

all, that they do not want to pay allegiance to. What does "Government" mean? Webster defines it to be "that organization in which the political power rests." It is "the political being; capable," as he says, "of having a will, and having the power to exercise that will." That is Mr. Webster's definition; and to be exact about it, I will read it from his speeches. Some of these gentlemen used to be of the school of Mr. Webster. I do not know what has come over them lately, but they seem now to be repudiating all that he ever said or did.

"The government of a State is that organization in which the political power resides. It is the political being created by the Constitution or fundamental law. The broad and clear difference between a government and a league or compact, is, that a government is a body politic; it has a will of its own; and it possesses powers and faculties to execute its own purposes. Every compact looks to some power to enforce its stipulations."

Gentlemen do not want to swear allegiance to that government, and do not want to say in the Constitution whether they owe allegiance to it or not, because there may be a conflict between the State and the Government. If so, I wish to say in an organic law, that the allegiance is due first to the General Government.

But that is not the difficulty. Gentlemen would be willing to swear allegiance to the Constitution of the United States as the supreme law of the land, and the laws made in pursuance thereof, provided each State had the right to decide for itself whether they were made in pursuance thereof. When we say we owe paramount allegiance to the Government, we mean to the laws made by Congress, which are the laws of the land until the Supreme Court of the United States decides that they are not. We mean to be held by this; and we want to put it into our Constitution, that we owe allegiance to the laws of the United States, as made by the Congress of the United States, and that the separate States are not to construe the laws, or to say what laws are and what laws are not in pursuance of the Constitution of the United States. It is as plain as daylight that that is the doctrine of the Constitution. What does the Constitution say in reference to the Supreme Court? It says of the Supreme Court of the United States:

"The judicial power shall extend to all cases in law and equity arising under the Constitution, the laws of the United States," &c.

The Constitution of the United States then says upon its face what we ask the gentlemen to say. When laws are passed by Congress, those laws are presumed to be in conformity with the Constitution of the United States, until the department especially created to decide upon those laws, shall decide to the

contrary. Have not the gentlemen a fair chance before the Supreme Court? As Mr. Stephens said, they have had the majority of the Court for I know not how many years. They had the large majority of the judges, and the control of the Supreme Court even at the time of this great revolution. Gentlemen do not object to the Supreme Court when Judge Taney decides a *habeas corpus* or a Dred Scott case. It is all right then, and gentlemen appeal to this great power. But one gentleman from Prince George's, (Mr. Belt,) went so far as to say that the Supreme Court of the United States was of no authority in questions of this sort, because it was an arm of the Government created by the Government, and could not decide upon questions relating to the Government, or if it did, it was a tyrannical usurpation. That is going a great deal farther than Calhoun ever went. He utterly ignores the power and jurisdiction of the Supreme Court. It was necessary for him to ignore it in order to sustain the States' Rights doctrine; for I shall proceed presently to show not only that the Constitution bears these internal proofs of its own power, but that this is a consolidated Government with power to coerce if it shall become necessary. When we come to the decisions of the Supreme Court, the whole becomes plain as daylight, for they describe the power of this Government and declare it to be a sovereign power; that within their own spheres, but merely within them, the States have the power to rule and to regulate.

Now let me show for a moment, that the very doctrines gentlemen are now advocating are Calhoun's doctrines. They are no new doctrines. I wish to read Mr. Calhoun's resolutions, upon which Mr. Webster made his great speech; and I will stake my reputation upon the point, that they not only coincide with the doctrines now urged, in the main, but that they do not go quite so far as some of them. They may be found in vol. 3 of the Works of Daniel Webster, p. 448.

"Resolved," &c., "That whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, and are of no effect, and that the same Government is not made the final judge of the powers delegated to it,"—

That is Mr. Belt's doctrine.

—"since that would make its discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compacts among sovereign parties, without any common judge,"—

And I understood the other gentleman from Prince George's, (Mr. Clarke,) to say that we had no common arbiter.

—"each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress."

"Resolved, That the assertions, that the people of these United States taken collectively