

I think, therefore, the language that has been so long used, ought to be adhered to.

Mr. STIRLING. Will the gentleman from Somerset (Mr. Jones) allow me to suggest to him that there is nothing in this article about "the judgment of his peers."

Mr. JONES, of Somerset. There is in a subsequent article. I was speaking of the restoration of the word "freeman" in place of the word "man," and as the same change has been made by the committee in the 22d article, which is made here, I made the reference to that article by way of explanation.

Mr. STIRLING. The 22d article says "by the judgment of his peers or the law of the land." The naturalized foreigner and the convict in the penitentiary are tried by a jury, and no question is raised about its not having a jury of his peers.

Mr. JONES, of Somerset. I think the times of Magna Charta better be adhered to.

Mr. STOCKBRIDGE. I wish to say one word about the change in articles 18 and 22 from the phraseology used in Magna Charta. The word "freeman" or *liber homo* in Magna Charta was a very proper one under the then existing circumstances; but it has long since been done away with in countries situated as our own is, and we have abundant warrant for the change even in the past history of our own State, and it is not necessary for us to go back to Magna Charta and follow those old words, when we have abolished them in other things. For instance, after the adoption of our national Constitution there were certain States that saw fit to ask, so far as they were concerned, that there should be certain amendments to the Declaration of Rights, and two of the States, I think they were North Carolina and Virginia, proposed the following, that there should be an article reading as follows:

"No freeman ought to be deprived of his life, liberty, or property, but by the law of the land."

Congress, when they took it up, saw fit to modify the expression "freeman," and make it a declaration of the rights of humanity, and they so improved it, and it now stands as the fifth amendment to our National Constitution.

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be put twice in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law."

No "person" shall, &c. That was submitted to the States for their ratification and approval, and it was ratified and approved by

Maryland, in common with the other States, and it stands as a part of our National Constitution to-day, the Magna Charta of America, and I see no reason why we should not follow the American Magna Charta in preference to the English. I therefore hope the phraseology will stand as it is both in the 18th and 22d articles of the Declaration of Rights.

The question was upon inserting the word "free" before the word "man" in the 18th article, so that it should read "that every freeman, for any injury done him," &c.

Mr. MILLER called for the yeas and nays, which were ordered.

The question being then taken, by yeas and nays, it resulted, yeas twenty, nays thirty-seven, as follows:

Yeas—Messrs. Billingsley, Bond, Brown, Chambers, Clarke, Crawford, Dail, Davis of Charles, Edelen, Harwood, Hollyday, Johnson, Jones of Somerset, King, Lee, Mitchell, Miller, Parran, Smith of Dorchester, Turner—20.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Baker, Barron, Carter, Cunningham, Cushing, Davis of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Hatch, Hebb, Hopkins, Keefer, Mace, McComas, Mullikin, Murray, Noble, Nyman, Parker, Purnell, Robinette, Sands, Schlosser, Scott, Sneary, Stirling, Stockbridge, Sykes, Todd, Valliant, Wickard—37.

The amendment was accordingly rejected.

Mr. CLARKE. I move to amend this 18th article by adding to it the following;

—"and no person shall be held to answer for any charge or crime before a court-martial or military tribunal, except in cases arising in the land or naval forces of the United States, or in the militia when in actual service in time of war or public danger."

Mr. STIRLING. I would ask the gentleman if that precise proposition is not contained in the 31st article of the bill of rights as reported here."

Mr. CLARKE. I think it differs a little from the proposition I have submitted. The 31st article reads:

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

That article asserts the proposition that such and such "ought not to be." I am perfectly willing that that may remain, as it has remained, in the Constitution as the 31st article of the bill of rights. But I desire to follow the charter which the gentleman from Baltimore city (Mr. Stockbridge) has held up to us for an example, the Constitution of the United States. That charter says in article 5 of the amendments.

"No person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury,