

*Debates, vol. 4, p. 116.* The principle was here distinctly set forth, but as it might have afforded some room for cavil, and it was determined that there should not be a loop to hang a doubt upon, the phraseology was changed, and that of the present constitution adopted, "We the people of the United States," &c. If it is possible for human language or for human conduct to express the intentions of the mind, nothing can be clearer than the intention or the General Convention on this point. If regard then be had to the instrument itself, it is, and it purports to be, a constitution of government established by the people of the United States. For this purpose it was not at all necessary that they should be assembled in one body, in one place, or by one authority. It was sufficient for them to assemble in their respective States, at their usual places of election, and under the usual authority. When once assembled and they proceeded to ratify the instrument, it became to all intents and purposes their act. Nor does it at all affect the question that it was provided, that the ratification of a certain number of the States should be necessary for its establishment. That was a mere condition which amounted to no more than a declaration, that the experiment was not worth the trial, unless such a portion of the people should concur. So far as this particular subject is concerned, the term States is a mere description of the people by classes, and is of no more moment in the argument than if the provision had been, that it should not take effect unless ratified by two millions of people, or by two hundred and forty counties, or one hundred districts. The provision was a condition precedent which ceased to be of importance the moment it was fulfilled.

The tenth amendment of the constitution which provides 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," illustrates and confirms the view here taken of the character of the instrument and source of its authority. But if in addition to this, the frame of government be considered which deprives the States of almost all the essential rights of sovereignty, and makes them amenable to the tribunals of the United States' Government, whose decisions are conclusive in relation to all controversies arising under the constitution and the laws of the United States, it becomes a matter of surprise that any doubt should have been expressed on the subject. It thus appears that the constitution is not a treaty or compact