rights, except as subject powers, would leave them no resort except the complete, or partial, overthrow of the fabric of government. In so doing, they would assert their *human* rights, perhaps; but would undoubtedly infringe upon the *legal* powers of those who had hitherto held them in subjection. In a word, it must be remembered, that under the English constitution, popular rights are in the main, concessions of authority, not reservations of power. The advocates of change may hold a different language, but the legislation of England, from William the Conqueror down to Charles the first, indicates not so much the restoration of popular rights to their ancient legal boundaries, as their gradual encroachment upon the narrow and arbitrary limits of a system, in which they were little considered.

Our constitution, on the other hand, is a system of *delegated* powers; and the right of sovereignty remains in the people of the State, without regard to local divisions. In this man-