

tion in his argument. And the gentleman from Prince George's who first addressed the House upon this subject, (Mr. Clarke,) although he did not deny the proposition directly, still went on with a labored argument, bolstered up by numerous authorities, to prove that while the Constitution of the United States and the laws passed in pursuance thereof are the supreme law of the land, it is, in the first place, totally unnecessary to incorporate this article in the bill of rights; and that, in the second place, the State of Maryland in its sovereign capacity is not bound to give that allegiance to the Constitution and Government of the United States which is asserted by this proposition.

No, sir, I do not rise here to-day for the purpose of venturing upon any new theory, or to make any fine-spun argument, to prove what I conceive to be a self-evident proposition, a proposition which I consider was true at the foundation of this Government, and which existed even before this Government was established. Gentlemen upon the other side tell us that even before the creation of the Federal Government the States were sovereign; and contend thereby that the people had given to the State governments such powers of sovereignty as took away even from the people who created those State governments, the sovereignty of the people.

I maintain three propositions. In the first place, I propose to show, by authority, that the thirteen original States, that formed the Constitution of the United States, were not formed until a union of the people of the different colonies for national purposes had already taken place; and not until the national power had recommended their establishment. If I succeed in establishing this proposition, then it will follow as a natural consequence that no colony, acting separately for itself, dissolved its own allegiance to the British Crown; but that this allegiance was dissolved by the supreme authority of the people, acting through Congress, elected by the people.

Secondly, I shall next attempt to show that the Constitution of the United States is not a compact between the States as sovereignties, but a fundamental law of the whole people of the United States, made by the people as such, and not by the States as separate, independent sovereignties.

Thirdly, that the Constitution so made by the people is *supreme* and *paramount*, overriding and controlling all local State governments; and that the people of every State of this Union owe the same paramount obedience and allegiance to the Constitution and laws of the United States as the people of a State owe to the laws of their own State, when in conflict with the laws of any municipal corporation, or county, or other local government. In other words, that the first and primary law of obedience and of allegiance of every citizen, is to the General Govern-

ment of the country; and next to the laws of this State; and if the laws of the State and the Government are in conflict, the Government is entitled to his allegiance and not the State.

To sustain the first proposition, it will be necessary for us to go back to the days when the thirteen original colonies were in their infancy. And it is not only instructive, but, in my opinion, conclusive of the utter fallacy of this States' rights doctrine, to trace, step by step, the gradual development and growth of a small band of men, such as landed at Plymouth, Jamestown and St. Mary's; first into provincial, proprietary or charter governments; then, when the occasion and the necessities of the times demanded, to mutual union for protection and defence from the savages of the Indian tribes; and finally, to the first Congress of the united people of the colonies to consider and resist the wrongs and outrages inflicted upon them by the mother country. This may be somewhat tedious, perhaps; but still I deem it necessary in view of what has fallen from the gentleman from Prince George's, (Mr. Belt,) as to the origin and formation of the colonies prior to the Revolution.

Sir, it is well known to all familiar with the history of our country, that the organization of the governments of the thirteen colonies, were either provincial, proprietary, or chartered. I do not intend, in connection with this proposition of history, to make any historical quotations. If it is denied by gentlemen upon the other side, I have the authorities to prove it, but I do not wish to render myself tedious to this House, by making the references and reading the extracts from them now. If they will look back to the history of the colonies, they will find it to be as I have asserted. I will, therefore, merely refer to Curtis' History of the Constitution of the United States, page 4, where the whole history of the colonies, even before the Declaration of Independence is given, and where is shown the peculiar characteristics and properties of these chartered governments. It will be seen by these authorities that long before the revolution, there had existed local governments and local legislatures, one branch composed of representatives or delegates, elected directly by the people, and being in fact the real organs of the popular will. One of the principal causes which led to the revolution was the blow struck at those governments. I assert that the colonies possessed no power of forming a union among themselves, without the sanction of the Crown, or of the Parliament of Great Britain; and that the power of forming such an union was one of the chief powers asserted by the revolution.

And this brings us down to the first Continental Congress. And here it will be found that the delegates elected to that Congress were either elected by the legislatures, acting