and is declared to be ordained 'in order to form a more perfect union, establish justice, Insure domestic tranquillity, and secure the blessings of liberty to themselves and to their posterity.' The assent of the States in their sovereign capacity, is implied in calling a Convention, and thus submitting that instrument to the people. But the people were at perfect liberty to accept or reject it; and their act was final. It required not the affirmance, and could not be negatived by the State governments. The Constitution when thus adopted, was of complete obligation, and bound the State sovereignties.

"It has been said that the people had already surrendered all their powers to the State sovereignties, and had nothing more to give. But, surely, the question whether they may resume and modify the powers granted to government, does not remain to be settled in this country. Much more might the legitimacy of the General Government be doubted, had it been created by the States. The powers delegated to the State sovereignties are to be exercised by themselves. To the formation of a league, such as was the confederation, the State sovereignties were certainly competent. But when, 'in order to form a more perfect union,' it was deemed necessary to change this alliance into an effective government, possessing great and sovereign powers, and acting directly upon the people, the necessity of referring it to the people, and of deriving its powers directly from them, was felt and acknowledged by all."

Can anything be clearer and stronger than that? I ask next to refer the gentlemen to one of Judge Taney's decisions; although I do not know whether, if he had not decided as he did in the Dred Scott case, they would have listened to him. It is the case of Booth *vs.* the United States, 21 Howard, 515. This was something like the Dred Scott case. It was the case of a fugitive slave in the State of Wisconsin. The question came up before the State Court, which decided that the marshal of the United States should execute the process, and an appeal was made to the Supreme Court of Wisconsin, which decided that the law was null and void, and set it aside, and that the marshal had no right to execute it; and an appeal was made to the Supreme Court of the United States, and the question came up there.

[The hour having expired, the hammer fell.]

On motion of Mr. STIRLING,

The rule was suspended, to allow fifteen minutes further time to Mr. Daniel.

Mr. DANIEL resumed The Court say:

"And the powers of the General Government, and of the State, although both exist and are exercised within the same territorial limits, are yet separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. And this sphere of action appropriated to the United States, is as far beyond the reach of the judicial process issued by a State judge or by a State Court, as if the line of decision was traced by landmarks, and monuments visible to the eye."

"It was felt by the statesmen who framed the Constitution, and by the people who adopted it, that it was necessary that many of the rights of sovereignty which the States then possessed should be ceded to the General Government; and that in the sphere of action assigned to it, it should be supreme, and strong enough to execute its own laws by its own tribunals, without interruption from a State or from State authorities. And it was evident that anything short of this would be inadequate for the main objects for which the government was established."

With regard to the Court they say:

"This tribunal, therefore, was erected, and the powers of which we have spoken conferred upon it, not by the Federal Government, but by the people of the States, who formed and adopted that government, and conferred upon it all the powers, legislative, executive and judicial, which it now possesses."

I will now read a letter from Mr. Madison to Mr. Webster, on this subject, in relation to the speech to which I have already referred:

"I return my thanks for a copy of your late very powerful speech in the Senate of the United States. It crushes "nullification," and must hasten an abandonment of secession. But this dodges the blow, by confounding the claim to secede at will, with the right of seceding from intolerable oppression.

"The former answers itself, being a violation without cause solemnly pledged. The latter is another name only for revolution, about which there is no theoretic controversy. Its double aspect, nevertheless, with the countenance received from certain quarters, is giving it a popular currency here, which may influence the approaching elections, both for Congress and for the State Legislatures. It has gained some advantage also by mixing itself with the question, whether the Constitution of the United States was formed by the people or by the States, now under a theoretic discussion by animated partisans.

"It is fortunate when disputed theories can be decided by undisputed facts. And here the undisputed fact is that the Constitution was made by the people, but as embodied into the several States who were parties to it, and therefore made by the States, in their highest authoritative capacity.

"They might, by the same authority and by the same process, have converted the confederacy into a mere league or treaty, or continued it with enlarged or abridged powers; or have embodied the people of their respective States into one people, nation or sovereignty; or, as they did by a mixed form, make them one people, nation or sover-