

retained its sovereignty." I deny the fact; I assert that all the State of Maryland retained was the right to regulate its own internal government and polity. The Declaration of Independence spoke in the name of the good people of the colonies, and says that the "United Colonies were free and independent," and that as independent States—not that each State acting independently for itself had the power—but that all together had the power to declare war, make treaties of peace, &c.

I admit that under the articles of confederation, by its second section, each State retained that portion of its sovereignty, freedom and independence which was not by those articles expressly delegated to the Congress of the United States. But that sovereignty was the sovereignty of the people; it was expressly so stated; and the delegates of the States that ratified that instrument were elected and appointed by the people of the State, and spoke in the name and on behalf of their constituents. I refer to 1 Elliott's Constitution, page 84; to John Adam's speech, page 76, and Dr. Rush's speech, page 77. I will read a short extract from the speech of John Adams, at page 76.

"John Adams advocated the voting in proportion to members. He said that we stand here as the representatives of the people; that in some States the people are many, in others they are few, that therefore their vote here should be proportioned to the numbers from whom it comes."

On page 77, Dr. Rush says:

"Were it possible to collect the whole body of the people together, they would determine the questions submitted to them by their majority. Why should not the same majority decide when voting by their representatives?"

And then look at these articles of confederation and see what they were, and tell me if even under them the States were the sovereigns of the confederation they made. So far from this being the case, we all know that all the powers exercised by the sovereign States were expressly given to the United States in Congress assembled, and prohibited to the States. No State under the articles of confederation could send or receive an embassy, or make a treaty, or lay imposts or duties, or keep any vessel of war or army in time of peace. The United States had the sole and exclusive power to determine on peace or war; to regulate the value of coin, the standard of weights and measures; and by the 13th section of the articles of confederation, each State was to abide by the determination of the United States; and the union thus formed was to be *perpetual*. And yet, gentlemen tell us that the States retained their sovereignty, when it is plain that they parted with all the attributes of sovereignty, even under the articles of confederation. This I think disposes of my first proposition.

I shall now attempt to show that the Constitution of the United States is not a compact between the States, but the fundamental law of the whole people of the United States and made by them as such. It is a well established fact that the articles of confederation were defective. And accordingly on the 11th of December, 1786, there was a meeting of the delegates from New York, New Jersey and Pennsylvania, and Delaware, at Annapolis, to devise and propose the best method of establishing a more perfect union. In the report made by them to be found on page 118, 1 Elliott's Debates, is the following:

"That there are important defects in the system of the Federal Government is acknowledged by the acts of all those States which have concurred in the present meeting; that the defects, upon a closer examination, may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterize the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode which will unite the sentiments and councils of all the States. In the choice of the mode, your commissioners are of opinion that a Convention of deputies from the different States, for the special and sole purpose of entering into this negotiation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference, from considerations which will occur without being particularized."

And Congress, accordingly, on the 21st of February, 1787, adopted the following resolution, 1 Elliott, 120:

"Resolved, That in the opinion of Congress it is expedient that, on the second Monday in May next, a *Convention of Delegates*, who shall have been appointed by the several States, be held at Philadelphia for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union."

The object then, as will be seen, in calling a Convention, was, not to frame a new Constitution, but to remodel the old articles of confederation, to supply its defects, and to render the Constitution adequate to the exigencies of the Government, and the preservation, not the destruction, of the Union. That this is true, can be seen by reference to the credentials of the members or delegates elected to the Federal Convention, which may be found at page 125, 1 Elliott. And gentlemen will there see that the credentials of the different members sent to that Convention goes on to say, in substance, (I select Vermont as an instance):