

cause. For the want of something better they seize upon that—not as an argument, because it is not, but as a pretext for incorporating such a provision as that now under consideration in order to limit the exercise of the elective franchise, a right which has been so clearly defined by the constitution of the State of Maryland, and which this convention cannot limit or restrict in accordance with law, justice, or truth, except by a constitution which may supersede the old one. It is often spoken of as the old constitution, but I think it is still the constitution. It is not the old constitution. We have no other constitution than that which was adopted in 1851.

But I return to the proposition that the convention law, or that which is called the convention law, which was in fact merely an enabling act, has become the organic law of the land. Did the people vote for or against that convention bill? Was that the question submitted to the vote of the people, and upon which they gave their decision? I think not, sir. The question was "for or against a convention." That was the simple question propounded to the people at the election. By the return of the votes it appears that a majority were in favor of the call. While I admit that as an apparent fact, it has failed to convince me that a majority of the legal voters of the State were in favor of the call of the convention. I believe exactly the contrary. But for the limitation which was put upon the voting, but for the restrictions imposed in the convention bill, which were against and in violation of the constitution, but for the interposition of military interference with the free exercise of the most valuable of all rights, this convention, in my humble opinion, would not have been sitting here to-day. It would never have met. That, however, is a matter of opinion. I confess the results as they have been given to us by the returns of that election are against that opinion so far as concerns the number of votes cast.

But it must not be forgotten that on so vital a question as that of calling and electing a convention for the purpose of framing the organic law of the State, there was no free expression of opinion. The ballot-box was so hedged in by bayonets everywhere that it was but a farce, more calculated to excite indignation in the minds of the people than respect for the law, or the action of those who control these matters. It is useless for me to read the elective franchise as provided for in the constitution of this State. It has been so frequently read upon this floor, as well as so constantly within the reach of every member of this body, that if its action were to be influenced by the definition of a legal and qualified voter therein prescribed, we should not have before the convention the provision which I move to have stricken

out. Article fifteenth of the bill of rights a part of the constitution of the State, and probably a part of the constitution which it is proposed soon to submit to the people, contains this provision:

"Art. 15. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made."

I submit that the provision here, which is intended to be operative before the vote upon the constitution has been taken, is clearly in violation of that declaration, so plainly so as to be incontrovertible. It would seem that it were absurd to regard it as necessary even to call the attention of the convention to it.

Another article of the declaration of rights, I will read:

"Art. 21. That no free man ought to be taken or 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 and by the law of the land."

How does this affect the privilege, the exercise of the great inalienable right of suffrage, which can only be lost through crime, as declared by the constitution of the State? How can you clog the exercise of that right by such provisions as that under consideration? It cuts many of the citizens off from the privilege of voting; citizens the equals of any upon this floor; citizens as eminently patriotic as any that sit in this hall or have sat in it. Their opinions and feelings may be different from those of the majority here; but I trust they are not, in consequence of those feelings and opinions, to be treated as criminals, unworthy the exercise of that great right of suffrage, the only safeguard for free men. I trust they are not to be pushed away by the bayonet or by force, nor by any arbitrary provision that this constitution or this schedule of submission may make, from the exercise of that great right which is inherent to the citizens of the State, and of which they cannot be deprived legally except in the manner prescribed by the constitution.

Then, sir, I maintain that it is clearly an effort to arraign the citizen without a trial, and to impose a penalty upon him for certain opinions that he may entertain; and is therefore wrong, by every rule or principle of justice by which it may be examined or investigated. It is to impose a penalty for such a fact, without a trial, without an investigation. Its object is, in my opinion, evidently felonious. I think of no other word at this time calculated to express the effect, if not object, of the provision now under consideration. It seeks to disfranchise the voter without a trial. It is a test oath imposed for the purpose of restricting him in the exercise of his