

ment he crosses the boundary line of the State with the permanent intention of leaving, the power of the State over him, both in actual fact and in moral right, cease absolutely and forever.

If a citizen of Massachusetts abandons Massachusetts, he ceases to be, by the very fact of his removal, a citizen of Massachusetts. But if a citizen of the United States leaves the United States, if he travels as far round this world as it is possible for him to go, if he remains away to the utmost duration of human life, unless he has been permitted by the Government of the United States, either by implication or directly, to throw off that duty, he remains as much a citizen of the United States, wherever he may be and however long he may be absent, as if he had continued to remain during his whole existence on the very spot of his birth.

I do not mean to say that the United States Government has not to a certain extent waived that right in certain special cases. The first Chief Justice of the United States, Chief Justice Ellsworth, expressly decided that no citizen of the United States, by becoming naturalized as a citizen of any foreign state, could divest himself of his obligation to the United States. While that doctrine has not been universally admitted, it has been solely denied upon the ground that while the right remained in the Government to enforce that obedience, by the general policy of the Government it had become an implication, if not an expressly determined fact, that the United States had waived that privilege in time of peace in regard to its citizens who, *bona fide*, and without leaving any unfulfilled obligations behind them, leave their country quietly and peaceably, and become admitted as citizens of some other government.

But that privilege, whether expressed or implied, is only expressed or implied in certain cases. There is no such right. It is as true in fact as it is true in law, that if during a war between this country and any foreign government, any citizen should leave this country and become naturalized as a citizen of the country with which we are at war, and should be taken, he would be tried and executed for treason.

The States have no such rights. The Constitution of the United States says that to be eligible for certain offices, a man shall be for a certain term of years a citizen of the United States, and an inhabitant for so many years in the State from which he comes. There is no man who is a citizen of a State, except so far as it is qualified by actual residence, or unless the citizen is a resident temporarily absent. I am a citizen of this State for these reasons. I believe in the last Legislature the honorable gentleman from Calvert, (Mr. Briscoe,) differed with me upon that subject, although he is now standing upon the extreme Southern side. I believe now, as I contended

then, in the proposition before that body that when a citizen of Maryland temporarily leaves the State on business or pleasure, without any intention of remaining, the State of Maryland can punish him for an act committed against its laws even outside of its jurisdiction; but it is only upon the ground that his residence has not been determined, that though temporarily absent he is still a resident. That proposition was not only denied by gentlemen upon the same side of the body with myself, but I understood the gentleman from Calvert expressly to deny that the State of Maryland could exercise any authority outside of its territorial limits.

Mr. BRISCOE. Over criminal offences.

Mr. STUBBS. Yes, sir; over criminal offences. Now, does any man undertake to say that the Government of the United States could not punish its citizens for crimes committed outside of its territory—for treason, for instance, no matter how permanently the citizen may have left the country? if he joined the English when levying war against the United States? Now, whether this Government of the United States is one of delegated and limited powers, or not, it is still, under the Constitution, the only nation of which any person who resides in any of these United States forms a part, as recognized by the world at large, by the consciousness of every individual, and by every authority which has ever decided upon the question; and hence the duty of obedience, the allegiance which a man owes to this nation, must in the ordinary acceptation of the terms be paramount to the allegiance he owes to any subordinate authority.

Gentlemen have said that it is asserted in this article that this is a consolidated Government. If gentlemen use the term "consolidated" in the same sense that Washington used it, if they mean by consolidation, uniting together in the bonds of union and co-operation, so that they shall continually remain one in sentiment, feeling, and destiny, to the end of time, then I believe this is and ought to be a consolidated Government. But if by consolidation they mean that the State lines are to be abolished, and that the people of the United States are in any sense to be fused into one common mass, under a Constitution by which they can exercise a direct influence in a legal sense as a mass, I avow and am responsible for no such doctrine.

Here, sir, I may say very frankly, although it is more a matter of personal explanation than anything else, that while I avow no such doctrine, no such construction of the Constitution of the United States, I would much rather consent to fuse the people of the United States into one mass than to split them into thirty masses. If I were brought to the dire alternative of making a decision, I would strengthen this Government and sustain republican forms, by bringing the people as