

in a hopeless minority "in the halls of Congress," the incident is small compared with the sum total of their losses.

It would be inadmissible to question the sincerity of the Reconstruction Committee in their apprehensions of such extreme danger from the admission of Southern representatives in the halls of Congress as they have so emphatically asserted in their report. It must be taken as true that in their view the danger is real and imminent. But considering the difference in the weapons used "in the halls of Congress" from those employed on that other "battle field," and considering that the Southern representatives, in disparity of numbers, would be at as great disadvantage in the one, as on the other, it is difficult to imagine a higher tribute than they pay to Southern representatives for that moral power and intellectual prowess which usually command success in legislative halls, and which in the opinion of the Committee, if admitted into the halls of Congress, would achieve such terrible results.

Section 3 of the proposed amendment describes a class of persons thereby declared ineligible to be a Senator or Representative in Congress, Elector of President and Vice-President, or to hold any office, civil or military, under the United States, or under any other State.

"Every person, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, who shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof," belongs to this proscribed class.

Two things are inevitably admitted by Congress in proposing this section as an amendment to the Constitution. First, that there was no law in existence, at the time when the Act was committed, which proscribed the proposed punishment. Second, that Congress has now no rightful power under the Constitution to pass a law to impose such punishment.

If there was such a law, or if Congress had the rightful power to pass such law, why ask the ratification of this amendment by three-fourths of the Legislatures of the several States to make it "valid as a part of the Constitution."

This third section presents a most grave question for the consideration of the Legislature. It is this. Has the Legislature the Constitutional authority to ratify this proscription as a part of the Constitution of the United States?

The Legislature of Maryland is vested with all general powers of legislation appropriate to free republican government. But it is limited by the express or implied prohibitions of the Constitution of the State. The 17th Article of the Declaration of Rights declares "that retrospective laws, punishing acts committed before the existence of such laws,