

of the United States or to Congress who is eligible to a seat there. Now, I regard it as no violation of the Constitution of the United States to provide in our Constitution that particular individuals in the State, who might otherwise be eligible, shall be excepted from that class. That is all my amendment does. It does not make a man violate the Constitution of the United States by not going to Congress. Otherwise, every man in the State who possessed the qualifications for a member of the Senate or of the House of Representatives would be violating the Constitution of the United States if he did not go there.

Mr. CHAMBERS. Ah! humph! [laughter.] That is not an argument. The Constitution of the United States allows a member of the Legislature to be a member of Congress. Is that conceded?

Mr. CLARKE. Yes, sir.

Mr. CHAMBERS. And the gentleman proposes that the Constitution of Maryland shall say that a member of the Legislature shall not be a member of Congress. Now I ask him if that is not a flat denial of a constitutional privilege? Does it not deprive a man of a privilege which the Constitution of the United States expressly gives him?

Mr. CLARKE. It deprives him of a privilege which the Constitution of the United States gives him. But because you deprive him of that privilege you do not make him violate the Constitution of the United States.

Mr. CHAMBERS. But if we deprive him of that privilege, then I say we violate the Constitution of the United States.

Mr. CLARKE. I admit that it takes away from him, by State authority, a privilege which he has under the Constitution of the United States. But that does not make that man violate the Constitution of the United States.

Mr. CHAMBERS. Nobody says it makes that man violate the Constitution of the United States. We are violating the Constitution of the United States; not the man himself whom it is proposed we shall deprive of a constitutional privilege. The Constitution of the United States says one thing; we are asked now to say directly the opposite. That is a plain proposition, is it not? We have no right to say anything in opposition to the Constitution of the United States. That Constitution demands supreme allegiance, so far as its power extends, and we cannot curtail any privilege which it grants. If we can say what we are asked to say here, then we can say anything else. If we can put on one qualification, we can add another. We can just as well say that no man shall go to Congress who is not forty, fifty, or sixty years of age; or that he may go there when he is only fifteen or eighteen years old. This is a matter not within our jurisdiction. It has been confided to another

tribunal, and that tribunal has exercised the authority reposed in it by the people of the United States. As I had the honor to say upon another proposition yesterday, this is an assumption of power upon our part not only not belonging to us, but which has been expressly delegated to another tribunal, which tribunal has acted upon the subject.

Now, I have no objection to saying that if a man shall receive a commission for any office under the General Government, he shall be no longer permitted to fill an office of the State, except he decline to accept the commission within a given period. But I cannot say that because he holds a State office, he shall not be permitted to receive a commission for any office under the Government of the United States. Now, if there is any difficulty arising from the fact that a man can hold a United States commission in his pocket, and still act as an officer of the State, then that is a difficulty that requires a remedy. But I can only say for myself, that consistency will oblige me to vote against any proposition interfering with the rights of the Government of the United States.

Mr. SANDS. Agreeing entirely with my friend from Kent (Mr. Chambers) in his constitutional views about this matter, I have only to say that if we were a body of legislators, and this amendment was in the form of a bill without a title, and I had to prepare a title for it, I should be very apt to baptize it with this title, "A bill to prevent the enlisting of certain classes of people in the State of Maryland, in the service of the United States,"—i. e. members of the Legislature. Now, I do not think it is a matter of any importance, because I do not believe Uncle Sam is going to get many recruits from that class of people.

I only wish to say further that the contingency referred to by the gentleman from Kent, is provided for by the latter clause of this section. He says that a member of the Legislature has a constitutional right to accept an appointment, either civil or military, under the Government of the United States; but that if he can do that without vacating his seat in the Legislature, then it was a case which required a remedy. The remedy is in the last clause of this section. It provides that his acceptance of a seat in Congress, or of an appointment to any civil or military office under the Government of the United States, shall of itself vacate his seat in the Legislature of this State. It does not leave to him the option of resigning his seat or not. If the General Government, as it has the undoubted right to do, calls upon him to serve it in any military or civil capacity, the option of accepting or declining is left with him. But this section expressly provides that his acceptance of that post shall vacate his seat in the Legislature. It does