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SPEECH

OF

THOMAS F. BOWIE, Esq.,

Delivered in the House of Delegates of Maryland, February 27th, 1846,

ON THE

REFORM BILL.

[Conclusion.]

Mr. Bowie said he had confined his remarks to the consideration of the constitutional argument, as presented by the gentleman from Baltimore city. He had shewn that conventional reform was not "a constitutional legal right," as the constitution now stands, and that to make it so, the constitution must be amended in such manner as to authorise the general assembly to provide for the call of a convention of the people. He would now proceed to consider the doctrine of "inherent unalienable rights," which had been so often adverted to by some gentlemen in the course of the debate. It had been said that if the constitutional right did not exist, the revolutionary right did, and upon that revolutionary right the friends of reform might fall back. But this did not follow as a necessary consequence. Unalienable rights were very different from constitutional rights. The revolutionary right could only exist when the government had become subversive of its original ends, and public liberty had been prostrated or destroyed. Then, and then only, did the right of revolution begin. If the people, by the terms of the original compact, had parted with the right to alter or change their government, and lodged that power in some other branch of the government, they were bound by the compact, and could only change it when the exercise of the power had been subverted from its original purposes, or had become destructive of all free government. This was the doctrine of the Bill of Rights, it was the doctrine of the Declaration of Independence; and it was now too late for the interpolation of new theories, at war with these great, fundamental principles of all free governments. By inherent, unalienable right, or the right of revolution, Mr. B. understood the right to fight. The right to defend ourselves against the encroachments which government may make upon our lives, our liberties, and our pursuit of happiness. When government begins this encroachment, it becomes subversive of its ends. Instead of a free government, it becomes a *despotism*. Against such a state of things it is the inherent right of the people to defend themselves. This is a right which the God of Nature has given us. But, sir, he has given us no political rights. Our political rights are derived from ourselves. We derive them, and derive them only, from the compact, under which we have agreed to form a government. In a state of nature, man is unrestrained by municipal laws. His only restraint is the moral sense. He has the right to take and appropriate to his own use such property as he may be able to maintain by possession. And yet, in a state of nature, every man has the right to defend himself against encroachments or assaults that may be made upon those rights. Government, under which he acquires political rights, is a compact. It is a compact, entered into for the purpose of securing and establishing a greater amount of happiness, by the enlargment of his political rights. By this compact, he is bound, and bound through all time. If the compact contains no mode of changing or reforming the government, and by long and repeated encroachments on the freedom of the people, the government has become subversive of public liberty, then, I admit the right of the people to change the old, and to establish a new government. But, if the compact does contain a mode of change, that mode must be resorted to, or having been resorted to, must prove ineffectual, before the right of revolution can attach. Now, sir, I would respectful ask gentlemen, whether the government under which we live, and which the people themselves have formed, has stepped beyond its constitutional limits? Do they feel any oppression—any tyranny from the government? Do those evils, consequent upon the perversion of government from its original ends, weigh oppressively upon them? Are they not as free and as happy now, under this government, as they ever have been? Are they not as free and as happy as they wish to be?—Free? Yes, sir. They are as free. And are now enjoying as many political blessings, and as large a share of public liberty as has ever fallen to the lot of man. The government under which we live is essentially republican, both in theory and in fact. And for the reform of all abuses, should any exist, an ample remedy is provided by the provisions of the fundamental law. No justifiable or maintainable ground can therefore be urged for the exercise of the revolutionary right.

But gentlemen have said that the upper and more populous counties of the State have not as much power, under the present organization of the government, as they are entitled to. They want more power. And for the attainment of more power they are willing to resort to the exercise of the revolutionary right. But have they tried all other expedients, and found them ineffectual? And whether they have or not, when before, was the mere desire to acquire power, in a government already free and republican, held to be sufficient to justify a portion of the people in resorting to revolution. Sir, in the language of the Bill of Rights, "the ends of government must be perverted—public liberty manifestly endangered, and all other means of redress ineffectual," before the right of the people to overturn the old, and establish a new government, begins. An equal distribution of power amongst the different portions of a community, can rarely be attained, under any government. And, so far as such distribution depends upon mere population, fluctuations must necessarily take place, as population will increase and diminish in the various sections of the state. In the distribution and allotment of political power and political franchises, it is the part of wisdom, and more in accordance with the principles and spirit of true republicanism, to look, rather to the nature and extent of the franchises conferred, than to the number, or condition of the individuals upon whom they are conferred, or upon whom they are to operate. If those powers and franchises, in their nature and extent, are bestowed alike on all—if no distinction of differences are made between the citizens of a State, with respect to the quality, nature or extent of their political franchises, no well grounded objection can be urged against the republicanism of such a government, because those powers and franchises happen to be enjoyed, in larger masses, in one section of the State than in another. To base the right of revolution upon a mere fluctuation in the population of a State, would render the government so unstable as to be unworthy of preservation. Revolutions will become of so frequent occurrence as to destroy, not only the substance, but the forms of freedom. If mere equalization of power is what gentlemen want, they will find it unattainable under any reform that may be adopted. Mr. B. cared very litle about political power. He wished it to be sovereign, no matter where it was lodged. In this free government, happily for us, all political power is derived from the people. In monarchical governments, it is said to be derived from the king, by the *jure divino*. But whether it springs from heaven, or from earth—from a king, or from the people—it ought to be sovereign. Would you have people, in the exercise of their sovereign power, establish a constitution and form of government,—provide the means by which it may be perpetuated, and then, in opposition to the modes prescribed by themselves, adopt others, wholly different? In all ages and under all forms of government, the sovereign has been held to be bound by his acts, and his declarations. And whether these acts of sovereignty proceed from the people, or from a monarch, they are alike obligatory on both. When the people undertake to exercise acts of sovereignty, they should be allowed to enjoy the fruits of sovereignty. The formation of government is one of the highest acts of sovereignty; and any deviation from the rules prescribed by the fundamental law, either by the people themselves, or by the agents whom they have entrusted with political power to carry on the government, is an infringement of the sovereign power, and is subversive, in its tendency, of all right to institute government, or to institute government, or to establish rules of civil polity. Whatever the compact is, the people are bound by it. If the compact prove injurious, in practice, let them alter it in the mode prescribed by the compact. If it be destructive of the ends for which it was ordained, and no mode of alteration is prescribed, then the right to alter or change it, as the people may desire, is an inherent right. "When life and public liberty, and the pursuit of happiness are manifestly endangered"—"when other means of redress have been tried, and found ineffectual," then, but not till then, does the unalienable and inherent right of revolution begin.

But, sir, gentlemen have been pleased to say that the people have the right to control the minority, and that whenever it suits the pleasure of the majority to alter the constitution, they have the inherent right to do so. To the extent contended for, I cannot sanction this doctrine. I agree that in the act of forming government, the will of the majority ought to, and most generally will prevail. I am willing to admit that government to be best, which administers the greatest good to the greatest number. And whether in the formation, or in the administration of government, I admit, that the interest and happiness of the greatest number, should, for the most part be consulted. But gentlemen must recollect that all "government originates in compact," and is instituted for the good, not of a part only, "but the whole people"—for minorities as well as majorities. Government itself is a restriction upon the power of the people—the whole people. And not only are majorities, bound by it, but the whole, and each and every one of the people. All and every one of the people—majorities as well as minorities, are bound by the constitution and the laws; and it is no more in the power of a majority to violate that constitution, or those laws, than it is in the power of a single person to violate any other law of the land. Mr. B. thanked God that he lived in a country where the constitution and the laws were permanent to everything else — where majorities were bound up, and their powers limited. It was a glorious privilege to live in such a country. It was glorious to know that however small the minority he might be found in, his rights were yet protected from the encroachments and tyranny of the majority. As for himself, he would as soon live under the Autocrat of Russia, as under the fleeting and capricious dominion of a mob—under the ever changing and relentless rule of a mere majority of numbers, unrestricted by laws or constitutions. He would sooner obey the nod of one master, than of a thousand, for however arbitrary and cruel the exactions of that one master might be, he could know with certainty, where to find him, and how to serve him.

Mr. B. desired to know in what school of politics gentlemen had been taught the doctrine, that a majority of numbers had the right to do as they please? In the dark and barbarous ages of by-gone years—when physical force reigned triumphant over intellectual—when the power of the sword alone was resorted to, in the settlement of questions of right—when men, in a state of nature, had not yet learned the wise and wholesome restraints of government, and had made no progress in the formation of laws or constitutions,—such doctrines might well enough have found advocates. But in this age of civilization, and enlightened government—in this, our day, of written constitutions, and of established laws, he was surprised to hear such sentiments avowed. They could find no response in any American heart; nor in any heart, whose pulsations quickened with a love of country, or of constitutional liberty. Such majorities, in the sense in which they had been referred to by gentlemen, were the most arbitrary and tyrannical of rulers. They had often become monsters in the shape of men; and governed alone by principles of instinct, or of mere animal feelings, like ferocious beasts of the earth, had stalked abroad, "seeking whom they might devour," overpowering by main strength, everything that might come in their way. They have been known, sir, to enter the halls of justice and turn the judge from his bench—to invade the legislative chamber, and cast the members from their seats—to seize upon the executive, and usurp the reigns of government. They have scattered death and desolation wherever they have gone. In their claims to undivided dominion, with sacrilegious hands, they have even attempted to pluck from the God of Heaven his sceptre, and to rob Him of his power. All this they have done, or attempted to do. And gentlemen would say they have the right. It is their inherent and unalienable right! Mr. B. denied it. He denied it in the name of humanity, and for the sake of humanity. He denied it in the name of every principle that was dear and sacred to American freemen. He denied it upon the authority of the Bill of Rights, that great charter of our rights as freemen, of which the very first article declares, "that all government originates from *the people*, is founded in compact only, and is instituted solely for the good *of the whole*. Does this article of the Bill of Rights mean that government is instituted for the exclusive good of the majority? Can gentlemen find any such doctrine in any part of that instrument? No, sir. The rights, and the happiness of minorities are as much the objects of governmental care and protection as those of majorities are. The day has long since past, when a majority of the *citizens* was held to constitute the government. That day was a day of darkness—of barbarous deeds—and of savage cruelty. We wish not to return to it. We want not to be thrown back again into a state of nature. From a state of nature, the right now claimed, is derived. It is not the result of conventional arrangement. Under a state of government, founded on compact, the rights of majorities as well as those of minorities, must be judged according to the terms of the compact. In a state of nature, every man has the right to do as he pleases. No law restrains him. He knows not his God. In a state of nature, man is but a brute—a lion, roaming at large through the forest, seeking whom he may devour. Here, power has the ascendency. Strength governs—majority rules—might makes right. But, in a state of civilization—under restrictions and laws—and under a form of government, man becomes a citizen—a subject—bound to act according to the limitations and restraints of the compact under which he lives, and entitled only to the privileges which are secured by the compact. I hope gentlemen will recollect that in this our State of Maryland, there does exist a constitutional compact—a fundamental law, and that this fundamental law does not give the right now contended for. I hope if they claim to exercise it at all, they will put it on the right basis. The right to overturn government at will—without reference to the objects of change, or to the complaints to be remedied. And then I say, they have no such right, except it be the right I have just spoken of—the right of the lion, roaming at large as king of the beasts of the earth, to devour and prey upon every other beast he may meet with. I hope, sir, that these gentlemen will not forget, that these other, less powerful beasts, have the right of self-defence. That they have the right to resist the lion. And I hope they will recollect, that like them, minorities have also the same right of self-defence—the right to resist the majority.—Don't forget that gentlemen. Recollect moreover, that revolution is a game at which minorities can play as well as majorities; and that minorities sometimes conquer.—Recollect, "the battle is not always to the strong."

The gentleman from Baltimore city (Mr. Cox) read this morning a passage from "Wilson's Lectures on Government," to show that the right of revolution was "in the citizens at large." Mr. B. did not controvert that. That is to say, when it does exist, it exists "in the citizens at large."—But if the gentleman had consulted his authority a little more closely, he would have found that this distinguished author affords but little aid, in support of many of the positions he has assumed. In speaking of the right to establish or form a government, Wilson says "a majority is sufficient to form government. If there be nothing contrary to the first act of assembly, then all are bound by the majority. If the first act, or its intention, *is infringed*, the minority are not bound to submit."

Mr. Cox.—Read on—read a little further on.

Mr. B—I know that further on, he says that "the minority may go off and leave the majority." But I say that "not being bound to submit," they may resist. Here, I assert for them, the right of self-defence—the right of revolution if you please. In such a case it may be resorted to. As soon as the ends of government are perverted—as soon as the limits prescribed by the fundamental law are overstepped, and there be no other means of redress the revolutionary right begins. And this right applies as well to minorities as to majorities. Sir, whenever this is the case in Maryland, I, for one, and I believe the whole Whig party, will assist in reforming the old and establishing a new constitution. But we can do it without resorting to revolution. No such desperate remedy is necessary. I will not say, we want no change, but I will say, we want no such change as revolution will bring us.—No, no, sir, we will not stir up to bloodshed, war, and ruin. We will not imbrue our hands in the blood of our fathers, and brothers, and mothers, and sisters. We want peace and happiness. We want to pursue the even tenor of our way, as heretofore—to move on quietly and peacefully, thankful for the prosperity which attends us, and contented with that which awaits us.

Mr. B. said he thought the gentleman from Baltimore city (Mr. Cox) was quite unfortunate in his reference to Wilson. If he had read a little more of that book, he would have found that Wilson maintains precisely the doctrine that he (Mr. B.) had been endeavoring to impress upon the House. Mr. B. here read from Wilson as follows: "If there be a compact, the people are bound by it. If, however, the constitution is *silent* respecting a change, the people may do as they think right."

The gentleman had also quoted from Judge Iredell. Mr. B. would rely on the same author to refute the inferences the gentleman had drawn from quotations made this morning. In vol. 3, p. 24, of the debates in the Convention which formed the constitution of the United States, Iredell says "if there is a compact it must bind all, and cannot be altered, except with the consent of both the contracting parties."

These, sir, are the authorities relied on by the gentleman to sustain the position, that a majority of the people are omnipotent, and can do any thing and all things they may please. How far the gentleman has succeeded, Mr. B. would submit to the deliberate consideration of the House.

And now, Mr Speaker, permit me to say, in conclusion, to the gentlemen who advocate this bill, that we hold them to the compact, under which we have so long and so happily lived. We cannot consent that it shall be altered or changed, except in the the mode prescribed by the constitution. If the mode prescribed by the existing constitution be not acceptable to the great body of the people, it is easy to alter the constitution and prescribe some mode, more acceptable to them. If, however, they attempt to change it by force, or by means of revolution, they must recollect that they will have blows to take, as well as blows to give. And they will be held responsible for all the consequences. Remember that minorities sometimes overcome majorities. If they should attempt it by a revolution, they must take care to be sure of success. If they should fail, they know what the consequences will be. Let them remember that in such an event, we are entitled to the assistance of the general government. If they should attempt to pull down the existing government by force, and we find ourselves unable to maintain it, the general government is bound under the provisions of the constitution of United States, to assist us. If they fail, then their condition will be helpless indeed. Gentlemen, if the government oppress you, I will join you, and the Whig party will join you, in all wholesome measures of reform. But it must certainly oppress you first. It must be destructive of life, liberty and your pursuit of happiness, before you can be justified in drawing the sword. Unless it be so, and you attempt to overthrow it by force, you place yourselves in a state of open rebellion to the constitution and the laws. Appeal to the right of revolution, and fail; and you know what the result will be! If, contrary to your duty as good citizens, and in violation of your allegiance to the State, you are desperately bent on violence, it will become the duty of all good citizens, of every lover of good government, and of constitutional freedom, to oppose you. In that hour of conflict, which may God in his mercy avert, we shall be prepared to lay down our lives in defence of our constitutional rights, and bearing aloft the broad banner of "The Constitution and the Laws," with a well grounded hope of victory, we can submit our cause to the judgment of an approving world.

But, gentlemen, spare us from all this. If you desire a convention, go about it in the right way. Begin at the beginning. Commence it in a constitutional way, and let us first make a convention constitutional. We will go with you in any constitutional mode. Come forward, then, and take the bill which I have presented to the House. Let us take it up and pass it—and you will have effected your purpose as soon, and as well, as by your own plan—with the additional consciousness that you have violated no compact—broken no faith or agreement, and left no room for cavil or complaint.

OLD WINTER IS COMING.

BY HANNAH F. GOULD.

Old Winter is coming again—alack!
How icy and cold is he!
He cares not a pin for a shivering back,
He's a saucy old chap to white and to black,
He whistles his chills with a wonderful knack,
For he comes from a cold country.

A witty old fellow this Winter is;
A mighty old fellow for glee!
He cracks his jokes on the pretty sweet miss,
The wrinkled old maiden unfit to kiss,
And freezes the dew of their lips—for this
Is the way with such fellows as he!

Old Winter's a frolicksome blade, I wot—
He is wild in his humor, and free!
He'll whistle along for the "want of his thought"
And set all the wamth of our furs at naught,
And ruffles the laces by pretty girls bought,
For a frolicksome old fellow is he!

Old Winter is blowing his gust along,
And merrily shaking the tree!
From morning till night he will sing his song;
Now moaning and short; now howling and long;
His voice is loud, for his lungs are strong—
A merry old fellow is he!

Old Winter's a wicked old chap, I ween—
As wicked as ever you'll see!
He withers the flowers so fresh and green—
And bites the pet nose of the miss of sixteen,
As she triumphantly walks in maidenly sheen—
A wicked old fellow is he!

Old Winter's a tough old fellow for blows,
As tough as ever you'd see!
He will trip up our trotters and rend our clothes,
And stiffen our limbs from fingers to toes—
He minds not the cry of his friends or his foes
A tough old fellow is he!

A cunning old fellow is Winter, they say,
A cunning old fellow is he!
He peeps in the crevices day by day,
To see how we're passing our time away,
And marks all our doings, from grave to gay—
I'm afraid he is peeping at me!

DOINGS AT OUR SCHOOL 'OUSE.

"First class of vagabones, rise!" thundered our school-master. Well, the vagabones rose. "Now answer every question correctly, or I'll break every bone in your bodies" was the next pronunciamento of the old autocrat of our red school house.—Sapient old pedagogue! thy years were many and full of knowledge. Looking back through a long vista of birch rods, I can see his restless grey eyes darting in quick glances from pupil to pupil, in search of the "graceless scamp" who threw the last spit ball with such wonderful precission as to barely escape his nose, and stick fast on the wall. And, now I recollect, he had a most perplexing squint—a squint accomodating; for if he appeared to be looking directly at one, that one might 'go it,' and no longer fear of being detected; for his optical focus was otherwheres directed—but, if his eyes were fastened in a direction, one could not tell where, then be wary, for it might be on *you*. Glorious old master! if your eyes squinted, your heart was as true as the needle to the pole—your affections had no squint; you thrashed all alike; and all alike shared your wonderful store of knowledge. This was the last day of the quarter—for a week our individual store-houses of lore had been progressing through the various stages of mental ventilation, and renovation; our memories jogged; dormant ideas awakened, and all our energies scoured up to a high state of brightness, by copious applications of the master's brick-dust of erudition. We were in prime order.

"John Brown, what do you understand by acoustics?"

"Why, a stick to drive cows with I 'spose."

"Get out, you young vagabone! did I not just see you reading about the science of sound?"

"Guess not—that was about Sylvester Sound, the Somnambulist."

"It was eh? Sarah, you are John's younger sister?"

"Yeth, thir."

"What is acoustics?"

"I know, thir—it ith, it ith the art of making a noith, and hearing a noith."

"You are right—explain it."

"Yeth, thir. If you stick your finger into your mouth, and then pull it out thuddenly, the cold air rutheth into the vakkum and produtheth a thound that thriketh on the tympan of the ear, whith maketh the thound audible, and it ith called thience of a couth-tixth."

"You are quite right, Sarah. John can you now tell me what is meant by acoustics! Be careful, sir; or you'll feel my stick."

"Yes, sir. A cow sticks your finger in her mouth and kicks over the tin pan, which sounds awful, and is called the science of a cow's kick."

"Well, John—you do credit to your teacher. You may take your books and run home. Willy Chase, what is the currency of the United States?"

"Cash and money."

"What are its denominations?"

"Coppers, bogus, and Bungtown cents, pennies, fips, fourpence ha'penys, levys, ninepences, Spanish quarters, pistareens and shinplasters."

"That will do. Jones, what is the standard weight of the U. S.?"

"Scale weight, and wait a little longer."

"What is a hundred weight?"

"One hundred and twelve pounds."

"Samuel, how many kingdoms are there in the material world!"

"Four."

"Three, only three."

"Four, I think, sir."

"Well, name them—what are they?"

"Mineral kingdom, animal kingdom vegetable kingdom, and kingdom come."

"Now, how many kinds of motion are there?"

"Four."

"Two; voluntary and involuntary."

"Simon says there's four."

"What does Simon say they are?"

"Point, point up, point down, and wigwag."

"You rascal! I've a mind to wigwag your jacket! Hadn't you better describe the motion of my stick?"

"I *can*, sir."

"And its effect?"

"Yes, sir. Up stroke, and down stroke—the up stroke, regular and easy, the down stroke spasmodically electrifying, and its effects are strikingly indescribable."

"You understand that, I see. Susannah, what is matter?"

"There is nothing the matter with me, sir."

"I ask you, what is matter, m-a-t-t-e-r?"

"Yes, sir—matter is every thing that has substance. There's animated, and vaccine matter, and"—

"No matter about the rest. Speaking of vaccine matter, puts me in mind of something else. There has been a case of small-pox appeared in the village, or rather, valiroroid, which is the botanical name for small-pox—and Mr. Scalpel says he has some prime vaccine matter, of his own manufacture, warranted to take—and he will vaccinate the whole village at eight cents apiece, and take his pay in potatoes. All recollect, and when you go home, tell your parents. George Smith, do you recollect the story of David and Goliah?"

"Yes, sir—David was a tavern keeper, and Goliah was an intemperate man."

"Who told you that?"

"Nobody. I read it, and it said that David fixed a sling for Goliah, and Goliah got slewed with it."

"Wasn't Goliah a giant, a strong man?"

"Yes, he was a giant, but he had a weak head."

"How so?"

"Why, to get so easily slewed."

"Yes, George; that was undoubtedly owing to the strength of the sling. Wasn't David a musician?"

"Yes, sir—he played psalms on the harp, a favorite instrument with the Jews, and at the present day is called a Jews-harp. I have one in my pocket—here it is.—Place it in your mouth, thus—breathe on the tongue gently, then strike with your finger, this way—and the psalms, in harmonious concord, fructify on the ear as natural as thunder."

"That's sufficient—you can pocket your harp. Simeon, how many points to the compass?"

"One! father broke the other off, opening an oyster."

"Squat yourself down! Jane, what is time?"

"Something that flies, any how."

"How do you make that out?"

"Why, tempus fugit."

"What's that?"

"Latin; it means that time flies, and how can time if it flies, be anything else than something that flies?"

"Excellent! What is the meaning of requiescat in pace?"

"Rest quiet cats in peace."

"Well, Jane; at Latin you are perfectly au fait—which translated means perfectly awful; it is a great phrase, from the classics, and applicable to this class, particularly. Now take off your jackets, and I will give you 'rewards of merit.' Those who get more than they merit, can keep the overplus as a token of my special affection for them; and those who get less can have the mistake rectified by mentioning it to me—you will find me quite obliging. Pope says, 'as the twig is bent the tree is inclined;' and that is very true for I have used up whole trees, thrashing your jackets for you."—*N. Y. Inveterate.*