

"will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States."

He is not only to protect and preserve, but to defend it. Will any gentleman say that there is no necessity for defending the constitution? Has not the very life-blood of the constitution and of the government formed under that constitution been stricken at by the vile traitors who have gone off and plotted treason while getting their pay as members of the government, sitting under their oaths to maintain and defend the constitution? Yet when the President of the United States attempts to preserve and defend that constitution, for the good of the whole country, these gentlemen become great sticklers for technology, and want the President to obey the rules of construction laid down by the supreme court, according to their own private views of what is the constitution and what are the laws made in pursuance of that constitution. That is what the gentlemen are sticklers for.

One gentleman did, in his speech upon this question of allegiance, entirely ignore the supreme court, and said it was an usurpation whenever it proposed to set aside the State rights they were contending for. I say that the President to-day is to defend the government from the traitors who have broken every provision of the constitution and gone off. He is in the position of the man on the highway when the robber assails him with his dagger, but you say he shall not take the means of self-defence and kill that man, or you will have him indicted for slaying the robber, although his own life is at stake. No, sir; he is to defend it. As President of the United States he is commander-in-chief of the army and navy of the United States and of the militia of the several States when called into the actual service of the United States. Has the President no discretion as to the means which he shall adopt in defending this constitution?

I say that every power that the President has exercised has been guaranteed to him, either in the direct or the implied construction of the constitution. There is a sentence here which says that the powers not specially granted which are necessary to carry the constitution into full force and effect are implied. Yet we have heard a great deal about the *habeas corpus*; when the President has the authority, and we find it written in the constitution that in case of invasion or insurrection, or the public safety may require it, the privilege of the writ of *habeas corpus* shall be suspended. I say that this provision gives the President the discretion, and I say he has only acted in a wise discretion which the people of this land have justified, and will justify, I believe, by placing him in the chair

again by a triumphant majority. He has not violated this provision.

But suppose he had violated it. Are there no ways of getting at the President? Has not the supreme court the authority and the power to decide in such cases? But gentlemen do not want to take that tedious process. They do not want to leave it to the supreme court to decide whether any act of the President is in pursuance of the constitution or of laws made in pursuance thereof; but they assume to set up their own private judgments and to judge for themselves whether it is in pursuance or not. And because we want to make them say that they will sustain the government until the supreme court shall decide that these laws which are presumed to be in accordance with it are not in accordance with it; that is the point where they flinch. That is where the shoe pinches.

It is the government—that is the word these gentlemen object to. They will have as many oaths put to the voters and office-holders as you please; provided you say merely, defend the constitution of Maryland, and the constitution of the United States, and the laws made in pursuance thereof. They are willing to do that, because it allows their private judgment as to what laws are made in pursuance thereof. But as soon as you add the government, and embody not only the laws as made, but the law-executing power, the law-judging power whose decisions they must abide by, gentlemen are not willing to agree to it.

They point out to us Abraham Lincoln as the government of the United States, because as President of the United States he is executing the laws. We have heard it again and again from every side of the house, from the gentlemen of the minority, that it is a usurpation, that he has violated every law of right and every provision of the bill of rights of the constitution. These are mere declarations without any proof. Why not go into the courts of the land and try the question whether he has violated these rights or not? These are mere allegations upon the part of gentlemen; and they content themselves with allegations.

The gentleman from Kent (Mr. Chambers) says the reason for all that is that we do not want these men to hold office. So far as that goes, he has hit my opinion exactly. I do not want any man to hold an office in the State of Maryland who is not loyal to the government of the United States, who is not willing to swear that he will support and defend the government of the United States to the very extent of his ability. I do not want any man to vote under this constitution, or to hold office, who indulges in his heart a secret preference for Jeff. Davis and his government; and who, as soon as he had the power, would aid by all means in his