

of the United States, exercising its legitimate power, chooses to place upon the criminal statutes. Make the law. You cannot punish by an *ex post facto* law. That I suppose the Constitution of the United States, and all constitutions refuse the power to any legislature to do. Make the law. Describe what facts you please, to constitute the crime. Connect it with any proper punishment the legislative power chooses to inflict.

Then set an individual to take and catch whomsoever the prejudices of his neighbors may point out as a proper victim, and punish him under that law. But let the facts constituting his crime be the subject of legitimate inquiry, according to your own provisions, according to the principles which have been recognized as the only safeguard of personal liberty and the security of property and reputation, ever since the first formation of a government in this State. Our fathers at all times, and under all circumstances, have had these guards. We say here in practical terms, as we have ever said, that in all cases and at all times, the military ought to be under strict subordination to and control of the civil authority. We say that no individual shall be deprived of his right to life, liberty or property, without a trial by jury. We say that "no aid, charge, tax, burden or fees, ought to be rated or levied under any pretence, without the consent of the legislature."

It is admitted that mistakes may be made. It is acknowledged that mistakes have been made. I say that if an experiment of this sort is to be made, and this is to be established as a practice in the State, one-half the cases, or more, will be mistakes. I believe that this imputation of secessionism has arisen and been made against more persons, three to one, by malevolent persons who have spoken falsely on the subject, than the fact and the truth could warrant. Yet it is upon such evidence alone that these persons must rely.

I am unwilling to consume the time; but I wish to say that one remark that has been made has been very far from being verified in our experience; for there is really no more safety at home than abroad. If it is not in the knowledge of the gentleman who made the remark, it must be in the knowledge of nine-tenths of this body, that men who have been as quietly at home as men could be, who have not raised a hand, have been charged with being secessionists, and have had contributions levied upon them.

Again, with regard to the fact alleged that in the late raid whole classes of people were exempt; I know nothing but what I have read in the papers; but I have not seen this statement; but on the contrary have seen it stated that in many instances the rebels that made this raid spared nobody. My impression was that they had been very impartial. It is true that they burned Governor Bradford's house, which I understood

to be in return for the burning of the governor's house in Virginia; and with regard to Mr. Day's house, I understood that that was burned in consequence of his shooting somebody for taking down the flag.

Suppose that half the town of Frederick or of Hagerstown had been burned by incendiaries, and by no foreign enemy at all. Would any one think or dream of asking the President of the United States, the Governor of Pennsylvania, or any other foreign power, foreign in this respect, to appoint a military officer to hunt up all whom they should please to call incendiaries, and punish them?

We live, as has been well said, in a land of constitution and laws. Let us observe them. We are sworn to do so. I appeal to gentlemen who have talked about the constitution, and the oath to support it, how they can justify, upon the oath which they have taken, this acknowledged departure from those very principles in our existing constitution and in our proposed new constitution, which have been enacted here with all solemnity imaginable, and so far as I know, without one solitary dissenting voice? If we had then known what has since occurred, would gentlemen have turned their backs upon the acknowledged principles of jurisprudence, which are at the foundation of the government? I think not. I say then that being in themselves fundamental truths, they are truths yesterday, to-day, and forever. In the language of your own bill of rights, they are to prevail at all times and under all circumstances.

I do hope, therefore, that there will be an end to this proceeding, and some step taken to have it rescinded, so that it may not longer stand upon the journal. I consider the language a plain, direct, and unmistakable contradiction of the bill of rights.

Mr. SCHLEY. I do not rise for the purpose of making a speech. This crisis demands acts—not words. I think that if the gentleman does not know who are offenders, he is lamentably ignorant. There are others who do know who are offenders. Perhaps he knows who are Union men. There are those in the vicinity of the Union men who have suffered, and they have escaped, because it was known who were Union men, and who were not Union men. Perhaps also the gentleman may know that the old maxim of a house divided against itself, may be very well applied to the State of Maryland, where there is this terrible conflict of opinion in time of civil war. He may also know that self-protection is the first law of nature, and that we are animated by that law at this time in passing the order, and carrying that order into execution.

Apart from these plain principles, he may also remember that a distinguished citizen of the democratic party of Maryland—I allude to Enoch Louis Lowe—laid down the proposition at the beginning of the rebellion, that