

Mr. BRENT said, the Convention was making a bill of rights for the citizens of Maryland, and a contingency might arise, in which it might be necessary to banish a certain portion of our population. This amendment would meet the case.

Mr. PRESSMAN hoped the amendment would not be adopted. There may be white persons resident in Maryland, who are not entitled to citizenship. His colleague had stated his object to be to leave it in the power of the Legislature, to banish colored persons, if ever a state of things should arise which would render it expedient to do so. But there may be white freemen, as well as colored, and they ought not to be placed in a position in which their right to remain in the State, should be made to depend on the will of the Legislature. He hoped the amendment would not pass.

Mr. BRENT said he must adhere to his amendment. His colleague seemed to think that the rights of white freemen, who are not citizens, who are not freemen, might be affected by the amendment. They are protected by the common law. This House is engaged in making a bill of rights, not for sojourners, but for citizens of the State. The new census exhibits the alarming fact, that while the number of slaves has diminished, that of the free colored persons has increased. He did not ask for any affirmative action, but a time may come, when it will be necessary for our tranquility and security, to banish these persons; while the bill of rights, as it stands, prohibits the Legislature from exiling these colored persons who are free.

Mr. GWINN said the freedom and security of all the people of the State, were secured by the bill of rights. Should a time arrive when it will be thought expedient to banish this class of persons, the Legislature has the power to do it.

Mr. BRENT thought the Legislature had not the power.

Mr. GWINN suggested that the Legislature might reach this class of persons. He had no fear that the increase of the colored population would be such as to give reasonable ground for alarm, but if it should, the Legislature would have the power to check it without this amendment.

Mr. JENIFER agreed that a time might possibly arrive when the State would have to send away this class of our population, but as the power is already vested in the Legislature to do this, he would not be willing to make a more stringent provision.

Mr. BRENT contended that the Legislature could not exile any citizen, unless judgment had previously been obtained against him. The bill of rights made no distinction between free colored people and white citizens unless it is amended. He disdained any intention to inflict cruelty on these harmless people. But he believed a time would come, when there will be a death struggle between the castes. The effect of the abolition movement on our slave population, may be their banishment. He would not tie up the hands of the Legislature so as to prevent them from acting in case of necessity. No new power is desired

for the Legislature, so long as these persons peaceably remain in the enjoyment of the rights which the laws guarantee to them. But he would give the Legislature power, in case of necessity, to banish them. He regarded this population as an incubus on the prosperity of the State.

Mr. GWINN referred to cases in which the power had been exercised.

Mr. BRENT modified his amendment so as to read as follows:

"Nothing in this article of the bill of rights to apply to the free colored population of this State."

Mr. BLAKISTONE made some remarks against the amendment, the sketch of which is reserved for publication in a future number.

Mr. DORSEY said, he acquiesced in the exposition given to this article by the gentleman from Baltimore. He did not accord with the view of the other gentleman from Baltimore, as to meaning of the words "the law of the land." If law of the land meant any act of assembly that might be passed by the legislature, this article of the bill of rights, would give to us none of the protection for which it was designed.

Mr. GWINN asked whether, if the colored people became turbulent, the legislature had not the power to banish them?

Mr. DORSEY replied, that if the gentleman from Baltimore merely asked his private opinion, he should say that the legislature had no such power under the Constitution. If the legislature has a right to pass such law as to negroes it has an equal power to pass a similar law as to the white residents. It had the same right in the one case as in the other. If it be expedient to give the power to the legislature, to carry out in the case supposed by the gentleman from Baltimore city, (Mr. Brent,) then the amendment now proposed by him is a proper one. He had no fear that the legislature would not make proper laws, and he would willingly leave the power with that body to make such laws as might be called for, but he would not give the power to banish freemen. He believed the legislature had the power to regulate these people, but it had never, to any extent, been exercised. He did not see that this amendment would in any way authorize lawless bands of men, to violate the rights of our colored population, as had been stated, would be the consequence of this amendment. They are entitled to protection, and they will be protected. It gives no power to kidnappers which they do not already possess, and if they attempt to violate the rights of colored people, they are liable to punishment now, just as they will be if the amendment is adopted.

Mr. GWINN referred to the alien and sedition laws, and to the discussion which formerly took place here, and asked if aliens could be banished by the United States.

Mr. DORSEY replied, by asking, if the Constitution of the United States gave Congress the power to banish aliens? If not, there was no analogy between the cases.

Mr. GWINN said:

That he could not support the proposed amendment. As the article now stands, no *freeman*