

the word "free." I wish to restore the old Magna Charta phrase, "free man."

The amendment was rejected.

Mr. CLARKE. I move to amend the article by adding the proviso which now exists in article 21 of the old bill of rights, which corresponds with article 22, in this:

"Provided, That nothing in this article shall be so construed as to prevent the Legislature from passing all such laws for the government, regulation and disposition of the free colored population of this State, as they may deem necessary."

Mr. CLARKE. The wording of that, or the addition of that clause to this article, does not at all conflict, as some of the amendments may, with the idea of emancipation of the slave population; because, so soon as those slaves shall be emancipated, they then become the free colored population of the State. Therefore, if this amendment is adopted, the Convention will determine that nothing in this article shall be so construed as to prevent the Legislature from passing such laws in relation to these emancipated persons as may be necessary. Here again I find myself with President Lincoln. He has expressly said in his message that his views on emancipation do not at all come in conflict, and are not intended to come in conflict with the regulation of this class of population in the States. That is, as I understand it, a part of his policy, that the regulation of that class of population, when they are set free, should remain under State control, and subject to Legislative action. That is announced by members of his Cabinet. They have made several orations which have gone forth to the country in which this is announced as a cardinal doctrine and policy to be pursued, in relation to this population, when they extend to it the blessings, as they call it, of freedom. I think this recommendation is most reasonable. Is it to be supposed that the colored population is to be freed suddenly, as is proposed, by this Declaration of Rights, without a moment's warning, in the midst, it may be, of the harvest field, without the Legislature having the opportunity in any way, shape or form, to control or to supply the required labor. The young and old, helpless and infirm, parentless infants with not even a brother or sister upon whom, if they had the power of utterance, they could call for protection, are thrown upon the community; and shall the Legislature have no power to adopt a system of apprenticeship?

If this amendment is voted down we shall be placed in this position. This whole population will be thrown upon the community; and if the Legislature undertakes to pass laws in reference to them, it will be argued that this proposition having been offered in this Convention, and having been voted down, it was the judgment of the Convention that the Legislature should have no such power; but

that the free negro population should be left subject to the same laws which govern the white man in the State of Maryland. If the Legislature undertakes to pass a law regulating their *status*, after they are set free, it will be unconstitutional, because the Court will be allowed to look at the action of this Convention upon a matter where there is no express provision. That I think would be the plain and legitimate argument drawn from the rejection of this proposition.

If this proposition is adopted, it leaves the matter in the hands of the Legislature elected by the people, and their policy can be changed if it is unsatisfactory to the people. If there should be a constitutional provision, or statute law, to prevent colored persons from coming into the State, that would not apply to those already here, and therefore would not meet the case. That would merely keep out colored people from other States; while this is to give the Legislature a power to be exercised and used wisely, and beneficially, and judiciously; and, as I before stated, it is in conformity with Mr. Lincoln's recommendation, and the elaborate arguments of his cabinet ministers and some of his warmest friends.

Mr. STIRLING. I do not propose to make any speech, or to enter into any discussion in regard to the free colored population or the disposition of the emancipated class after they shall have been emancipated, because I do not consider it properly before the Convention at this time. The people of the State of Maryland lived up to 1850 as a slave State, under this article as it stands in this report. The proviso this gentleman wishes to put in was inserted in 1850; and we have lived under that for fourteen years. As to any necessity of providing for the free colored population in this State, so as to prevent crime and idleness, and so as to promote peace, order and quiet, so far as that is consistent with the *status* of freemen, the Legislature possesses it without the proviso. The only effect of the proviso is inconsistent with the rest of the article. As to any system of apprenticeship consistent with personal liberty, the Legislature of this State always had the power to control that, not only with regard to free colored people but free white people, and they have exercised it time and time again.

This clause of the Constitution of 1850 was put in simply for the purpose of denying to the free colored population of the State any rights whatever.

It was for the purpose of excepting them broadly from the provisions of law, and stating that their condition in Maryland was to be subject to the absolute discretion of the Legislature; for the word "disposition" is a substantive grant of power to reduce to slavery and means nothing else. To dispose of a man is to sell him, get rid of him, do