

"Resolved, That this State is ardently attached to the Union; that it does not desire any additional powers to be conferred on the General Government, but wishes every delegated power to be exerted that has a tendency to strengthen the bonds that unite us, and to fortify the hope that the Union will be perpetual.

"Resolved, That this State does not recognize the power in any State to nullify a law of Congress, nor to secede from the Union, and that it will sustain the General Government in the exercise of every constitutional means to preserve unimpaired the integrity of the United States."

(The allotted time having expired, the hammer fell.)

Mr. JONES, of Somerset. The gentleman from Baltimore city has argued this case with a fairness and ability, which in my judgment entitles him to be heard until he finishes his argument. I move that he have liberty to proceed.

The motion was agreed to.

Mr. STIRLING proceeded: There are several other resolutions expressing their firm and strong attachment to the Union, which I think it unnecessary to read. But as a contemporaneous exposition of the same subject, I desire to read upon this question of allegiance from the case of *Hunt vs. The State of South Carolina*, quoted in *Kent's Commentaries*, vol. 2:

"In the case of the State vs. *Hunt* in South Carolina, in 1835, (2 Hill's S. C. Rep. 1,) the subject of allegiance, and to whom due under the Constitution of the United States was profoundly discussed, and it was declared by a majority of the Court of Appeals, that the citizens owed allegiance to the United States, and subordinately to the State under which they lived; that allegiance was not now used in the feudal sense, arising out of the doctrine of tenure, and that we owed allegiance or obedience to both governments to the extent of the constitutional powers existing in each. The Court held that an oath prescribed by an act of the Legislature of December, 1833, to be taken by every militia officer, that he shall be *faithful and true allegiance* bear to the State of South Carolina was unconstitutional and void, as being inconsistent with the allegiance of the citizens to the Federal Government. The Court consequently condemned the ordinance of the Convention of South Carolina of November, 1832, as containing unsound and heretical doctrine, when it declared that the *allegiance* of the citizen was due to the State, and *obedience* only, and not allegiance, could be due to any other delegated power."

Mr. BELT. If the gentleman will permit me, I will suggest with reference to the resolutions which the gentleman has read, so far as they touch our views, we avail ourselves of a remark the gentleman himself made in a

former part of his very able argument with regard to certain authorities which happened to agree with us; that he was discharged from the obligation to stand by them because the people who stated them did not know as much as we know now.

Mr. STIRLING. The gentleman can stand or sit, whichever he pleases, corrected. I said that in regard to constitutional questions I consult authorities just as I consult them in a court of law. In regard to matters in relation to which circumstances have entirely changed, and opinions based upon other circumstances, any man would be very unwise, if he absolutely depended on the opinion of any man who lived so long ago that he could not know the facts and circumstances upon which the opinion would properly be based. So far as that principle will aid the gentleman, he is at liberty to take it. The facts were to a great extent the same at this time. They were not debating a question of fact, but a question of constitutional interpretation, the same in all time, and which cannot be varied under any circumstances. It seems that with one very distinguished exception, these resolutions met with the unanimous assent of the people of Maryland represented in the General Assembly. There was a substitute offered for the resolutions by the honorable gentleman from Somerset who addressed the Convention the other day (Mr. Jones.) By that substitute he distinctly declared that "the General Government has no shadow of right, under the Constitution, to employ the military or naval power of the Government against the sovereignty of a State;—that the idea of preserving a union of sovereign republics by military force is the most preposterous of all absurdities;—that the General Government of these United States is preserved, not by the fear of military force but by the concurring *free will and choice* of the people of the several States, and that the contrary doctrine would convert the Government into a *military despotism*."

The House refused to adopt the substitute; and then the vote was taken upon adopting the report of the committee, which was adopted upon the yeas and nays by a vote of 59 yeas, and "Negative, Mr. Jones," who unlike his colleague certainly has the merit of consistency.

Mr. JONES, of Somerset. I held those opinions then, and I have held them ever since. Thirty-two years of experience have tended to confirm the truth of the principles I then announced. Although I stood in a small minority in the House of Delegates, I will do that body the justice to say that I was allowed unlimited time to express my views. I believe I was heard over four hours.

Mr. STIRLING. If the minority here were reduced to himself, we would allow the gentleman six hours.

Mr. JONES, of Somerset. The progress of