

It by an amendment. We do not put any such interpretation upon it.

Mr. MILLER. Suppose the other construction to be put upon it. The gentleman from Howard (Mr. Sands) argued yesterday that under this provision the entire State—if it is a State—of West Virginia might be ceded to the State of Maryland, and incorporated with it. There is a practical difficulty about that matter. If the State of West Virginia should, under this provision, be incorporated with the State of Maryland, and a new State framed, then I ask gentlemen what becomes of the provision which we have just enacted with regard to slavery? Under the Constitution of West Virginia slavery is not extinguished in that State. It is extinguished only as to slaves born in the State of Virginia after the date of the adoption of their Constitution. Slaves already born are not to be manumitted until several years afterwards; those ten years of age not until they attain the age of thirty years, and those subsequently born not until a long period after that.

Mr. CUSHING. That is provided for in this section.

Mr. MILLER. I suppose the gentleman refers to the last clause of the section: "And the General Assembly shall enact such laws as may be required to extend the Constitution and laws of this State over such territory, and may create courts conformably to the Constitution for such territory, and may, for that purpose, increase the number of Judges of the Court of Appeals." But if the State comes in as an entire State and is incorporated with the State of Maryland, then I would ask the gentleman whether that can be done except under the provisions of the Constitution of the United States; and whether one State, when the two are incorporated together, has any more right than the other, to say that its Constitution and its laws shall prevail over both?

I say there will be a practical difficulty in this matter. The Constitution of the United States declares:

"New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress."

There would therefore have to be a new State formed, composed of the States of West Virginia and Maryland; and it would have to be admitted under the Constitution into the Union as a new State, with an entire new Constitution adopted by the two States. Anything that West Virginia might say or that Maryland might say with regard to the law to prevail with reference to slavery, would be settled by the people of the two States to-

gether forming the new State which is to come in under the Constitution.

But the particular question before the Convention now is the amendment of the gentleman from Prince George's (Mr. Belt.) It is conceded by the gentleman from Baltimore city (Mr. Stirling) that this cannot be done except by the consent of the Legislature of Virginia—Old Virginia, and not West Virginia.

Mr. STIRLING. I do not say any such thing. It may be done with the consent of West Virginia, without that of East Virginia.

Mr. MILLER. I am speaking of Loudoun county.

Mr. STIRLING. Loudoun county does not belong to West Virginia; and of course the consent of East Virginia would be necessary.

Mr. MILLER. If any contiguous territory is likely to be incorporated, I know of no county so desirable to the State as the county of Loudoun, if the thing could be accomplished, or some portion, perhaps, of the Eastern Shore of Virginia. Now, it is conceded that that cannot be done except by the consent of the Legislature of Virginia—the State proper. I ask gentlemen of this convention whether this is the proper time to go to the State of Virginia to ask her consent for such a cession of her territory? The legislature which meets at Alexandria has control and jurisdiction only so far as the armies of the United States extend into the territory of Virginia itself. It does seem to me eminently wise and just, if the State of Maryland is to obtain an accession of territory from Virginia in this way, and it being conceded that it can be done only by consent of the legislature of Virginia, that we should wait until we can get that assent fully and fairly expressed by the people of Virginia represented in their legislature. If it so happens that the Union armies entirely occupy the State of Virginia, and if then, upon full consideration of all the people of old Virginia, after it is brought back into the Union through the triumph of the Union armies, they should be willing to part with the county of Loudoun and add it to the State of Maryland, then let it be done in a fair, manly, and open manner. Who knows whether, after this war shall have progressed to that extent, whether the people of Virginia would then be willing that any part of their territory should be ceded to the State of Maryland?

The amendment which has been offered by the gentleman from Prince George's (Mr. Belt) fixes a time, and says that this cession shall not take place until the termination of the present civil war. I say that that amendment is eminently just and proper. We do not wish as Maryland men to get from the State of Virginia any of her territory, unless we get it with the full and free consent of the legislature of Virginia and the people of