

Mr. President: I should have preferred that the gentleman from Baltimore city (Mr. Stirling), my friend, the chairman of this committee, should have thought it consistent with his sense of duty to pursue a somewhat different course from that which he has taken in bringing on this debate. Whether it was the result of compact, or from whatever source the understanding originated, still it was the understanding among all of us that the debate upon this article, and article twenty-three of the bill of rights, should not be entered into until after the exhaustion of all possible debate upon other topics contained in the report of the Committee on the Declaration of Rights. The only practical difference is this, that when this debate was suddenly precipitated upon us, without a word of notice to the Convention to remove the impression in regard to the time when this discussion was to commence, without notice to us of the committee, who perhaps may be regarded as more entitled to the notification from the chairman of the committee than other members of this House—we are hurried pell-mell into the midst of a discussion for which I was at the time, and am now, unprepared.

The difficulty that one has in handling such a question as this, as it would be if I was called on to discuss and prove the assertion that Maryland existed at all as a State, or that we are here as a body, or that we are here as living men and not wild beasts, or any other equally plain and equally self-evident proposition—the difficulty in discussing any merely abstract question of this sort, is not what you shall say, but what you shall not say. It is how to do justice, not to yourself, but to those who are compelled to listen to you. It is how to eliminate from the discussion those matters not directly and properly essential to it, and confine yourself merely to the practical and leading considerations which give point and efficacy to the general view which you propose to take of the subject. That is the principal injustice done to my colleague, (Mr. Clarke,) to myself, to every gentleman who proposes to speak upon this subject at all, by the sudden manner in which this discussion has been precipitated upon us.

And in addition to what I have mentioned as constituting one of the disagreeable circumstances of entering into this debate, there is another of a different character, and concerning which the responsibility does not attach itself to the chairman of the committee. If I may be allowed to use an expression which I do not consider to be exactly within the range of proper parliamentary courtesy, but which I use because it is used here, this disagreeable consideration arises from a knowledge of the fact that those whom we know here in debate as the political majority of this Convention have evinced a deter-

mination to incorporate this article into the bill of rights. Therefore, whatever the honesty and sincerity of our conviction, whatever of argument we who are opposed to the introduction of this innovation may be able to present against it—and I think that in a large part of my argument I shall surprise gentlemen on the other side by some of the grounds upon which I shall oppose this article, entirely aside from any political considerations—we are met face to face in the outset with this solid wall of opposition to our views, already resolved, predetermined, decided, before any debate upon the expediency of this measure shall begin; that it shall pass whether it be right or wrong. And another circumstance calculated to excite a disagreeable sensation upon the part of any one who undertakes to destroy a pre-conceived or pre-arranged judgment of any kind, is this: the gentlemen of the majority in arriving at this conclusion before debate, in deciding to sit here and hear us through courtesy merely—and I am bound to admit that they have always evinced a disposition to extend that courtesy to me—this hearing us as a matter of favor merely has already stripped us of the only excitement and force of argument which otherwise we should have, because we know from the tenor of what they say and do that the subject matter upon which we speak is already predetermined. In other words, like the executioner in Timon, the view they intend to take of their position here, seems to be that

“their commission,
Is not to reason of the deed, but *do it.*”

And there are one or two other preliminary considerations which I will advance. The first is, that a great deal of this ground has been covered by my colleague, (Mr. Clarke,) and being confined in my remarks to one hour, I wish at the outset to take advantage of a great deal that was said by him. In regard to that portion of my argument where I would cite authorities, I had prepared citations from the Madison papers, the *Federalist*, Elliott's Debates, and other high authorities, which I had proposed to read as a portion of my argument. But the gentleman has removed that necessity, and I will say here at the start, so as not to be misunderstood, that I find in Judge Upshur's Commentaries upon Story, and in an essay recently published at the North by a Mr. Throop, with whom I do not entirely agree, that nothing new can be said upon the subject. I find in these two pamphlets, the old States' rights doctrines which I hold, and which every one has held who supports my theory of the Constitution, stated with a degree of directness and a completeness of applicability that no one now can hope to equal, let alone to excel. Those views have that juxtaposition and that readiness of reference in these two books, that I