

which qualified us for our seats here, was a voluntary act. If there was no objection to swear that they had never by word, act, or deed, given aid or encouragement to those in armed rebellion against the government of the United States, why should there be any objection now? I am not going to be guilty of the supposition that since they took that oath, they have done things which would make them unwilling to take it now; certainly not. I will not insinuate any such thing. And therefore it is that I ask the question, why should gentlemen now be opposed to swearing that they have never by word, act, or deed, given aid or encouragement to the rebellion, when they did it then freely, and, as each one of us swore, "without any mental reservation or qualification?"

Mr. MARBURY. If the gentleman will allow me, I will say that as I understand it, the great objection is to swearing allegiance to the federal government. That we conceive is a political heresy. We do not consider that there is any allegiance due to the federal government; we owe our allegiance to our State. I will swear obedience to the federal government, if that is required; I will swear that I am a loyal citizen; any amount of that sort of swearing, I am willing to do. And my objection to the word "loyalty," is that certain gentlemen are to be the judges of the loyalty of others; they are to be the embodiment of the loyalty of the country; they are the men who are to look into the inmost recesses of our hearts, and to know its history from alpha and omega. That is my objection to it. It is no captious objection whatever; I am seriously in earnest about it. I pretend to be as loyal a citizen as any one. But I want no catch-word to be put in here that may be used by partizans for the accomplishment of partizan ends.

Mr. SANDS. I will just say in reply to the remarks of the gentleman, that my edition of Webster, and men of that sort, does not give that signification to the word "loyalty"—that it means a party catch-word.

Mr. MARBURY. I do not say that is the meaning of it, but that it will be used in that sense.

Mr. SANDS. As to the objection in regard to the allegiance part of the matter, I have this to say: this convention, acting as the sovereign representatives of the State, has already declared that the paramount allegiance of the citizen is due to the government of the United States. This convention, so far as it has done anything at all, has settled this question of allegiance. Now, what can be the conscientious scruple in the way, suppose the people adopt this constitution, when the constitution of the United States says that that constitution is the supreme law of the land, and when the constitution of Maryland, in the fourth article of the bill of rights declares that the paramount allegiance of

the citizen is due to the federal government—what can be in the way? It is carrying private interpretation a little too far to assert that in the face of the law, as it exists in the constitution of the United States, and in the bill of rights of the constitution of the State of Maryland—it is carrying private interpretation a little too far, for an individual resident of the State to still undertake to say that he has another idea of allegiance, and that he is not bound either by the constitution of the United States, or the constitution of the State of Maryland.

Mr. MARBURY. We do not object to swearing to support the constitution of the United States, and obeying all the laws made in pursuance thereof. But we consider the idea of paramount allegiance to the federal government to be a political heresy. You may put it in the constitution five hundred thousand times, but you cannot make me believe it. If you cannot convince my reason, can you force a belief upon me contrary to my reason? Suppose you were to put in there that this is a monarchical government, could you make me believe it? And in my opinion, that is no more of an absurdity than the other.

Mr. SANDS. I only want to say that we are legislating here, not for the private opinion of any individual citizen of the State. We are setting up this law for the rule of civil conduct in the State; we are doing that or nothing. Suppose an individual comes into this State who is of the Mormon persuasion, and says: "I do not believe in your one wife system; and anything you put in the laws upon that subject does not bind me." What would be the result should he act as he says he believes? The constitution and the laws would bind him in one way at least; he would be apt to be indicted, tried, and punished for bigamy or polygamy. And this doctrine of private interpretation can be carried to just as great excess in the one case as in the other. Who would argue that our code and the general law of the State as embodied in the constitution, should be left in such a condition that through the private interpretation of those who embrace the creed of Mormonism, they could come into this State, and do as they please? Private interpretation must cease somewhere; and it must cease just where the constitution of the United States, and the constitution of the State of Maryland limit it; it must cease there.

I had no intention at first of submitting any remarks to the convention upon this report of the committee over which I had the honor of presiding. But as I have said, I felt compelled to say what I have said by what has been said by gentlemen who have preceded me. As to the immediate amendment under consideration, I shall leave that to the gentleman who brought it forward.

Mr. JONES, of Somerset. My friend from Howard (Mr. Sands) has on several occasions