

the high functions of the State has descended to the narrowest limits of personal tyranny; when the Federal Government has arrogated to itself every conceivable despotic and monarchical power, to say that we in Maryland are so very strong, that our sovereignty is practically so extensive, that it is necessary for us to acknowledge to the Government at Washington that it is supreme, is almost a ludicrous work of supererogation. Why, sir, they have always asserted that supreme power. That has been the tendency of all federative systems; it is so in the cantons of Switzerland, it is so in the Hanseatic League. In all confederacies, it is the federative authority always which has to be checked and guarded against, because it is always the authority which encroaches upon the others. There is no need for us in the State to guard the powers that belong to the Federal Government. The theory in this country has ever been, from the time of its foundation down to this miserable, wretched and horrid war that has plunged us all in this common chasm of ruin and depravity, the true theory has always been that all we had to do in the States was to maintain the powers of the States, and guard against the encroachments of the federal power.

And, sir, this clause is open to another objection cognate with the one I have mentioned. It is that this is the enactment for the first time in history of a proposition of this sort in a bill of rights; it is that for the first time in the history of Maryland, for the first time in the history of any of the States, we are called upon to put on record, in this time of civil war, at this time when all powers, whether constitutional or not, are assumed by the Federal Government—properly assumed, a great many honest men think, in the existing state of war—we are called upon to put upon record in our Constitution what is a novelty not only in reference to our own history, but in reference to the history of every other State in this Union, because no other State has ever done it. We are here called upon, at this time and under these circumstances, to take pains and declare in our bill of rights that we owe paramount allegiance to the Government at Washington.

Now what is the natural commentary upon this—the natural inference from it! It assumes that there is a hostility in the people or the government of this State, or in the controlling power here, be it military or otherwise, against the Government of the United States. The people of Massachusetts have not found it necessary to do this thing. They expressly declare, and in remarkably strong terms, that Massachusetts is a free, sovereign, and independent community, and I glory in it that she has done so. Yet we here are to find it necessary to make this declaration as if to put ourselves right on the record, as if to remove some existing imposi-

tion. To me it has the air as if we considered ourselves naughty boys who had done something contrary to the rights and dignity of the Government of the United States, and it is necessary for Maryland, as the only boy in the school for when it has been found necessary, to get up and publicly apologize for something done or something that had been contemplated. Why cannot we stand as the people of other States stand? Why cannot Maryland stand in the position which she has always occupied, and which is occupied by every State in this Union to-day? Where is the necessity for the change?

And it is open to the objection that it is partizan law-making; it is partizan Constitution making. Now everybody knows that this theory of State rights, and the opposite to it—that which approaches more nearly to the idea of the Federal Government being in some measure consolidated, of this country being a nation and all that kind of talk—those are two partizan and political theories which, starting with the very adoption of the Constitution have been prosecuted with remorseless vigor up to the very time of the outbreak of this war. Now I do not think that those theories are proper subjects of discussion at this time, because that issue—for that is the real issue in this country, and no other—that issue has been submitted to the arbitrament of battle, and is now in course of decision. We all know that the people who held the consolidation theory were one party in this country; and the people who held the States' rights theory were the other. And now it is proposed for the first time in history to incorporate into the organic law of a sovereign political community what is in fact nothing in the world but one of the dogmas of a party platform. You here wish to put into the Convention of Maryland, the declaration that we who have held the States' rights theory are wrong, while you who hold the contrary are right because you thus make it the fundamental law. Now to me personally it makes no difference in the world: I would as lief that the government should be consolidated and tried on that basis, as on the basis of State rights. But I say—do not force the construction. If you want a consolidated instead of a States' rights government, let us try it; try it on, as the slang raging is; if it does not suit we can go back to the other.

But I am opposed to the policy of putting into our Constitution here what is practically but a partizan declaration, whether it accords with the doctrines of the party, or against the doctrines of the party with whom I act. That thing has been tried heretofore in Maryland—and I think gentlemen will find, upon a deeper consideration of this question, that party politics in our State are too fluctuating for the safe trying of any such experiment. I remember very well the common slander