

requires that the sternest justice should at once be meted out to those who persistently refuse to obey the laws, and the active and dangerous class be separated from the peaceable and loyal, by the exercise of the undoubted power of the government to arrest and detain dangerous persons during times of war;

"Therefore resolved, That this convention, on the part of the loyal people of Maryland, demands of the Government of the United States that all adult citizens of this State, who shall refuse to register on oath their allegiance, submission and obedience to the United States, and thus persist in the position of public enemies, and all persons who shall be proved to have taken part with or openly expressed their sympathy with the recent invasion of the State, shall be banished beyond the lines of the army, or imprisoned during the war."

"Resolved, That the president of this convention transmit certified copies of this preamble and resolutions to the President of the United States and to the commanders of the military departments in which Maryland is embraced."

We protest against the pretension of the said delegates, that in this matter they had any authority to represent the people of Maryland, or any part of them. The delegates to this convention were elected under a law of the State, to form a new constitution of civil government to be submitted to the people, and not to invite the inauguration of an unlimited military despotism in the State.

The convention had already maturely considered and adopted a declaration of rights, setting forth the fundamental principles of civil liberty, and of republican government, among which are the following, viz:

"We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good constitution in this State for the sure foundation and more permanent security thereof, declare:

"That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

"That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law.

"The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

"That the legislative, executive and judicial powers of government ought to be forever separate and distinct from each other, and no person exercising the functions of one of said departments shall assume or discharge the duties of any other.

"That no power of suspending laws or

the execution of laws, unless by, or derived from, the legislature, ought to be exercised or allowed.

"That no aid, charge, tax, burden or fees ought to be rated or levied, under any pretence, without the consent of the legislature.

"That no man ought to be taken and imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.

"That no person except regular soldiers, mariners and marines, in the service of this State, or militia when in actual service, ought in any case to be subject to, or punishable by martial law.

"That in all cases, and all times, the military ought to be under strict subordination to, and control of, the civil power."

We protest that the said order and resolutions are in direct conflict with every article of the declaration of rights above quoted.

The "losses and spoiliations" referred to, whatever they may have been, were occasioned by the acts of the public enemy of the United States, with whom the United States are at open war, and against which it was the duty of the Federal and State Governments to have protected all their citizens. There is certainly nothing in the constitution and laws of the United States which can authorize the President, and still less his military subordinates, to make such assessment as is requested by the said order. On the contrary, the exercise of any such power would be an unprecedented and unparalleled outrage upon every principle of justice, and every maxm of civil liberty and constitutional government.

Since the war began the Congress of the United States and the general assembly of Maryland have been composed of an overwhelming majority of so-called Union men; have held repeated sessions, and passed laws to punish every offence, which it was supposed possible to be committed by those who are amenable to their respective criminal jurisdictions. In those criminal laws is to be found full authority to punish "with due process of law," every violation of those laws, and surely, with the unlimited power now exercised by the President in the employment of provost marshals, spies and detectives, there ought to be no lack of evidence, if the facts exist, to convict "those who persistently refuse to obey the laws." The constitution which the President is solemnly bound "to preserve, protect and defend," declares that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, &c."

We protest that the constitution and laws have not required private and peaceful citizens of this State "to register on oath their