

sarily implied, are expressly reserved to the States respectively and to the people.

"That the State Governments should be held secure in their reserved rights, and the General Government sustained in its Constitutional powers, &c.

"That the Federal and State governments are parts of one system, alike necessary for the common prosperity, peace and security, and ought to be regarded alike with a cordial, habitual and immovable attachment. Respect for the authority of each, and the acquiescence in just constitutional measures of each, are duties required by the plainest considerations of national, of state, and of individual welfare."

I refer also to the celebrated resolutions introduced into the Senate of the United States in 1837, simply for the purpose of showing that the great leader of the Whig party, Henry Clay, took a decided interest in those resolutions, amended them in many particulars, and voted for them, and voted for one of them which declares,

"That in the adoption of the Federal Constitution the States adopting the same acted severally as free, independent and sovereign States, and that each for itself by its own voluntary assent, entered this Union with a view to its increased security against all dangers, domestic as well as foreign, and the more perfect and secure enjoyment of its advantages, national, political and social."

The great name of Henry Clay can no more be invoked in favor of this theory of consolidation than it can in favor of that other equally objectionable doctrine of abolition.

Let me recur again to what Mr. Seward has said in this celebrated letter written in 1861, when he was expounding to foreign governments what was the nature and character of our system: and to show that he sets up no claim of *paramount* allegiance to the Federal Government. He says:

"We are not only a nation, but we are *States* also. All public officers as well as all citizens, owe not only allegiance to the *Union* but allegiance also to the *States* in which they reside."

He lays down his principles just as the Whig party did in 1850, and just as I shall show they were held by statesmen of that school, from the earliest times to the present. No such doctrine as that of *paramount* allegiance to the General Government was taught by Hamilton, and the great men of his day. They recognized

the fact that the State and Federal Governments were each supreme within its own sphere of action, and it was the duty of the citizen to obey both equally, not one more than the other, but each within its constitutional limits.

I now turn to the decisions of the courts upon this subject. The gentleman from Baltimore city, (Mr. Thomas,) was exceedingly unfortunate in his allusion to the case of *McCullough vs. State of Maryland*, in 4 Wheaton, as well as to the case in 1 Wheaton, if he thought he could derive from them any support of his theory of consolidation. What does Chief Justice Marshall say in the first case. I will read a passage or two from his opinion, upon the mode in which this Constitution was adopted:

"They acted upon it in the only manner in which they can act safely, effectually and wisely on such a subject, by assembling in convention. It is true they assembled in their *several States*, and where else should they have assembled? *No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass.* Of consequence, when they act, they act in *their States*."

Again, on the other point, "This Government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was pending before the people, found it necessary to urge."

That principle is now universally adopted. The same thing was said by Judge Story, in the other case to which the gentleman referred, *Martin vs. Hunter's Lessee*, 1 Wheaton, 557. Hear him.

"On the other hand, it is perfectly clear, that the sovereign powers vested in the State governments by their respective constitutions, remains unaltered and unimpaired; except so far as they were granted to the Government of the United States. These deductions do not rest upon general reasoning, plain and obvious as they seem to be. They have been positively recognized by one of the articles in Amendments of the Constitution, which declares 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.' The Government, then, of the United States can claim