

viduals, but which in no way demanded, and in no way could have justified, a gross violation of the Federal compact, by overthrowing the constitutional laws of Maryland and destroying her federal equality and constitutional independence. To say that "military necessity" can justify such acts, is to say, as explicitly as could be said in words, that it justifies the Federal authorities in breaking up the Government themselves, under the guise of preventing it from being broken up by others. The forms of government may outlast such a catastrophe, but the Federal Government known to and created by the Constitution must end with it. What remains is revolution, in the garb of government, and depending for its legitimacy upon bayonets. The State over whose institutions these are lifted, is no longer a State of the Union, in effect, whatever she may be in name. She has no Constitution, no government, no laws, that she can call her own. She is ruled by external and arbitrary power. Her people are no longer free.

With respect to the individual cases of our fellow-citizens, whose memorial is before us, the principles of constitutional right are equally positive and clear. If the charges of General Banks against the Marshal of Police amount to anything and are well founded, they constitute a case of treason or misprision of treason, cognizable under the laws, and furnishing cause for arrest and trial by the competent tribunals. Against the Commissioners there is nothing alleged, in either proclamation, upon which a warrant could be lawfully issued, or an indictment found, and they but state, in their Memorial to Congress, what every well-informed citizen must recognize as obvious—that no legal tribunal would hesitate to discharge them, if brought before it, upon sworn allegations so simply frivolous and futile. But if the Government thought otherwise—if its high officers were really persuaded, that in the nineteenth century, and under the free institutions of the freest nation upon earth, it was lawful to arrest and imprison men of high character and irreproachable integrity—or any other men—upon the mere suspicion of their entertaining "purposes" which were admitted to be "not known to the Government," while they were alleged, in the same breath, to be "inconsistent with its peace or security"—surely the courts of justice, which were open, unobstructed and active, were the rightful tribunals to pass upon the matter. The Commissioners, as well as the Marshal, were either charged with crime, or they were not. If they were not, it was a heinous crime to arrest and imprison them. If they were, their rights and the demands