

and the Constitution, within their proper sphere and limit. If this doctrine be true, as asserted by the proposed article, then the citizen makes his pledge of allegiance against and in conflict with the States, viz., all the rights of the States. *Contra omnes civitates fidelitatem fecit.*

Now, is this so, Mr. President? Is the allegiance to the Constitution and Government of the United States *paramount*, measured by the protection which the government is clothed with the power of extending by the terms of the Constitution? Nearly all the protection which the citizen enjoys is secured to him by the States. The States deal with all of his local rights. The States regulate most of his rights of liberty—if not all. The States exercise control over the domestic institutions of the citizens. It protects them in all of the rights of life, liberty and the pursuit of happiness. And upon this point I refer to the Federalist, No. 45, page 215.

"The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce. * * * The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs, concern the lives, liberties and properties of the people; and the internal order, improvement and prosperity of the State."

Why is this Declaration of Rights put forth by the people of the State, unless upon the theory that the State, and not the Federal Government, affords protection to the extent of the great principles of government therein announced? What is the use of a Declaration of Rights on the part of the State, if everything is swallowed up in the consolidated, universal powers of the Federal Government? The Federal Government is more especially charged with the conduct of the foreign relations, and extends protection to its citizens in all matters appertaining to their rights with foreign and independent powers. The chief powers which it has, enabling it to afford protection to the citizen, are, 1st. The power to provide for the common defence and general welfare of the United States. 2d. To regulate commerce with foreign nations and among the several States, and with the Indian tribes. 3d. To provide for the punishment of counterfeiting the securities and current coin of the United States. 4th. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations. 5th. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and sea. 6th. To raise and support armies. 7th. To provide and maintain a navy. 8th. To provide for calling forth the militia,

to execute the laws of the Union, suppress insurrections and repel invasions, and to prohibit the States (and so protect the citizen) from doing any of the acts embraced within the tenth section of article one.

"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. No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, &c.

"No State shall without the consent of Congress lay any duty of 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."

And without going more fully into detail, the protection which the Federal Government extends to the citizen is measured and limited by the powers of sovereignty conferred by the Constitution. The protection which the State affords is measured by the extent of the powers of sovereignty retained by the States or the exercise of which is not prohibited to them. Allegiance is due, therefore, *partly* to the Federal Government, and *partly* to the State Government. The sum of the allegiance which is due to the two, constitutes that allegiance which is due solely and as paramount allegiance to a government whose sovereignty is not divided or parcelled out as under our system, but is indivisible as in France, England, or Russia. The allegiance to neither the State nor the Federal Government is paramount, as overriding each other. They are separate and distinct. Their powers of sovereignty, provided the government is constitutionally administered, do not clash. They do not run in angular directions which meet, but in parallel lines, each pursuing its own sphere; or in orbits centrifugal and centripetal, where if each is confined to its own orbit, you have a system harmonious and beautiful, like that which the Deity has given in the canopy above us in the motion of the spheres. But if you disturb them, one running into the other, one interfering with the other, you have a state of anarchy and confusion as dark and as terrible as that which brooded over the spheres before the universe was brought into order and light by the hand of Divinity.

And the question, which is to be obeyed—where does the allegiance due to each lead the citizen—must be determined by the fact, which is acting within the constitutional limits or orbits assigned to them respectively. In other words, sovereignty which is the *ultimate, absolute, uncontrolled power of govern-*