

were ever sent there with the deliberate design of establishing a common agent that would have the right of compelling Maryland, by force of arms, by the display of military power, to adopt any construction of her own rights somebody else might put upon them? Do you suppose it ever entered into the contemplation of the men who formed the Constitution of the United States that a time would ever come when the States most populous would rule the States less populous? Did they ever suppose that in creating the Federal Government they were establishing a means, an agency, through and by which Massachusetts should ever tie the hands and feet of Maryland? Did it ever enter into their contemplation that by the adoption of that system they were constituting a power through which the last, newest, rotten-borough State created by the newest, sickliest, meanest, dirtiest partizanship in Congress, the last of those lumbug States, the last fruit of that policy of bringing States into the Union for the sake of mere political power in the Senate, a policy which is at the foundation of all our political troubles? Did the framers of the Constitution in 1787 ever conceive that in establishing this beneficent Government they were creating an agency through which, in a constitutional method, sustained by all the appliances of law, the State of Idaho, or the State of Montano, or some other State then unheard of and unknown, was to have the right to march her armies into the very heart of Virginia, the mother of States? Was that designed to be allowed? Was that the object, was that the intention of the framers of the Constitution?

I may as well say in one sentence all I design to say concerning this question of the right of secession, of revolution and all that. That is all irrelevant. That issue is under the arbitrament of the sword; there I would not disturb it; there I would not have it go, but there let it be decided. But I will state, what it is fair I should state, in order to vindicate to the Convention my personal ideas upon this subject. It makes little difference whether this is called revolution among States, or rebellion, or anything else. But there is one consideration which, in my enquiries upon this subject, has always been conclusive to my mind, as controlling in the last resort the relative political powers of the Federal Government and of the States. It is this: I hold that no man, who is acquainted with the condition of those colonies before the idea of a Union was broached; who is acquainted with the debates in the Convention which formed the Constitution; who knows the spirit of liberty which those men breathed; who knows the circumstances of difficulty and disagreement under which the Constitution was finally adopted in most of the States, can doubt for a moment that if at that day any-

body had avowed by authority the doctrine that the federal agency which was then established was to have the right by the display and exercise of military power to coerce the States to its will—no man can doubt what would have been the result. That man is a madman who would say that under those circumstances the Constitution of the United States would ever have been adopted.

And those men, strong as they all were in their devotion to their respective States; holding as they all did that their allegiance was due, as undeniably it was at that time, to the States only; when a majority of them in fact did not want any change at all, and the Constitution was adopted with difficulty; when Luther Martin, in this very hall, rendering his account of the action of the representatives of Maryland, and assuming the strictest States' rights theory of the Constitution, said: "If you adopt this Constitution, you are forging chains under which your posterity will swelter," thus opposing the Constitution even with the mildest construction, did they believe in this theory of consolidation and coercion? Is it reasonable, can any believe, can any man this day tell me that he believes that the people who were contemporaneous with the Constitution of 1787, when they so zealously guarded all States' rights; when they made Delaware practically the equal of New York, Maryland the equal of Pennsylvania; when they put the federative system into the senate, into the judiciary, into the executive; when they hedged in State rights in every way that political rights can be secured to any people—will any man tell me that he believes that it was the intention of those men in the establishment of this federal agency, to place the States completely in the power of the agent they erected? Or to go farther than I have yet gone; did they intend that those States which in the progress of events should become densely populated should assume the control of the General Government, and have the right, through this force construction of its powers to oppress, and subjugate and control the action of smaller and less populous States? Would Virginia ever have acceded to the Constitution if she had supposed that in the due course of operation of law under that Constitution, Massachusetts was to dictate constitutional laws to Virginia? Would Maryland ever have adopted it, had she supposed that New York with her weight of population was to overthrow and blot out Maryland from the map? Why, sir, the idea is preposterous.

And this is the one single controlling consideration which always led my mind to the conviction, as firm as adamant, that it is nonsense to say that when you come to the last resort, and it is a question of conflict of power between the States and the confederation, the States are not to be the final judges. It wants no constitutional right; it arises from