

Congress or the States undertake to ratify it? No, sir; Congress called another Convention of the people in order to ratify the Constitution of the United States. Thus the Constitution was formed by the people and ratified by the people. It was ratified by the votes of the people and not by the votes of the States.

But it seems to me that the Constitution contains within itself the internal evidence of its own structure, of its own powers, sufficient to warrant the insertion in the Declaration of Rights of the provision we mean to insert there. It says in one of its clauses :

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

Look also to the enumeration of the powers of the Government of the United States and see whether it accords with the idea of the States being supreme. Congress has power to lay and collect taxes, to borrow money, to regulate commerce, to establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies, to coin money, to establish post-offices, to declare war, to raise and support armies, to provide and maintain a navy, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, &c. In section 10 are prohibitions upon the States :

"1. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law or law impairing the obligation of contracts; or grant any title of nobility."

"2. No State shall without the consent of Congress lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of Congress. No State shall without the consent of Congress lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay."

Is that consistent with the sovereignty of the governments of the States; for the United States to say what they may do and what they may not?

But that we may not be left in the dark with regard to the sovereignty of the General Government and of the States, we have the decisions of the Supreme Court, which have made the whole question so clear that the wayfaring man, though a fool, cannot err. In the case of *McCullough vs. State of Maryland*, in 4 Wheaton, 420, I was amused to see how the gentlemen have picked out a little of it to sustain their doctrine, totally misconstruing it; whereas taken as a whole, it goes to confute the doctrine of State sovereignty. Judge Marshall, looking at the question, asks who was ever so big a fool as to suppose the people of the United States were compounded together in a mass; and the gentleman from Anne Arundel (Mr. Miller) uses that to show that the people did not and could not act together, but acted as States; whereas the argument of Judge Marshall knocks the proposition from under him, and decides the case flat-footed against him. I will tell you how this question came up.

Congress had established a National Bank, and there was in the State of Maryland a branch bank, which the Legislature of Maryland attempted to tax. That tax was resisted; and the question came up to the Supreme Court whether the State had a right to tax a bank chartered by the General Government. Chief Justice Marshall reviews the authorities, and here is what he says:

"It would be difficult to sustain this proposition. The Convention which framed the Constitution was, indeed, elected by the State Legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretensions to it. It was reported to the then existing Congress of the United States, with the request that it might 'be submitted to a Convention of delegates chosen in each State, by the people thereof, under the recommendation of its Legislature, for their assent and ratification.' This mode of proceeding was adopted; and by the Convention, by Congress and by the State Legislatures, the instrument was submitted to the people. 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. But the measures they adopt, do not, on that account, cease to be the measures of the people themselves, or become the measures of the State governments.

"From these Conventions the Constitution derives its whole authority. The Government proceeds directly from the people; is 'ordained and established' in the name of the people,