

To which Mr. BELT had submitted the following amendment:

Amend section 47 by adding the following words at the end thereof: "Provided, however, that the General Assembly shall have no power to accept the cession of any such territory until after the existing civil war shall have been brought to a close."

Mr. MILLER. Among all the novelties with which we have been treated in the course of this Convention, this seems to me to be the most extraordinary. I endeavored to ascertain from the chairman of the committee what was the purpose of this 47th section. I understood him to say that the object was to allow certain counties of the State of Virginia and West Virginia, perhaps Loudoun county and some of the adjoining counties, to be ceded and added to the State of Maryland. The gentleman from Howard (Mr. Sands,) however, in his remarks yesterday, has told us that the object is that the entire State of West Virginia may be incorporated in the State of Maryland.

Mr. SANDS. The gentleman will excuse me for correcting him: I did not state that that was the object, but that it was the wish of a great many people, and I should be glad if it could be accomplished.

Mr. MILLER. I understand him to say that under this section as it now stands that might be accomplished.

Mr. SANDS. Yes, sir.

Mr. MILLER. We have had, since the adoption of the Constitution of the United States, disputes between the several States with regard to their boundaries, which have been settled by decisions of the Supreme Court. I know of but one instance in which territory belonging to one State has ever been ceded to another State. The District of Columbia was ceded to the General Government for the purpose contained in the Constitution, of having the seat of government between the States of Maryland and Virginia. A portion of that territory some years ago was retroceded by the United States to the State of Virginia. It was a grave question, however, whether that retrocession was constitutional or not.

I know of but once instance of territory actually belonging to and conceded to belong to one State, ever having been conceded to another State. That was an instance between the State of New York and the State of Massachusetts—a small portion of territory called the Boston Hundreds, or Boston Corners, I think. The mode of cession adopted at that time was an act of the legislature of each of the two States, declaring that each was a sovereign and independent State, the ceding State acknowledging its willingness to give up the territory, and the State to which it was ceded declaring its willingness to accept it; and then reciting that whereas doubt might be entertained as to the propriety or constitutionality of this mode of proceeding, the

consent of Congress might be obtained; and an act of Congress was passed in pursuance of those provisions allowing the acts of the legislatures of the two States, and allowing the cession to take place.

But what does this section, as it stands, propose to do? It declares that the General Assembly of Maryland shall have power to accept the cession of any territory contiguous to this State, from the States of Virginia and West Virginia, or from the United States, with the consent of Congress and of the inhabitants of such ceded territory; not with the consent of the people of the State from which the territory is to come, but of the inhabitants of the territory itself—

Mr. STIRLING. How can the Legislature of Maryland accept a cession of territory from a State without the consent of that State first being given?

Mr. MILLER. This clause says it may be accepted by the consent of Congress, and of the inhabitants of the ceded territory.

Mr. STIRLING. But it says it may accept it from the State.

Mr. MILLER. "The General Assembly shall have power to accept the cession of any territory contiguous to this State from the States of Virginia and West Virginia."

Mr. STIRLING. Does not that imply that the State must have given its consent?

Mr. MILLER, (continuing)—"or from the United States, with the consent of Congress and of the inhabitants of such ceded territory." I understand that the only consent to be obtained is the consent of Congress, the consent of Maryland, and the consent of the inhabitants of the ceded territory.

Mr. STIRLING. The gentleman certainly misunderstands the language. How can the State of Maryland accept anything until the proposition is first made? It says we shall have power to accept it from the State.

Mr. MILLER. I will state how, according to my understanding of this clause, the acceptance of it may be made: If the inhabitants of any of these western counties, Loudoun county, for instance, get together and vote that they desire to come into the State of Maryland, and if Congress should grant the privilege, and give its assent, and Maryland accept it, then Loudoun county becomes a part of this State. I understand that to be the construction of this section as it stands; and if so, it is certainly in conflict with the Constitution of the United States.

Mr. STIRLING. We repudiate any such construction whatsoever.

Mr. MILLER. That is the construction of the language used.

Mr. STIRLING. I say that the committee had no such intention, but had the specific intention that the consent of the State should first be granted. If there is any difficulty about the language, the gentleman can cover