

the principle of common humanity, common virtue and common interest. It is the interest of the individual against the interests of society, without which it is impossible for him to live.

The gentleman gravely says that the people of the several States have parted with no portion of their sovereignty. How is it possible that any gentleman can make such a declaration as this, in the face of the Constitution of the United States. Sovereignty is supreme law and paramount authority. It is the right of the Federal Government to borrow money, regulate commerce and make treaties, and exercise other powers. Can any State regulate commerce? Can it enter into any commercial treaty with another State. Yet if a State were sovereign, it could do so. You cannot move an inch upon the theory of State sovereignty without coming into flat contradiction with the Constitution of the United States.

The true theory is this, that all powers which have been expressly granted by the people to the Federal Constitution are the supreme law of the land. On the other hand, the General Government is prohibited from exercising any privileges or acts of sovereignty, which it is declared in this instrument that it is dangerous to the common weal that they shall exercise. The sovereignty of the Federal Government is a limited sovereignty; it does not conflict with the sovereignty of the States. They are a duality and at the same time a unit. They are different branches of the same thing. At the very line where the sovereignty of the Federal Government stops, the sovereignty of the individual States takes its rise and goes on and completes the entire whole. The Federal Government does not pretend to be an absolute sovereignty; but it is a partial sovereignty. In relation to the purposes for which it was instituted, so far it is as absolute, as powerful and as untrammelled by any State whims or State prejudices or State rights, as the Government of Great Britain. The National Government so far as these powers go, is as strong and as untrammelled as it is possible for a government to be. Where it stops the States takes up their sovereignty. The people of the State then take up the sovereign power that resides in them and distribute it among themselves. They legislate upon municipal affairs among themselves. They control their county and other local regulations; and they do what we are here to-day to do. It is no conflict, and there never can be a conflict rightly. There is no necessity that there should be a conflict between the State sovereignty and the Federal sovereignty.

The argument which is introduced with such strong emphasis and such declaration, and such positiveness is this: Maryland being a sovereign before the revolution, was sovereign as an individual State, and the State

being individually sovereign, could not part with that sovereignty. At the time of the formation of the Federal Constitution, the States or the colonies out of which States was formed, was sovereign; and because they were sovereign, it is held that they could not lose that sovereignty by becoming a part of any greater power, any greater confederacy for the general good.

As well might gentlemen have said that the individual citizens who originally came over into Maryland and settled upon these shores in St. Mary's county, because they were individual sovereigns, being possessed of all the rights which men are supposed to possess in a state of nature outside of society, could not form a State. If individuals originally free and independent, have the power to form communities, cannot those communities form larger communities? Cannot these unite and form still larger, and so on, until, if it were practicable and advisable, they should make one consolidated government for this entire globe? If it were advisable, they have the power to make a government that would control the destinies of every race of men known under the *genus homo*. No man can deny the power. It comes from the very lowest; from the individual up to the specific, and from the specific up to the general. Upon the assumption, so confidently made, that because a State is free and independent, it cannot get rid of that sovereignty, or form a part of a higher sovereignty, the man who puts himself outside of society, who goes like a hermit on some mountain top, and places himself beyond the control of his fellow men, could no more forever become a member of a community by any volition of his, or by his volition get rid of his individual sovereignty. Who ever heard such a doctrine?

The States at the inception of this Federal Government were free and independent sovereign States. Nobody doubts that. That is not the point of the argument. A militia officer out in Michigan used to cut out men from pumpkins—the pumpkins grew very large there—and set them up in a row, and then go to work with trenchant blade and demolish them all, and takes great credit to himself for having done so. Nobody disputes, and it was not worth while to argue, that the States were sovereign at the time of the formation of the Federal Government. But we claim that being sovereign, they had the power to part with a portion of that sovereignty, and to lodge it, by the Constitution, in the legislative, executive, and judicial departments of the General Government; and they did it, and that is what constituted the sovereignty of the Federal Government.

The gentleman says it was never designed to confer upon the Supreme Court of the United States the power to sit in judgment upon the powers of the State. What was the Supreme Court organized for? The Constitution says