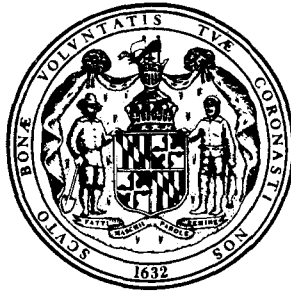


**THE
GENERAL ASSEMBLY
OF
MARYLAND
1850-1920**



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for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

THE CONSTITUTION OF 1864

A primary aim of the General Assembly in the session of 1864 was to set up the machinery for a constitutional convention to declare slavery unconstitutional in the State of Maryland.⁶ Accordingly, taking early advantage of the heavy majority of pro-emancipation members of the Legislature, it passed Chapter 5 of the Acts of 1864 to “take the sense of the people” as to calling the convention.

The Constitutional Convention was held later that year and proposed a revision of the Constitution. This in turn was approved by the voters and became effective later in the year. One of the prominent changes in the Constitution was the provision to make slavery unconstitutional, with its companion section to prohibit any compensation to the former slave holders.

The Convention and the new Constitution are covered in detail in Chapter 6 *infra*, “The Constitutions of 1864 and 1867.”

THE SESSIONS OF 1865 AND 1866

The General Assembly in its sessions of 1865 and 1866 continued to give close although diminishing attention to problems arising from the Civil War. The active conduct of the war ended in April, 1865, but there were pressing matters of reconstruction and rebuilding during the following years.

6. The Constitutional Convention of 1864 was called “to abolish slavery and disfranchise Confederates.” GEORGE H. CALLCOTT, *A HISTORY OF THE UNIVERSITY OF MARYLAND* 168 (Baltimore, 1966) [hereinafter cited as CALLCOTT].

Thus, during the session of 1865 the Legislature passed a number of acts dealing directly or indirectly with the war. Chapter 62 provided for Maryland's expenses in establishing the Soldiers' National Cemetery in Gettysburg; Chapters 33 and 106 concerned bounties for military service; and Chapter 124 related to voting by those in military service. Joint Resolution 5 ratified the 13th Amendment to the Constitution of the United States, which declared that:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

This language was very similar to that placed in the Maryland Constitution of 1864 (Declaration of Rights, Article 24) later in the year.⁷

The General Assembly considered and approved the 13th Amendment within a period of three days. Governor Bradford received it from the Secretary of State in Washington on February 1, 1865. He sent it immediately to the House, expressing the hope that Maryland would be the first state to ratify it. The House kept the joint resolution on the floor, without sending it to committee, and passed it on the same day by a vote of 53 to 24. It was sent to the Senate at once, which referred the measure to its committee on Federal Relations. The committee reported the proposal on February 3, and on the same day it passed the Senate, though only by a narrow vote of 11 to 10.

The 1865 session was enlivened by a protracted debate about whether there was any official corruption in the Leg-

7. The language was not new in the 1860s, however. Almost the identical words had been used in the Northwest Ordinance of 1787, passed by the Congress under the Articles of Confederation. Also, the language had been used in the Missouri Compromise Act of 1820, later to be declared unconstitutional in the Dred Scott Case. JOHN MABRY MATTHEWS, *THE AMERICAN CONSTITUTIONAL SYSTEM* 358 (New York, 1932).