

shall read from them alone, supposing that members will take it for granted that I am responsible for the correctness of the quotations. I shall read, having verified them.

The first question which presents itself to us for consideration, is whether we shall adopt a new article in our bill of rights. I am opposed to it, first, because I am opposed to any change in our bill of rights. The necessity of having a bill of rights at all is entirely a mere tradition. It arose from the circumstances under which *Magna Charta* was obtained, the origin of the position of right, and all those great dogmas which have been accepted during centuries, as standing at the foundation of British and American liberty. I would prefer, therefore, that in its verbiage, in these characteristics, that this bill of rights shall be left by us exactly as our forefathers left it, and which they found sufficient for all the circumstances under which they lived. Now I confess that while this custom of adopting declarations of rights has prevailed generally among those States, I believe without exception, there has always to my mind appeared to be a peculiar beauty and aptness in the phraseology which our forefathers in Maryland adopted in their Declaration of Rights. There is nothing in literature which in early life so inclined my mind to the consideration of these questions as the grandeur and beauty of these sentences. And in this day of my manhood there is nothing which, like a trumpet, will sooner awaken my appreciation of all that is noble in human life, or the destinies of men and nations, than these grand words. My preference, therefore, would be not to change them in any manner; and but for the obvious desire of gentlemen on both sides to discuss this question, I should prefer to be heard upon the general question of adopting the bill of rights as it stood.

I am reminded here, in speaking of the grandeur and dignity of the Declaration of Rights under which we live, these exact statements of principles which it embodies, of one or two sentences in it which I will read. Because, though there are more words, more sentences, yet in times of civil tumult, when the foundations of society and government are upheaved, it is the duty of statesmen to preserve liberty by preserving these very sentences that are the life-blood of liberty. So that, no matter how the practical enjoyment of our rights may be gratified by the circumstances that surround us, at least posterity may read that, standing here in the midst of these convulsions, some of us even approving of the worst of these theories, we yet had the manliness to say that the circumstances were exceptional, and we would stand firmly, as our ancestors did, by the great, original, practical truths upon which all rights of government are founded. What are those great truths? Let me read the words in which our

forefathers expressed them so clearly and so strongly.

"All government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole." "The people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof." "That no power of suspending laws, or the execution of laws, unless by or derived from the Legislature, ought to be exercised or allowed." "That every free man, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land." "That the trial of facts where they arise, is one of the greatest securities of the lives, liberties and estate of the people." "That in all criminal prosecutions every man hath a right to be informed of the accusation against him . . . to be confronted with the witnesses against him . . . and to a speedy trial by an impartial jury." "That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the courts of law." "That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property are grievous and oppressive." "That standing armies are dangerous to liberty." And, "That in all cases and at all times the military ought to be under strict subordination to, and control of, the civil power."

Sir, standing on the brink, and looking into the horrid chasm which three years of strife have made among us, these words come to us like echoes from the tomb, like far-off distant voices, full of truth and beauty; but which, in view of the circumstances surrounding us, we recognize as having no practical significance, except that they existed long ago among better men than we. Still, if we have lost the substance, I for one would preserve the shadow. If we will not exact for our people the practical enjoyment of these rights, I for one would at least, declare them. I would have it written that we still claim these rights and privileges, although the fact be that we are robbed of them.

Now, sir, in proceeding to the actual consideration of the only practical proposition here, whether this clause shall be introduced into our bill of rights or no, the discussion presents itself to my mind in three aspects, and I shall proceed to argue it accordingly. I shall argue it, firstly, upon those considerations which grow out of the terms of the proposed clause itself; secondly, upon those considerations which grow out of the doctrine of Federal allegiance, which is stated for the first time in Maryland, and which I hold to be a false doctrine; and, thirdly, upon those considerations, independently of