

trols more power than he ought to control, if it is true, as the gentleman from Somerset says, that there is no law but martial law, what is the reason? Is it because this government has gone on with a progressive tendency to consolidation? No, sir; it is because the nation is divided, the government weakened, and the people are disposed, in their sense of fear, from their weakness, to confer more power upon their rulers than when united, powerful and strong, they would ever have submitted to. I admit that President Lincoln has exercised powers such as no President in time of peace would have attempted to exercise; and he has exercised those powers because the people, divided and weakened, were willing for their own protection rather to trust everything they had temporarily, to give him power to defend the nation, than that he should fail to defend it. With this same consciousness of human nature, the States' rights politicians of the South have swept away every Constitution and every law, and subjected the whole South to a severe martial law, under the necessity of defending their own cause; and I should have thought Jefferson Davis a fool if he had acted upon any other principle. If he was right in his rebellion, he is right in what he is doing.

A few words upon paramount allegiance, and this theory of coercion. This doctrine of coercion is no new doctrine. Did anybody ever deny that if a hundred men undertook to defy the authority of the State, the civil power would call for the aid of the military power? But gentlemen say you cannot coerce a State. I do not care whether you can coerce a State or not. The process of separation always ends in resistance to the law of the United States, and that resistance is made by individuals. If they claim to act under an authority under which they have no right to act, the government of the United States can only deal with them as individuals. It can make no difference whether there are enough of them to take possession of the government of the State or not. Their taking possession of the government of the State is void unless you admit the right of constitutional secession. The Constitution of the United States declares that the President shall enforce the laws. What does "enforce" mean? It means to make people obey by force if they do not obey willingly. He is to take care that the laws shall be faithfully executed; peaceably if he can, forcibly if he must. What difference does it make whether one State, two States, or three States, one man, two men, or a thousand men interfere with the laws?—in point of law I mean, for of course in point of fact it makes a great difference. A man may have a right to shear a wolf; if he cannot shear him, of course it makes a difference in the actual fact. We are talking about law and constitutional

rights. And I say, is there any limit to the power of the government to enforce its laws, unless you admit the abstract right of secession, except so far as that right is limited in point of fact. My friend from Prince George's, furthest from me, (Mr. Marbury,) made the very sensible remark that this matter was submitted to the arbitration of armies, and he was prepared to leave it there. Of course it is. Whether the States have a right to secede or not, whether any number of people have a right to secede or not, yet if they happen to be strong enough to keep the government from whipping them, they have established as a practical fact their right to be independent. No doubt about that.

But gentlemen say that while the Supreme Court of the United States is the arbiter under the Constitution, in the first place that arbitration is different from the arbitration in other governments, because a man is not bound to obey and then try the question afterwards. I must confess that I listened with some surprise to the remark made by the gentleman from Kent, (Mr. Chambers,) upon that subject; because I always supposed that the same right existed in any government for a man to try the question how far the actual thing required to do was in conformity with the power of the government, no matter how paramount or absolute might be his allegiance, unless the government was despotic. If the government is unregulated or unlimited, of course no man has a right to try anything. But if the government is regulated or limited, no matter how strenuous may be the law of the king, the subject has the right to try whether the king or the government has transcended its power. He has two alternatives, to appeal to the natural law or to the law of the courts. If the act which he is required to do trespasses so closely upon his personal right and actual safety, that as in the case of danger to human life he cannot retreat, if it exceeds the risk which as a man he is bound to incur, he has a right to resist. Is there any doubt about that? Is there any doubt that a man may resist under the government of Great Britain? If a sheriff is illegally appointed, or if he arrests the man for debt on Sunday, and the man kills him in defence of his liberty, you cannot hang that man for murder. Yet no man denies that under the English government there is a common arbiter. Still I do not go so far as the gentleman from Kent when he says that under all circumstances a man not only has the right, but it is his duty to resist. That would depend altogether upon what the command is. No man has a right to become a shedder of blood, or to revolutionize, in opposition to illegal demands, if those demands are of an altogether disproportionate character to the violence used to compel them.

Mr. CHAMBERS. I stated expressly, in flagrant cases of violation.