

in Constitution making; for the simple fact that even if you should put a proviso in that "every thing contained in this article shall be construed as giving to a State the right to secede from the Federal Union," it would be null and void. A State, by its bill of rights, has no power over the matter one way or the other. The power of the State is controlled by the Constitution of the United States, and under that I say she has no right to secede. I shall vote against this proviso for the reason that to attach such a proviso as that to my amendment would, in my judgment, be an intimation that this Convention does not understand the first principles of constitutional law. I vote "no."

The amendment to the amendment was accordingly adopted.

The question recurred upon the amendment as amended, and, being taken, it was rejected.

Article 4 was stated to be still open to amendment.

Mr. BRISCOE. I move to amend article 4 by striking out the word "paramount," so that it will then read:

"The Constitution of the United States, and the laws made in pursuance thereof being the supreme law of the land, every citizen of this State owes allegiance to the Constitution and Government of the United States, and is not bound by any law or ordinance of this State in contravention or subversion thereof."

I had expected, Mr. President, in the course of the discussion upon the provisions of this article, to have had the pleasure this morning of listening to some of the reasons that might be assigned by gentlemen upon the other side of this question, in advocacy of this new doctrine of paramount allegiance to the Government of the United States. After the very able and elaborate argument of my friend from Prince George's (Mr. Clarke) so thoroughly exhausting, it seemed to me, the whole question involved in this article, I had hoped some gentleman would have entered upon this discussion and endeavored, if possible, to do away with the impressions which that argument was well calculated to make. I had hoped that the chairman of this Committee upon the Declaration of Rights, after having presented to this Convention, as I consider, a very novel and startling doctrine, one for the first time heard in this State, would at least have deigned to enlighten us as to the reasons which induced him to come to so grave a conclusion.

I do not rise for the purpose of entering into an extended discussion of this question. But I have been educated in that school of politics which recognizes very marked lines of distinction between the powers of our National Government and those of our State Governments. I have been taught—it may have been improperly taught; I may have been educated in the wrong school, and may

have read the wrong books—but before I could bring myself to the conclusion to affirm a proposition of this character, I should have to ask some gentleman upon the other side to give us more light upon this subject, and I am sorry that it has not been given to us. I regret, for one, that, if the proud old State of Maryland is now, for the first time, to become a pioneer in this cause, tending to the downfall of States' rights, and the total overthrow of State sovereignty, these new and modern lights have not given us some of the reasons upon which they predicate their ground of action in this respect. As a Marylander, proud of the past history of my State, proud of its origin in the days of the Revolution, proud of its progress since that time, I, for one, am not willing, without far more deliberate consideration, to lay down here all the pretensions of what I conceive to be the very foundation of her liberties.

This question I believe to be one which agitated the giant minds of our Republic. And the mighty mind of Maryland—the great Mr. Pinckney—in that discussion which first arose as to the lines that divided the State from the National Government, upon the admission of Missouri into this Union, so clearly and so incontestably explained this question of State power and State sovereignty, that in my simplicity, I had thought it was placed beyond the reach of argument. Now, if we will refer, for a moment, to the issues and questions involved in the admission of Missouri into the Union, when this great power of paramount authority by the Government of the United States was then for the first time attempted to be exercised, as to the State of Missouri, we may probably gather some light upon the subject. The doctrine which seems to be covered by this proposition of the committee, is clearly at war with the views Mr. Pinckney then expressed, is clearly at war with what was then considered as authority, and which I think since that time has been considered as the great argument upon this question; an argument which, I believe, was then designated as the great response to the argument of that school of politicians in our country that claimed for the Government of the United States authority utterly at war, and inconsistent with the rights of the States. Upon that occasion Mr. Pinckney, in language more beautiful and more conclusive than any I could hope to employ, so clearly put this question before us, that I ask permission to read it to this House.

Mr. Pinckney tells us, in regard to this question of the power of the National Government, that a recognition of the paramount authority of the Government of the United States to touch the sovereignty of a State, to mar the fair proportions of a State, was but opening the door for restraints upon her future legislation; that the recognition of that