

exhaustion of national wealth and national life, to end in the erection of a military dictatorship, the leader of which no man can know. I do not know who he may be. I make no prediction.

Mr. JONES, of Somerset. I feel compelled to support the amendment which has been submitted by the gentleman from Prince George's, (Mr. Clarke.) It may not be attended, as has been said, with any very practical results. If so, it is to be regretted. It is a reassertion of primary principles.

There is a matter now pending in the city of Baltimore before a military commission which struck me with more amazement than anything that has occurred since the breaking out of the unfortunate troubles in which we are involved. A citizen of the county that I have the honor to represent in this Convention, in civil life, never having been connected with the army or the navy, or with any martial operations whatever, in the quiet of his own home, on a Sabbath eve, was assailed by soldiers; an altercation ensued, pistols were drawn, and as he alleged he took the life of a soldier in self defence. That occurred some eighteen months ago. The matter was one of great excitement. The laws took their course. A grand jury was assembled in that county; witnesses were brought before them; the whole matter was fully, fairly and entirely investigated by the grand jury, four-fifths of whom were the political opponents of the party charged. That grand jury in this investigation, as I was informed, unanimously determined that it was a case of self-defence, and refused to find a presentment.

Some eighteen months having rolled around that citizen, having been frequently annoyed, his house surrounded in the dead hour of night by soldiers, who had been incensed ever since that one of their comrades should have been killed, finally appealed to the military authorities for protection. He went up himself, carrying recommendations signed by many of both parties, citizens of the county in which I live, stating his peaceful character and the annoyance which he suffered, continually threatening him to the utter destruction of the peace of his family, if continued, and invoked some order for his protection. In the city of Baltimore, for this very business, he was arrested and put in prison, where he has been for several weeks; and I understand that on Saturday last a charge of the murder of that soldier was preferred against him before a military commission, and he is held in Fort McHenry to answer that charge, not in the county where the offence was committed, not by an indictment of the grand jury of the county where the offence was committed, not to be confronted before a petit jury with the witnesses in the county where the offence was committed, but away from his home, away from the opportunity of call-

ing witnesses, in the city of Baltimore, before a military commission. A citizen of my county, never in any way connected with the army and navy, is brought to answer in a capital charge, involving his life, before a military commission!

I submit that to the consideration of my friend from Howard, (Mr. Sands.) I think there ought to be some express reassertion of the rights of citizens in our bill of rights, similar to that which has been proposed by the gentleman from Prince George's, (Mr. Clarke.) It is said that it would be vain. It may turn out to be vain. But peace may come again, and in more peaceful times we may review the rights of citizens, and then they will be found on the statute book, as the will of the State of Maryland embodied in the Constitution.

But I will still hope that, notwithstanding this charge that has been preferred, when this military commission comes to understand that the facts of this case have been investigated in the county where they took place by the grand jury, finally and fully, and that they preferred no charge, they will decline to entertain jurisdiction in a case so clearly pertaining to civil administration; and with that hope I will dismiss this case.

I think the amendment which has been proposed, reaffirming the rights of citizens in cases of criminal charge against them, from the Constitution of the United States, may very safely be added to the article which is now under consideration; and, in that view, I shall vote for it.

Mr. CLARKE demanded the yeas and nays, and they were ordered.

The question being taken the result was—yeas 17, nays 37—as follows:

*Yeas*—Messrs. Billingsley, Bond, Brown, Chambers, Clarke, Crawford, Dail, Davis of Charles, Edelen, Harwood, Hollyday, Johnson, Jones of Somerset, Lee, Mitchell, Miller, Smith of Dorchester—17.

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

So the amendment was rejected.

Articles 19, 20 and 21, were read and no amendments offered.

Article 22 was read as follows:

Art. 22. That no man ought to be taken or imprisoned, or dis seized 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.

Mr. JONES of Somerset. I move to amend this article by inserting after the word "no,"