

and leave him to look solely to the discharge of his duties as State senator or delegate.

I will state a case which I know. A senator from our county was appointed to an office under the United States Government—I think in the military service. He held the office, I believe, for eighteen months without an actual acceptance of it, and discharged his duties. But under the provisions of this section he did not vacate the office of senator until he actually accepted the federal office. So he had a position under the Federal Government, and at the same time was a member of the State Legislature. He complied with the law as it then stood. But under the provisions of my amendment, he will be free from all these influences, and can devote his time entirely to the service of the State, and will not seek it as an avenue to places elsewhere. And it will place all gentlemen who are aspirants for seats in the United States Senate upon the same footing—keep them all outside of the body that is to elect. Those are the reasons I have for offering this amendment.

Mr. CHAMBERS. I presume it will hardly be supposed that I anticipate any appointment from the General Government. And I think I should rather feel disposed to decline it, if such a remarkable event should occur, as one being offered to me. On a late occasion I expressed my opinion with regard to the assumption of powers on the part of this Convention that did not properly belong to it. And I think a course of consistency demands that I should differ from my worthy friend from Prince George's (Mr. Clarke) in regard to this proposition. It is conceded that we have no power to act upon this subject; and that we can only by indirection enforce such a prohibition upon members of the Legislature. Now, have we a right to assume powers because we can indirectly operate upon the persons of those in regard to whom those powers are proposed to be exercised? I say—no. We have given to the General Government exclusive authority to control the qualifications of its officers. Now, if the gentleman were in Congress—where he ought to be, by the way—and the question was there discussed whether these qualifications should be required, then his argument would be very efficient and very applicable, and deserve the highest respect.

But my friend must consider that when he comes to us and asks us to assume, to take back from the General Government that very authority which we have granted to it—when he asks us to assume to act for the General Government in a matter in which they have the sole power to act, and in which they have thought proper to exercise that authority, he makes a demand upon us which I think is rather unreasonable. Now, is his plan effectual? He requires the party taking a seat in the Legislature to take an oath to

support the Constitution of the State. Now, what is the Constitution of the State? Is a provision, admitted to be beyond your power, any part of the Constitution? I doubt it. At least there is great room for casuists to discuss that question on either side. Suppose you adopt this provision, and a member of your Legislature accepts an office under the General Government; what are you going to do? Suppose that the gentleman from Prince George's is a member of the Legislature. While in that position he is offered an appointment as a major general in the army, having perhaps every other qualification he would be induced to accept the appointment but for this provision of the Constitution. He is advised that this provision is a dead letter and he accepts the commission. Now, how are you going to meet him? How are the epaulettes to be torn from his shoulders by any process in the State of Maryland?

Mr. CLARKE. The only way to reach the individual is through the obligation of his oath.

Mr. CHAMBERS. But he considers the oath as not obligatory, as a great many persons do these official oaths now-a-days.

Mr. CLARKE. I have taken the oath as a member of the Legislature, and I was not aware that any casuist has said that oath was not binding.

Mr. CHAMBERS. Why, I thought the gentlemen resided in a very populous and intelligent portion of the State.

Mr. CLARKE. If a member of the Legislature takes the oath prescribed for him to take, is not that oath binding upon him?

Mr. STIRLING. Not if it requires him to violate the Constitution of the United States.

Mr. CLARKE. I do not regard my proposition as requiring any such thing.

Mr. CHAMBERS. The Constitution of the United States expressly admits a member of the Legislature of Maryland to be a member of Congress or a major general.

Mr. CLARKE. I do not think there is any such provision in the Constitution of the United States. The fact may be so, but there is no provision in the Constitution to that effect.

Mr. CHAMBERS. The Constitution of the United States provides limitations, qualifications, &c., for members of Congress. My friend is a lawyer and he knows very well that *suppressio unius est exclusio alterius*. When the Constitution prescribes certain qualifications, it denies that any other shall be required.

Mr. CLARKE. The only point of difference between the gentleman from Kent (Mr. Chambers) and myself is this: because a member of the senate or delegate is eligible under the Constitution of the United States to a seat in Congress, there is no obligation upon the Legislature of the State or upon the people of the State to send every man to the Senate