

capacity to hold office, even if they have been guilty of these offences which this convention supposes ought to operate as disqualifications, still by the fundamental principles of civil liberty and constitutional government, they have certain rights of which this convention has not the authority to deprive them, without a violation of the fundamental principles of our civil institutions, and of all free government. According to the declaration of rights which you yourselves have adopted, they are entitled to a trial for offences which are to be visited with punishment upon them to such an extent as is contemplated here. There is scarcely a provision in the declaration of rights which looks to the preservation of the absolute rights of the citizen that is not violated by the provision which it is now proposed to incorporate into this article.

In the first place, you have declared that the right of the people to participate in legislation, is the best security of liberty, and the foundation of all free government. That you have broadly declared as a fundamental principle, a maxim in all free government. And I need not remind this convention that the fundamental principle of all criminal law, is the presumption of the innocence of a party charged with any crime, until he has been proven guilty by due course of law of some offence previously declared, and to which punishment has been previously affixed. Every man contemplated by the gentleman in these ten classes of criminals, is presumed to be innocent, is presumed to be a white male citizen, entitled to participate in the legislation of the State, as one of the fundamental principles of free government. He starts out with that right.

And what further? You have declared that no man shall be compelled to give evidence against himself, as one of the rights which in civilized communities, is recognized as being an absolute right pertaining to every person, not to be interfered with. You have declared that your legislature shall pass no law compelling a man to give evidence against himself. Now, what is the distinction between requiring a man, before he shall be allowed to vote or hold office, to swear that he has been guilty of no offence, and to compel him to give evidence against himself when charged with an offence? The very objection to his holding office and voting presupposes the charge that he is guilty of an offence, and you call upon him to purge himself upon oath, a thing which you cannot do in a court of justice, according to the bill of rights which you have adopted.

You have further declared in your bill of rights:

"That every man, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right freely without sale, fully without denial, and speed-

ily without delay, according to the law of the land."

The next article declares:

"That the trial of facts where they arise is one of the greatest securities of the lives, liberties, and estate of the people."

You have further declared—

"That in all criminal prosecutions every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge, in due time (if required) to be prepared for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty."

You have also further declared—

"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."

And it is also a fundamental principle of our government that no *ex post facto* laws ought to be passed; which clearly means that no law ought to be passed making that an offence which was not so before, and to punish any person who, previous to the passage of the law, has committed that which at the time the law was passed was not an offence.

Now, will you show me any of the statutes of the State which prohibit any of these ten offences? You can do it very readily. Several of them are prohibited by your treason law, are punishable under your treason law upon indictment, trial before a jury, and conviction in a court of justice, if the indictment is sustained. But you have declared that every person so charged is entitled to that trial.

It is proposed now to violate all these provisions; it is proposed now, without a trial before a jury, without an indictment, without notice of any charge, suddenly at the polls, before a judge of elections, to call up a party and charge him there, with perhaps a witness who undertakes to testify to some expression—for it goes to "expression by word or deed"—call upon him unprepared, without notice, without counsel, without a jury, without any opportunity for trial, and to find him guilty, to exclude him from the right of voting, and to declare him unworthy to hold office. These are the consequences presented by the oaths now under consideration.

It is not in order now, I believe, to submit the amendments of which I gave notice this morning, because there are already two amendments pending. The gentleman from Cecil (Mr. Scott) has offered an amendment, to which the gentleman from Baltimore city (Mr. Stirling) has offered an amendment.—Therefore I shall not feel at liberty to com-