

of the State. There were gentlemen in that Convention who claimed that they had a right, legally, to assemble such a portion of the people as demonstrated a general assent, and that they had the right by law, by such a movement to call a Convention, which Convention should be considered as the representative of the popular will, and therefore entitled to respect at the hands of the State. This doctrine was opposed. It was said, and I had the honor myself to entertain and express that opinion, that the only mode originally known by which government could be changed was that of revolution. I had yet to know the man who denied the right of revolution to any people. We claimed our national existence, in consequence of maintaining that doctrine, and we established it when we separated from Great Britain. I know no class of persons who have ever thought proper to deny that any community possessed the right, when oppressed to an extent that by universal assent requires resistance, to revolutionize its government. I hold that now the people of this State have the right, if in their majesty they can rise and obtain the sanction of the community to their proceedings, to resist oppression by revolution. But revolution is not only very fatal to the interests of a community, but it is a very troublesome operation. No revolution can be effectual without a subsequent acquiescence of the community in which that revolution has existed. It will not do for a revolutionary government to declare itself, without the aid of any military force or offensive weapon, omnipotent; and to declare its proceedings obligatory upon all within its territorial jurisdiction. Such a declaration would be a *brutum fulmen*. It must be obeyed by the existing government, not opposed by it. It must be admitted to have effect by the community. It then becomes the will of that community. The preceding government retiring voluntarily, gives place to the government which comes in without force, or they are compelled to abandon their position by force and the new government takes their place.

The difficulty, as well as the dangers of revolution, have given rise to what has been very emphatically, as well as very properly, termed the American system of changing the government—a system known throughout all the States of this Union and practiced everywhere. Those who for the moment represent the people in their legislative bodies, or in some recognized assembly supposed to utter the sentiments of the people, prescribe that a Convention shall be held, the time and manner being named. This question is submitted to the people calmly, and a vote is taken in the proper place and at the proper time, and if sanctioned, the object being considered proper and laudable, the Convention is held by the express acquiescence of the community.

This constitutes the case of the Dorr rebellion. There a certain class of individuals, a very large portion of the voters of the State of Rhode Island, undertook to change the government without any preliminary legislative act. The government of Rhode Island did not choose to submit to the Constitution which they made. The government existing prior to the Convention thought proper to maintain their position and to treat this effort to change the government as a rebellion. Mr. Dorr, who was the leading person in the movement, was indicted; and in the course of that trial gentlemen will find a great deal of learning exhibited by the counsel in the case, especially by Mr. Webster; and this American doctrine was enforced. Now if Mr. Dorr's project had been acquiesced in by the existing government, and the Constitution which they proposed to adopt had been sanctioned by the people, and they had organized their government under it, no doubt at all it would have very properly been considered the organic law of the land. But they did not choose to do so; and the people neither had the benefit of an insurrectionary or revolutionary government, nor of a government created by the instrumentality of the American system.

The result, therefore, is that in all the States of this Union the mode prescribed by the Constitution of the State is adopted. It has been contended by some that the mode in which the people may alter or reform their organic law was not to be controlled by any previous constitutional enactment. Yet our ablest minds have held differently. Judge Story in his commentaries, and Mr. Webster in his speeches, have maintained that the people may impose restraints upon themselves. Some gentlemen say you cannot bind the people; that you cannot make any generation submit to the dictates of the generation preceding, and so on. We know a man can bind himself. I am a perfectly free agent, but I may enter into a contract with my neighbor, and impose obligations upon myself. Certain it is that in this State, with the exception of the last Convention, the Constitution has never been changed except in the mode prescribed by the Constitution. And as I understand, the opinion is not now expressed anywhere that the powers of this Convention arise from any other source than the observance by the people of the advice of their Legislature to hold a Convention.

My colleague upon the committee (Mr. Hebb) is very much more acquainted with the discussions that preceded the adoption of this bill of rights by the committee than I am. However, I will say no more about that. I invoke his recollection whether there was not adopted by the committee in their report an article at the close of this bill of rights, relating to the manner of altering or changing the Constitution. Such is my recollection,