

lation, and which are to be prescribed by the State Legislature.

Mr. PUGH. I agree with the gentleman from Prince George's, (Mr. Clarke,) in a considerable portion of his remarks. I believe that this article only applies to the soldiers of the State of Maryland. I believe it would be absurd for us to attempt to manage the quartering of the slaves of the General Government. I so understood the subject when I said that I understood the amendment to be substantially the same as the words here written. The reasons why I support the article as reported by the committee are twofold; firstly, because it is report of the committee selected by this Convention; secondly, because there was no minority report against it, and consequently it stands here as the report of the whole of that committee. We are to accept or reject this report, understanding it to be the sense of the whole of that committee, both the majority and the minority, there being no adverse report upon it. For these reasons, in the absence of any good reason whatever for altering it, I am in favor of adopting the article just as it stands.

Mr. MILLER. The gentleman from Cecil, (Mr. Pugh), is mistaken with regard to their being no minority report upon this subject. If the gentleman remembers the report which the minority of the committee made, he will recollect that the minority said in their report that there were several changes in minor particulars made by it, the report of the majority, about which they did not deem it necessary to make a special report, but in the necessity for which changes they did not concur. It does not come, therefore, as a full and unanimous report of the committee in those respects in which it differs from the old bill of rights.

The argument which the gentleman from Prince George's, (Mr. Clarke,) has made, seems to me to be perfectly conclusive. If gentlemen will turn to article 28, just passed over, they will find that there is a necessity for keeping this article as it is in the old bill of rights, for the sake of conformity. That article declares standing armies to be dangerous to liberty and that they ought not to be raised or kept up without the consent of the Legislature. What does that mean? Has it anything to do with the power of Congress to raise standing armies to provide a navy, or anything of that kind? It has no application at all to the powers of Congress or the General Government, but only to the State of Maryland. It would be dangerous for the executive authorities of any branch of the Government to raise and maintain a standing army without the consent of the Legislature or the law-making power. Article 30 provides the same thing in reference to the soldiers, the militia of the State, which may at times be called out by the executive, as he has

the right to do so. An emergency may arise in which it shall be done. This is intended to provide that if such a thing should occur, the quartering of soldiers upon private citizens without their consent, should only be done in such a manner as the Legislature, the law-making part of the government, should direct. I think if we do not restore this language, it will be in conflict with article 28th of this Declaration of Rights; I am therefore in favor of the amendment which makes it correspond with the 28th article of the old bill of rights.

Mr. THOMAS. It appears to me that the article as reported by the committee is correct. If I understand the gentleman from Prince George's, (Mr. Clarke), one of the reasons which he urges against the adoption of this article, is that the word "soldier" only applies to the soldiers of the State.

Mr. CLARKE. The State only has control over its own soldiers.

Mr. THOMAS. I say that soldiers are raised by the State every day for the General Government. As the gentleman from Prince George's, (Mr. Clarke), has already intimated the Adjutant General is now engaged in raising State troops. But they are all put under the control of the General Government, the law of Congress is to make provision for quartering the troops in the United States service, and no law of Maryland can go behind the law of Congress. Where is the necessity of keeping out of the Declaration of Rights an express prohibition on the part of the Legislature to pass any provision of law in relation to the quartering of the United States troops and State troops in the United States service? I say that the provision as reported by this committee is in harmony with the section which has been under consideration by the Convention for the last three or four days, and which has been postponed until next Thursday. For that reason it should be passed by the House. I am therefore in favor of the adoption of this article as reported by the committee.

Mr. CLARKE. "No soldier shall in time of peace be quartered in any house." That does not mean a soldier raised by the State. I undertake to say this: that a soldier raised by the State, and passing under the federal authority, ceases any longer to be under the State control. But this provision applies to the soldier so long as he is under the State authority. I do not pretend to say that the State does not raise troops which then pass under the authority of the General Government. It is to provide for the intermediate period. Those troops being raised now under State authority are not now under the United States authority. But when raised, when the act of Congress is complied with, when the State is ready to pass them over, and when that act is complete, when they pass under the control of the Executive from