

tent to which the gentleman from Baltimore city would carry me, that I would to-day place those men who stand with their swords drawn against the government, side by side with him, or with you or me, who have at all times been loyal here, on the north side of the Potomac? When a gentleman of the sense and intelligence of the gentleman from Baltimore city takes such strange, confused ideas, and runs off in that way, he convinces me more than ever before, certainly, more than I had at first hoped, that in his mind this thing is an emanation of some passion that I regret to see to have a resting place in his heart. There is something like malevolence, malignity about it.

I do not wish to occupy the attention of the convention further, but to ask the gentlemen to look this in the face—to take this section two and read it over carefully, and ask themselves the question—on their conscience—is not this enough?

Mr. SCOTT. I had the honor to be upon the committee that made this report; and as I said the other day when it was submitted, I did not exactly concur with it, but simply signed the report that it might be submitted. It is because I have looked the facts in the face that I disagreed with the report; and it is because of that same looking the facts square in the face that I have concluded to advocate the amendment submitted by the gentleman from Baltimore city (Mr. Stirling.)

Mr. EDELEN. I had forgotten that the gentleman made such a statement, and referred merely to his having signed the report.

Mr. SCOTT. It was a natural inference that I approved of the report.

The gentleman insists that the punishment which it is proposed to inflict upon men who have borne arms against the government of the United States, is unheard of and cruel.—In reply, I would say that the crime which these men have committed is of the greatest magnitude; and that the action which this convention proposes is so similar to the action which our fathers took with reference to a similar class of men at the time of the revolutionary war, that I propose to read to the convention a part of an act passed in 1777, to meet just such cases; so long ago that many have forgotten it, and probably some never knew it:

*“An act for the better security of the government.*

*“Whereas, in every free State, allegiance and protection are reciprocal, and no man is entitled to the benefit of the one who refuses to yield the other; and as every inhabitant of this State enjoys the protection and benefit of the government and laws thereof, and it is reasonable that every person should give testimony of his attachment and fidelity to this State, and the present government thereof, as now established;*

*“II. Be it enacted by the general assembly of Maryland, That every free male person within this State, above eighteen years of age, unless a Quaker, Menonist or Dunker, shall, on or before the 1st day of March next, take, repeat and subscribe, the oath of fidelity and support to this State contained in the act entitled, An act to punish certain crimes and misdemeanors, and to prevent the growth of toryism; and every free male Quaker, Menonist or Dunker, within this State, above eighteen years of age, shall, on or before the 1st day of March next, solemnly, sincerely and truly declare and affirm, in the words of the said oath, and thereto subscribe his name.*

*“III. And be it enacted, That the said oath and affirmation shall be taken within the time aforesaid, before some magistrate of the county or city where the person who takes such oath or affirmation resides.*

*“IV. And be it enacted, That every magistrate aforesaid, shall keep two paper books, one for all persons who shall take the oath aforesaid, and the other for all persons who shall take the affirmation aforesaid, prefixing to one of the said books the oath aforesaid, and to the other the affirmation aforesaid. And all persons required by this act to take the said oath or affirmation, shall, after taking the same, subscribe his name thereto, in such book as contains the oath, if such person takes the said oath, or in such book as contains the affirmation, if such person takes the said affirmation; and if such person cannot write his name, he shall enter his mark, and the magistrate shall thereto set his name.*

*“V. And, for the ascertaining such as shall neglect to take the said oath, or affirmation, and that there may be a record evidence of such neglect,*

*“Be it enacted, That every magistrate aforesaid, shall make out five copies of his said books with all convenient dispatch, after the aforesaid first day of March, and the same transmit to the governor and council of this State, and shall deliver the original books to his next county court, which shall happen after the said first day of March next, there to be recorded.*

*“VI. And be it enacted, That every magistrate of the county shall, and he is hereby enjoined and required, to attend one day in every week, until the said first day of March next, at the most convenient places in his neighborhood, with his books aforesaid, for the purpose of administering the oath or affirmation aforesaid, and for the purpose of having the same subscribed to, in manner and form aforesaid; and the said justices shall give public notice, by advertisement, of such places and days of meeting as aforesaid.*

*“VII. And be it enacted, That every constable of every hundred shall, before the first day of March next, make out a fair alphabet-*