

their sworn duty to bring before them—at every court the post-masters, and examine them as to who is presumed to take anything from the post-office that they can construe as incendiary. And although none of these things have yet gone to the length of declaring what a man might or might not say, yet acting on the same principle laid down in that code, an irregular suppression of that which is construed to be incendiary has gone on, until it has not been until within the last year that in this State you could freely discuss the great question of the true political economy of this State. And so it has been in every State south of us. While it could be discussed in every city and every village to the north of us, in all the States that are free States—here it has been suppressed. And within the last four years, in the city of Baltimore, an assemblage of men, met to discuss by themselves, in their own way, and within their own doors, questions that they believed to be vital to the prosperity and the peace of the State, has been in the most riotous and reckless manner broken up, and the persons thus discussing these questions among themselves have been compelled to fly as fugitives.

Now, if the article presented by the gentleman from Somerset, (Mr. Jones,) could secure that freedom of speech in time to come, I should most willingly vote for it. But I think there is another article soon to be discussed before this body that will hereafter secure freedom to the press, and of speech also. For all these matters of freedom go together. You cannot make infractions upon the freedom of man at one point that you do not make them at others. And, therefore, I conceive that this article will not be necessary in the future, however much it may have been necessary in times past. Still, I should be very glad to vote for the principle therein contained. And if the phraseology can be changed it will give me great pleasure to vote for the proposed article.

Mr. JONES, of Somerset. If the gentleman from Baltimore city, (Mr. Stockbridge,) will indicate the phraseology that is objectionable to him, I will be most happy to endeavor to make it conform to his views, so that the substance is preserved.

Mr. STOCKBRIDGE. As the shortest way of getting at it, although it will not then conform exactly to my idea, I will move to strike out all after the word "liberty," leaving the first part, which now reads:

"That every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

Mr. JONES, of Somerset. I have no objection to that amendment. I will accept it.

The proposed article was modified accordingly.

Mr. STOCKBRIDGE. There is one other amendment I desire to offer. I move to

strike out the words "may freely," and insert the words "ought to be allowed to;" so that it will read—"Every citizen ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

Mr. JONES, of Somerset. I would very willingly agree to any verbal change that did not affect the substance; but I cannot accept this amendment. I hold that this right is beyond the reach of any power in a republican form of government. It is one of the absolute rights of the citizen, and there is no one who can say to him that he will allow, or will not allow, its exercise.

Mr. HENKLE. Will the difficulty be met by inserting after the word "responsible," the words "to the laws only?"

Mr. JONES, of Somerset. That is implied necessarily.

The question was upon the adoption of the amendment proposed by Mr. Stockbridge.

Upon this question Mr. Jones, of Somerset, called for the yeas and nays, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 43, nays 10—as follows:

Yeas—Messrs. Abbott, Annan, Baker, Brown, Clarke, Cunningham, Cushing, Daniel, Davis of Washington, Duvall, Ecker, Farrow, Galloway, Greene, Hebb, Henkle, Hodson, Hopkins, Hopper, Horsey, Jones of Cecil, Keefer, Larsh, Markey, McComas, Morgan, Mullikin, Murray, Negley, Nyman, Robinette, Russell, Schlosser, Scott, Smith of Carroll, Smith of Worcester, Sneary, Stockbridge, Swope, Sykes, Thomas, Todd, Wooden—43.

Nays—Messrs. Harwood, Jones of Somerset, King, Mitchell, Miller, Parker, Parran, Stirling, Valliant, Wickard—10.

Pending the call of the yeas and nays the following explanations were made by members, as their names were called:

Mr. CLARKE. Before voting I desire to say that if the adoption of this amendment will secure the adoption of this article, I have no objection to the amendment being made. I regard "ought to" to be equivalent to "shall." That phrase runs all through this bill of rights, and it has been over and over again asserted that "ought to be" means "shall be." And construing the words in that way, I will vote "aye."

Mr. KING. I am in favor of freedom of speech and of the press; and as we have that already secured, and this is only to make a man accountable for the abuse of that liberty, which he would be without this article, I shall vote against the amendment and the article. I vote "no."

Mr. STIRLING. I think the expression "may freely" is better and in fewer words than "ought to be allowed to." I do not think there is much choice between them, but I rather prefer the former, and therefore I vote "no."