

I was a member of the House of Delegates, I had to contemplate the possibility that these things might come. I came across a piece of paper the other day which contained a part of my notes at that time, for I spoke from very full notes. I find it to contain these words:

"The time may come when the free States may acquire the power of the General Government, and under some wild construction of the Constitution undertake to interfere with the institution of slavery in the Southern States."

The CHAIRMAN, (Mr. Berry, of Baltimore county, in the chair.) The Chair must remind the gentleman from Somerset (Mr. Jones) that his time has expired.

Mr. JONES, of Somerset. I did want to say a word or two in reply to my friend from Baltimore city (Mr. Stirling) who referred to a resolution which I offered in the Legislature in 1833.

Mr. BERRY, of Prince George's. I hope time will be given the gentleman.

Mr. JONES, of Somerset. It is entirely personal.

The CHAIRMAN. As the gentleman desires to make a personal explanation he can proceed. No motion to extend the time is necessary.

Mr. JONES, of Somerset. I desire that the position I occupied in 1833, upon the questions which were then forced upon my consideration, should be fully understood. And I desire it to be understood that I was then a very young man, and very inexperienced. It was my first entrance upon public life, and I was left in a very small minority, and had very few to sustain me in my views. My learned friend (Mr. Stirling) the other day, in the very able and eloquent speech which he addressed to this Convention, and to which I listened with a great deal of pleasure, although differing very widely with him in his conclusions—read, I think, only part of one of the resolutions that I presented to the consideration of the House of Delegates at that time. I desire to read the entire resolution, with a view of putting myself right before the Convention in regard to the views I then entertained. I take it from the original, which I suppose is correct, though I have not compared it with the journal. The resolution I submitted was this:

"Resolved, 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."

That was the sixth of a series of resolutions setting forth what in my judgment was the true theory of our Federal Union.

Those resolutions expressed the views and the opinions which, in my conscience, and under the solemn obligations which were placed upon me, I felt it my duty to present. I did so, and endeavored in a four hours' speech to maintain them by argument and reference to authorities. Among others, I quoted the opinion of John Quincy Adams, in his message to Congress in December, 1828, as follows:

"The United States of America, and the people of every State of which they are composed, are each of them sovereign powers. The legislative authority of the whole is exercised by Congress, under authority granted them in the common Constitution. The legislative power of each State is exercised by assemblies deriving their authority from the Constitution of the State. *Each is sovereign within its own province.* The distribution of power between them presupposes that these authorities will move in harmony with each other. The members of the State and General Governments are all under oath to support both, and *allegiance is due to the one and to the other.* The case of a conflict between these two powers has not been supposed; nor has any provision been made for it in our institutions—as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of parricide." Mr. Adams, in his inaugural, had called the Constitution "a great national covenant," and the Federal Government "a confederated representative democracy." I quoted also from a special message of President Jackson in 1831.

In reply to the call of the Senate made concerning the execution of the Indian intercourse law, in his message of 23d February, 1831, the President says "he has no power, under the Constitution, to prevent the State of Georgia from extending her jurisdiction over the Indian lands within her limits." "To maintain the contrary doctrine, and to require the President to enforce it by employment of military force, would be to place in his hands a power to make war upon the rights of the States, and the liberties of the country—a power which should be placed in the hands of no individual."

I quoted also Mr. Jefferson in support of another resolution urging a call of a convention of all the States, if no peaceable adjustment could otherwise be effected. Mr. Jefferson in his letter to Judge Johnson, in answer to the argument "that there must be an arbiter somewhere," says: "True; but this does not prove that it must be in either party. The ultimate arbiter is the people assembled by their deputies in Convention. Let them decide to which they mean to give an authority claimed by two of their agencies."