

laws of the State, and in subversion of its government and constitutional supremacy. The subsequent proceedings of Congress have only added aggravation to the outrage, for as Congress has no better claim than the Executive to invade the constitutional rights of the States, and its attempted confirmation of an unconstitutional act cannot render such act in any sense more constitutional, its endorsement of the usurpation of the President commits the whole Federal Government to that usurpation, and places it in the attitude of deliberately revolutionizing the fundamental institutions of the country.

The Committee are of course aware of the appeals which have been made to "military necessity," to justify recent encroachments, by the Government, upon public and private right. Self-preservation, it is insisted, is the right and duty of every government, and the Government of the United States is therefore authorized to do all things which may become necessary to preserve it.

If these ideas were recognized by the Constitution, under any circumstances, (which the Committee deny,) they would not apply to the branch of the present case which is now under consideration. The State of Maryland has not assumed to withdraw herself from the Union, and is in no position of hostility against the Government. She is neither a foreign State nor a conquered country. She is represented in the Federal Congress, although her representatives are practically silenced, and the processes and judgments of the Federal Courts have been uninterruptedly and cheerfully obeyed and respected by her people. All the customary functions of the Government are freely exercised, by its officers, within her limits. She contributes to its support, through her custom-houses, and is to be heavily taxed for the expenses of the fratricidal war which it is waging, against her remonstrance. No Proclamation of the President has ever declared her to be arrayed against the laws, and no troops have been called out for their enforcement among us. Not only has martial law never been proclaimed in Maryland, but Gen. Banks, in his Proclamation of June 27, in the very act of suppressing the State authority and laws, took singular pains to declare (as has been stated) that it was not his purpose, nor was it in consonance with his instructions, "to interfere, in any manner, with the legitimate government of the people of Baltimore or Maryland." Confessedly therefore—clearly at all events—if any necessity had demanded and could justify the exercise of extraordinary and extra-constitutional powers, it was a necessity which would have been fully met, by the action of the Government against indi-