

rebellion. That is the only suspicious circumstance about these speeches; they so much resemble the speeches delivered by those worthies, professing identically the same devotion to the country. Davis is even said to have left the chamber of the Senate of the United States with tears in his eyes. I do not know whether his conscience could have smitten him; I reckon not. I think it likely he thought the fare would not be so good where he was going [laughter]—that probably had something to do with his tears.

The gentlemen of the opposition have urged that whether this doctrine of supreme and paramount allegiance be true or false, the Declaration of Rights is not the place to put it, as that contains an enumeration of the rights belonging to the people, and not the powers wielded by the Government. At first glance, that assertion seems to have some plausibility about it. But I hold that the people of Maryland are entitled to the privilege of being citizens of the United States; they have an equal interest with others in the history of the past, and all the glory that clusters about the name of American citizen; they have an equal interest in the flag of their country. And if they have an equal interest in those things, then they must owe allegiance to the Government which is supreme.

Several gentlemen upon the other side have rather triumphantly asked the question, if the creature could be above the creator, meaning that the State governments created the Constitution and Government of the United States. And they asked the question with some show of triumph, if the Constitution of the United States could be greater than the Constitution of the State, inasmuch as the State governments were its creator. To which I reply that the Constitution of the United States, equally with the Constitutions of the States, is the creature of the people, not of the States. The people are master and supreme over both, and can alter either as they see proper, and can transfer and locate powers in which they think proper; or can vest their sovereign powers in any other form they see proper.

Mr. MILLER. Will the gentleman from Cecil (Mr. Scott) answer the question, whether the majority of the people of the United States can alter the Constitution of the United States?

Mr. SCOTT. In the manner prescribed by that instrument they can.

Mr. MILLER. They cannot do it; it is impossible.

Mr. SCOTT. They can do it in the manner they have themselves prescribed. The people of the United States formed the governments of the States and of the United States. And according to the doctrine we all agree upon, that the people are sovereign in this country, then the people are not only masters of the State governments, but masters of

the Government of the United States, and can change either or both at their pleasure.

At first, during the operation of the articles of confederation, the sovereign power was only partially lodged in the Government of the United States. But that was evidently so unfit for the purposes for which it was intended, that the people formed a new government, and enlarged and increased the powers of that government by a direct grant of powers from the people. And in that grant they enumerated, by expressly naming them, particular functions of sovereignty that they wished that Government to enjoy and exercise. Now take away from any sovereign in Europe, the mightiest there, the powers and functions enumerated in the Constitution of the United States as being vested in the Government of the United States, and what a sorry sovereign you would have; a sovereign that could not raise an army; that could not build a frigate; that could not make peace or war; that could not send or receive an ambassador; that could not coin money, or regulate commercial intercourse; that is the kind of sovereign he would be. The Government that holds and exercises these essential and important attributes of sovereignty, must be the supreme power; and if so the paramount allegiance of the citizen or subject is due to that power. This divests the question of all the difficulty in which the opposition seemed to suppose they had involved us, in regard to the creature being above the creator, as there is no attempt to put the Government above the people, the people being supreme and above both State and General Governments.

The gentleman from Prince George's (Mr. Belt) said that the people were sovereign. Abstractly that is so; but practically that is not so; for allegiance is not due from one man to another and back again. The mob that desecrated the streets of Baltimore were sovereign, in one sense, at that time; they were masters for the time. What I understand by the sovereignty of the people, is that particular manifestation of it which we call government. Government consists of a Constitution, laws made in pursuance thereto, and officers appointed to carry out the will of the people, as manifested in that Constitution and those laws. That embodiment and manifestation of the sovereignty of the people is that to which allegiance is due. As the Government of the United States holds the most important powers—without which there can be no sovereignty at all, without which we would be the prey of every one that saw fit to molest us—as the Government of the United States holds all these important powers, those that inhere in and necessarily belong to sovereigns, to that Government unquestionably must the paramount allegiance of the citizen be due.

The people can withdraw these powers of