

Virginia Plan, by making the court a member of the legislative department, did not provide for proper "checks and balances" which he and his colleagues considered essential to the preservation of our liberties.

It has been said, and rightly so, that the present Constitution would never have been evolved from its labors, had it not been for the leadership of Luther Martin. In that time of great crisis a lawyer arose in this Country keen enough to note the fallacy of the Virginia Plan and to offer an acceptable substitute, one which has worn with time and outlived other forms of government throughout the world. We are proud that America possessed such a legal mind as Martin's at such a moment; we are prouder still that he was of our own Maryland Bar and at the time the Attorney General of our State.

Reviewing the history of our Constitution from the vantage point of this rostrum in the summer of 1941, there have been great crises in the life of our Constitution. In each of these, great lawyers faced each other in deadly combat over interpretation of that document.

The first of these occurred in 1801 and the years that followed, when Jefferson in the White House faced Marshall in the Supreme Court. These titans, each with his own idea of the political development of the Country under constitutional government, wrestled back and forth for years, but it is undeniable that their struggle represented the first real test of the strength of our Constitution.

Again, during the Civil War, Lincoln in the White House faced Chief Justice Taney in the Supreme Court. Their battles over the suspension of the Writ of Habeas Corpus and other questions arising at the time constituted perhaps the direct threat to the life of our prized parchment.

Having mentioned Chief Justice Roger Brooke Taney as an active participant in one of these constitutional crises, it would indeed be inappropriate to pass on without reference to this Marylander who sat in simple dignity upon the Supreme Court through twenty-eight turbulent years.

He, too, was Attorney General of Maryland and he once stated that, of all offices open to him in the State and Nation, that was the only one he desired to hold.

Succeeding Chief Justice Marshall, who had established the strength of the Court, it was Taney's fortune to deal with graver problems of national security than ever faced Marshall. When President Lincoln suspended the Writ of Habeas Corpus in the famous Merryman Case, which originated in Baltimore, he defied the authority of the Supreme Court.

Maryland lawyers may take justifiable pride in the fact that during that greatest crisis in the life of our constitutional government the man upholding the Constitution against even the President himself was a member of our own Maryland Bar.

Undoubtedly one of the basic reasons for the survival of our constitutional form of government, over a period when so many others systems of government were being discarded, lies in the coordination of the separate agencies of government. This was envisioned by the founders of the Nation and has been carried out with remarkable fidelity throughout the 154 years of our constitutional existence.