

our minister in England, Mr. Adams, as explaining the views which were then entertained by himself and the President and his Cabinet. He says :

“ For these reasons, the President would not be disposed to reject a cardinal doctrine of theirs, (the rebels,) namely: that the Federal Government could not reduce the seceding States to obedience by conquest, even though he were disposed to question that proposition. But in fact the President willingly accepts it as true. Only an imperial or despotic government could subjugate thoroughly disaffected or insurrectionary members of the State. This Federal Republican system of ours is, of all forms of government, the very one which is the most unfitted for such labor.”

Mr. Hamilton, in the *Federalist*, has stated precisely the same thing :

“ If the Federal Government should overpass the just bounds of its authority, and make a tyrannical use of its powers, the people, whose creature it is, must appeal to the standard they have formed, and take such measures to redress the injury done to the Constitution as the exigency may suggest, and prudence justify.”

These authorities express my views of the course to be pursued in the case I have presented, of a conflict between these two supreme jurisdictions, each supreme within its own sphere, and in a case over which the judicial tribunals of the country have no jurisdiction, and of which they have no cognizance.

Having said thus much in regard to the inferences properly deducible from the propositions I have laid down, let me proceed briefly to the establishment of the propositions themselves.

In support of the first proposition, I shall not weary the Convention with any extended historical investigation, nor shall I cite any one or two instances in which individual statesmen of that day may have denied the sovereignty of the States after the Declaration of Independence. I could give the gentleman from Baltimore city, (Mr. Thomas,) a still more memorable instance of that denial than any he has furnished. I could cite to him what is reported by Mr. Yates, to have been said by James Madison in the Convention which framed the Constitution of the United States, where, *as reported*, Mr. Madison in still stronger language than he has cited from Mr. Pinckney, of South Carolina, has denied the sovereignty of the States.

But when we remember that James Madison is also the author of the 39th number of the *Federalist*, that in the Virginia Convention he opposed with all his might the views of Patrick Henry, with regard to the nature and character of the Constitution, and that he was the author of the celebrated Resolutions of 1798 and 1799, we cannot take any isolated opinion and apply it against the whole current of his life.

These are not to be taken in opposition to the current and authentic history of the times. In opposition to all such *isolated opinions* I put the *articles of confederation* and the *treaty of peace*, and acts of the legislatures of the *several States* immediately after the Declaration of Independence, in which they claimed the allegiance of all persons residing in *their limits*.

I will not revert to the well known histories of these colonies, to show that they were only bound together by a common allegiance to the King of Great Britain; that the first settlers came here at different times and from various quarters, with their interests separate and distinct; the Huguenot in South Carolina, the Cavaliers and Episcopalians in Virginia, the Catholics in Maryland, the Quakers in Pennsylvania, the Dutch in New York, and the Puritans in New England. It is certain they adopted diverse institutions, and framed different laws, and set up different states of society. I suppose no one will pretend that the law of Massachusetts, if there was such an one, authorizes the hanging of witches, or slitting the ears of the Quakers, or that the blue laws of Connecticut, if there were such laws, prohibiting a man from kissing his wife on Sunday, and requiring every householder to drive the bung into the barrel to prevent his cider from working on that holy day, had any force or effect upon the people of Maryland, Pennsylvania or Virginia. They had different systems of laws, and were protected by the British Crown in different degrees. They had different forms of government, some colonial, some provincial, some chartered. At the time of the Revolution, the common oppression exercised upon them by the British Crown induced them to rise and assert their common independence.

In full answer to everything that has been said by the gentleman from Baltimore city, (Mr. Thomas.) upon this point, I place this one broad patent fact, that the articles of confederation themselves, proposed in