

willing to swear it to the Government of the United States so long as it keeps itself within the exercise of the legitimate powers delegated to it by the State of Maryland, and the other States. My allegiance to it to that extent and no further is paramount to that I owe to the State of Maryland. Sir, it can hardly be necessary for me to tell gentlemen that there is such a thing as the reserved rights of the States. But give this article a practical operation, and what is the consequence? Instead of having recourse to what the men who framed this Government told you, you must resort to on all occasions of a conflict of authority; instead of pursuing the policy of calling a Convention of the States to settle any difficulty that may arise in relation to the powers of the State governments and the powers of the General Government, what do you do? Not what Mr. Jefferson says upon this subject should be done in all such cases. You assume the power. He says, "if the two departments should claim each the same subject of power, where is the common umpire to decide between them? In cases of little importance and urgency, the prudence of both parties will keep them aloof from the questionable ground; but if it can be neither avoided nor compromised, a Convention of the States must be called to ascribe the doubtful power to that department which they may think best." He nowhere intimates, nor do the men who framed your Government, that the States are not co-ordinate departments of one simple and integral Government.

When you put this word "paramount" in here, without qualification or limit, you say *in totidem verbis* that the powers of the State government are subordinate to the General Government. But Mr. Jefferson says that is a departure from the true theory of our Government. He says:

"They are co-ordinate departments of one simple and integral whole. The legislative power of each State is exercised by assemblies deriving their authority from the Constitution of the State. Each is sovereign within its own province. The distribution of power between them pre-supposes that these authorities will move in harmony with each other. The members of the State and General Government are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these powers has not been supposed, nor has any provision been made for it in our Constitution."

Now, there is the line of separation, and I do not want by the action of this Convention to blot it out.

"But if it can neither be avoided nor compromised, a Convention of the States must be called to prescribe the doubtful power to that department which they may think best."

But put this article in here, and when Maryland in time to come, say a half century

from now, finds the iron heel of the Government upon her, and undertakes to say, as some of these other States have said, let us go into an adjustment of these differences between us; your laws are unauthorized; we will settle these troubles in a Convention of States—the answer will be, O! now, I have you shackled under this fourth article of the Declaration of Rights of your Constitution, in which you say I am paramount, your master, and not your co-ordinate and equal in the structure of this Government. That will be the practical operation of this thing. And fearing that, believing that these men are about to inaugurate a Government in this country which will of itself overpower the States, I shall raise my voice in protest against it. It is at war with the true theory of our Government in all time past, and foreshadows a policy which if carried out in practice will bring us inevitably, judging of the future by the past, under the chains of an unqualified despotism. But for the exercise of just such assumed powers at Washington, before God I believe we would this day be at peace.

I admire much the open and candid tone in which gentlemen have been pleased to express themselves upon this question. We understand them and their purposes clearly. They spoke to you about the arm of the Government thrown around Maryland. But they did not tell how that arm had pierced the sides of the unprotected citizens of your State. The gentleman from Baltimore city, (Mr. Cushing,) with a degree of fragrant eloquence, as the gentleman from Prince George's, (Mr. Berry,) termed it, that was quite refreshing, said that this Government had been his guardian angel, that it had thrown its shield of protection over him, and that ignoring the State that gave him birth, forgetful of her past history, rendered sacred by so many memories of great and glorious deeds, oblivious of the teachings of her best sons in all time past, he was ready now openly to avow that all his allegiance was due to that Government which, with the strong arm, the sword and the bayonet, had protected him. Now has not the gentleman read in the history of this war, that, in violation of those rights which our fathers supposed they had secured for us as our only and sure protection, there have been citizens of Maryland, whose rights have been ruthlessly violated by that arm of the General Government? has he no sympathy in his heart for those men who have been down-trodden and oppressed? I heard him express none. But we heard him sing praises to that great power at Washington which he is so eager to worship, and for which he is willing to lay down everything, because he says it has protected him. But his patriotism did not go out of his own door.

Sir, I want the rights of Maryland protected. I want Maryland to do her duty to