

the other points, which grow out of the circumstance that the adoption of this clause has a tendency to bolster up that doctrine of consolidation, which, upon its own merits, I am opposed to as a proposition to be supported in this country.

Firstly, in regard to the objections that arise upon the mere terms of this proposed article.

"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 paramount 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."

The first objection is that this doctrine is a novelty. Well, all novelties are not to be rejected of course; but there is a presumption against a novelty which is in itself essential and important to its consideration. Radical changes always have to run the gauntlet of an opposition upon the ground that they are radical, and that they are new. Any proposition offered here which would comport with a declaration already in the bill of rights, would not be open to this objection. But a thing never in the bill of rights before, a process which our forefathers never thought it necessary to undergo when declaring the principles of the Government which they established, of course it raises that natural philosophical opposition which always attaches to every thing that is novel, especially when it is important. I submit that this is a novelty heretofore unknown in Maryland; one which nobody in this State has ever before dreamed of; one which never entered into the imagination of any of the great names that helped frame the Constitution under which our forefathers and we have hitherto lived. It never entered into the imagination of any statesman heretofore, that it was necessary to put into the Declaration of Rights, in which we arrogate to ourselves all possible political powers and liberties, a section which practically enslaves us to another power. Personally, I have just precisely the objections to the insertion of this new article that I would have to the insertion of any other novel and radical change.

Another objection is that it is out of place here. This is a declaration of rights, and a declaration of rights in all the States is merely a method by which we preserve and re-assert the old foundations of liberty in Great Britain: it is only the way in which we endorse the action of our forefathers in wresting the great charter of liberty from the crown. It is nothing more than that; it is not essential, for beyond doubt, by force of common law and custom, we are entitled to all these rights without this declaration of them. Simply because the barons wrested from King John what is known as Magna Charta, simply because it is the method

which our forefathers in England thought fit to adopt in order to make a solemn claim to their rights and powers, simply for that reason have we followed it in Maryland. We adopt this as our forefathers did, not to define our political position as a people, or what we owe to any other people, but simply to arrogate to ourselves rights, without being precisely in the position of the barons who wrested the acknowledgment of their rights from King John. We do it to arrogate to ourselves our rights; not to state King John's rights, or what is due to George III, but what belongs to us; not what is due to the Government at Washington, but what we assert and claim as belonging to the Government at Annapolis. That is the proper foundation of a bill of rights. Therefore I hold that this proposed article is out of place here. We stand just where our forefathers stood when they wrested from the crown the acknowledgment of these great principles. To make this change, therefore, is to reverse the whole previous policy of this State.

And where is the necessity for it? Is there anything in our federal condition which makes it necessary? Is there anything in our State condition which makes it necessary? The position which a political community, a State, occupies upon a question of this sort strikes my mind as being very obvious. We sit here in no manner in reference to our position towards the Federal Government. We are here as a State, representing within certain restricted limits what may be called the sovereignty of the people of this State. We are here to frame a Constitution, a form of government, and from the mere fact of meeting here under the circumstances under which we are convened, and from the nature of the powers entrusted to us by the people, our duty is to arrogate to Maryland every possible power which consistently with truth and logic we can arrogate to her. The duty of a State is like what has been said of the duty of a judge: "A good judge will amplify his jurisdiction." You will not find a court which is properly imbued with the principles that ought to regulate courts of justice, that will deny itself powers which it can reasonably claim. So I hold, by analogy, that no State, no political community, existing in a federative system with other States, should be willing of its own accord, without invitation from any other power, to surrender in the declaration of its rights and privileges what is indeed the very life-blood and essence of those rights and privileges.

Now there is no danger but that the Federal Government will claim enough. There is no danger that the central power will not centralize sufficiently; that they have always done. And standing here at this day as we do, right in the presence of an assumption of federal power such as no man in our previous history ever dreamed of, a power which from