

That within the sphere of the powers expressly agreed to be exercised *conjointly*, through the operations of the General Government, the maxim, that "the majority must rule," applies, not to a majority of the whole people of the United States, as a consolidated nation, (for there is no such majority known to the constitution, and consequently, no representation of such majority, in any department of the government,) but it applies to a conventional majority, as agreed upon by the people of the several states, and established by the constitution.

That "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people" thereof.

That within the sphere of "The powers not delegated to the United States by the constitution, nor prohibited by it to the states," the maxim, that "the majority must rule," must be restricted to the *ruling, or conventional majority* under the *state* constitution.

That the majority of the people of the United States have no more authority to interfere with the rights and powers "reserved to the states respectively," than the majority of the people of England or France.

2d. *Resolved*, That "the General Government, by the constitution, was not made the exclusive or final judge of the powers it was to exercise; for if it was so to judge, then its discretion, and not the constitution, would be the measure of its authority."

3d. *Resolved*, That by extending the judicial power of the United States to *all cases in law and equity*, the constitution must not be understood to confer on that department *ANY political power whatsoever*. To come within the description, a question must assume a *legal form*, for forensic litigation and judicial decision; there must be *parties to come into court*, who can be *reached by its process and bound by its power*, whose rights admit of ultimate decision by a tribunal to which they are bound to submit." (Chief Justice Marshall.) "That there may be instance of usurped power, which the forms of the constitution would never draw within the control of the judiciary department; that if the decision of the judiciary be raised above the authority of the sovereign parties to the constitution, the decisions of the other departments not carried by the forms of the constitution before the Judiciary, must be equally authoritative and final with the decisions of that department."—"That dangerous powers, not delegated, may not only be usurped