

Mr. PUGH. Is not an act of the Legislature, "the manner prescribed by law?"

Mr. CLARKE. My amendment makes it conform with Article 28 of the old bill of rights. Unless gentlemen upon the other side can show some reason for changing the phraseology, I prefer the original phraseology. I think there is a material difference. "The manner prescribed by law." What is the law? Who is to pass the law? But it is unnecessary for me to make any remarks upon the amendment until gentlemen upon the other side show a reason for the change. I should like to understand their construction of the article as reported by the committee; and what extent the change of phraseology reported by the committee is understood to change the effect of the article.

Mr. SMITH, of Carroll. I do not desire to make any argument with regard to the matter, but merely to submit the fact that this change makes the article correspond literally with the third amendment to the Constitution of the United States. I presume that was the principal reason why the change was adopted. The language is not materially changed, but it is made to correspond with the third amendment to the Constitution of the United States.

Mr. STOCKBRIDGE. Without presuming at all to speak for the committee by whom this was reported, not knowing their reasons, it occurs to me that there is a palpable reason for the modification. We are a part of the United States. Soldiers are raised and maintained by the National Government. The question has been raised within the last few sad years, of the right of the United States Government to march its troops across the soil of a State, or to take possession of the property in a State for the necessary use of the soldiers of the nation. The amendment, as proposed by the gentleman from Prince George's, (Mr. Clarke), makes that entirely a subject of State legislation. This makes it broader; in "the manner prescribed by law," a law either of Congress or of the State. It occurs to me that that is a sufficient reason for making the modification. It makes our own Declaration of Rights conform to the amendments to the Constitution of the United States, and provides that there may be a prescription by the law of Congress as well as by the law of the State. For that reason I prefer the article as it stands.

Mr. CLARKE. My own idea and understanding is, that as we are making this provision for our State Constitution, I shall be governed in my vote, here as in all cases in the formation of our State Constitution, by this fundamental principle: The Constitution of the United States is the law which regulates the action of the Federal Government. Hence when it is provided in the Federal Constitution that troops shall only be quartered "in the manner prescribed by

law," the Constitution determines the rule which is to govern Congress. Hence the United States, by act of Congress, has a right to determine the mode and manner in which the soldiers acting under its authority shall be quartered in time of war in the States. I do not dispute that proposition. The law of Congress, passed under or in pursuance of the Constitution, is the mode and manner by which it is to be regulated. We may put what provision we choose in our Declaration of Rights. We have the power—not the legal right or authority—to say that they shall not be quartered as Congress may prescribe by law. What would that be worth? Not the paper on which it is written. It would be a nullity. Congress within the sphere of its powers, has the right; and you may put what you choose in your State Constitution, and it is of no avail whatever.

Are we here to determine how Congress is to regulate the quartering of troops? Not at all. We are regulating simply our internal police, that "no soldier shall, in time of peace, be quartered in any house without the consent of the owner, and in time of war in such manner only as the Legislature shall direct." Has that anything at all to do with the United States troops? This provision is only intended to meet the case of State troops, only those troops which may be acting under the authority of the executive officer of this State, or of my friend from Baltimore county, (Mr. Berry), the Adjutant General of the State. We are only providing with respect to State laws. The Constitution of the United States provides that in case of sudden invasion or the breaking out of war, the States have the right to call out their troops. This provision is merely to regulate the internal police of the State, the management of the State troops under State authority. I prefer, therefore, to hold on to the old form, and say "in such manner only as the Legislature shall direct," so that we may get rid of the very construction which the gentleman from Baltimore city (Mr. Stockbridge) places upon this article. Gentlemen upon this floor are continually confounding the fact that the States are acting, as I attempted the other day to argue, in one sphere, and the General Government in another; that the powers are given in the United States Constitution for Congress and the Federal Government. Those powers are full and ample and complete, whatever provision you choose to put in your State Constitution to conflict with them. We have no power by the State Constitution to prescribe the mode and manner. We are here dealing with the State troops merely, without any reference to the troops of the United States. We are declaring the principles which are to govern us in matters of our own State, and nothing more; matters which are under the authority and control of State officers, matters of police regu-