

anything with him that you please. That is perfectly inconsistent with any declaration which gives him any legal rights. The article in the bill of rights of 1850 simply meant to deny that any free colored man ought to have these rights. Mr. Lincoln has expressly stated that regarding these people as houseless and landless, he had no objection to some disposition of them with reference to that fact, consistent always with their condition as freemen. I should like to know whether there is any difficulty in the Legislature's making provision for houseless and landless persons, and for preserving peace and order, without such an article in the Constitution.

Mr. CLARKE. Mr. Lincoln does not say "consistent always with their condition as freemen."

Mr. STIRLING. Mr. Lincoln lays down that principle. Now I do not want to put into our Constitution a provision incorporated in the Constitution of 1850 which simply denies all rights to that population, and gives the Legislature the power to re-establish slavery, for we know that we lived from 1776 to 1850 as a slave State without it, and the avowed object of it was to reduce the free colored population of the State back into slavery. The bill of Mr. Jacobs introduced into the Legislature some years ago, would have been unconstitutional under the old Constitution, because the old Constitution asserted that no freeman could be deprived of his liberty and re-enslaved. But this proviso excepted this population from the benefit of that provision, and therefore the Constitution of 1850 enabled Mr. Jacobs to bring a bill before the Legislature, the avowed object of which was to re-enslave the existing free colored population of the State. Leaving it out, prevents that, and that is what I desire prevented. As for any reasonable or proper provision, consistent with the personal liberties of these people, consistent with their right to life, liberty, the protection of their property, and to appeal to the laws of the land, subject to these exceptions, necessarily belonging to any class of persons in a free community, the Legislature possesses full power over the subject.

What does this clause say? "No man ought to be taken or imprisoned." Is there any necessity for saying that the Legislature may take or imprison the free colored people? If we are to set them free we do not want them taken and imprisoned. "No man ought to be disseized of his freehold, liberties or privileges, or outlawed, or exiled." Do we want the free colored population disseized of their freehold, liberties or privileges? Do we want them outlawed or exiled? The only thing in reference to the reasonable disposition of this population, which this Constitution, as it now stands, forbids, and which it prevents, is the compulsory exile of the free colored population; and that I want to pre-

vent. It is in plain terms the only difference with regard to the matter. If the Constitution, with the proviso, would have the effect of giving the Legislature power compulsorily to drive the free colored population out of the State, that is just what I want to prevent. With regard to everything else, the Constitution gives them ample power, so far as the necessities of the State are involved. I do not intend to discuss now how far these necessities extend, but when the question is discussed, I have no doubt that my friend from Prince George's (Mr. Clarke) and myself will differ very widely. Whatever else may be required, the proviso is perfectly unnecessary, while it is inconsistent with the subsequent provision of the bill of rights, which I have no doubt the Convention intend to adopt.

Mr. PURNELL. I entirely agree with the gentleman from Baltimore city (Mr. Stirling) in his view with regard to the majority report of the Committee on the Declaration of Rights with reference to this subject. An evil might be visited upon this class of people under certain circumstances; but I think the provision embraced in the Declaration of Rights and reported by the committee will guard them against any invasion of their rights. So far as respects the status of the free negro, previous to 1850, there was a law which prohibited the manumission of slaves in the State. Mr. Jacobs' position was a most extraordinary one, and a most signal failure. He started out with the proposition of enslaving all the freemen; but the result was, that instead of enslaving the freemen, he had liberated all the slaves. That is the fact, and if he had been sent to the city of Annapolis once more, it might have saved the necessity for this article of emancipation embraced in the bill of rights. But the good sense of the people saw proper to consign him to a position, where, perhaps, he will remain throughout the balance of his life.

Suppose the Convention adopts a system of emancipation. In what position does it leave the free negro, or those that will become free under the provisions embraced in the Declaration of Rights. They will occupy the same status now occupied by the free negro. They will be turned out, those that see proper to go, to their own exertions. Others of the infirm class will perhaps remain with kind and humane masters and perform service, the only remuneration they will expect and require being their board and clothing and that sort of care and solicitude which every kind and humane master would naturally bestow upon them. Those that go forth to throw themselves upon their own exertions, will of course come under the provisions of the law which regulates free negroes and their status in the State, and be bound by the provisions of those laws. The guard proposed in the bill of rights, I think is a very wholesome