

our midst in time of war is no longer to be tolerated, and justice to ourselves, our families and our country, no less than to weak-minded disloyalists themselves, the only hope of whose reclamation is in a vigorous policy, requires that the sternest justice should at once be meted out to those who persistently refuse to obey the laws, and the active and dangerous class be separated from the peaceable and loyal, by the exercise of the undoubted power of the government to arrest and detain dangerous persons during times of war; therefore

*Resolved*, That this Convention, on the part of the loyal people of Maryland, demands of the Government of the United States that all adult citizens of this State, who shall refuse to register on oath their allegiance, submission and obedience to the United States, and thus persist in the position of public enemies, and all persons who shall be proved to have taken part with or openly expressed their sympathy with the recent invasion of the State, shall be banished beyond the lines of the army, or imprisoned during the war;

*Resolved*, That the President of this Convention transmit certified copies of this preamble and resolutions to the President of the United States and to the commanders of the military departments in which Maryland is embraced;

Which were read the first time.

On motion of Mr. THOMAS,

It was ordered to be entered on the journal that had Mr. Thomas, of Baltimore city, and Mr. Sykes, of Howard, been in their seats on yesterday, they would have voted in favor of the order of Mr. Hatch, tendering the thanks of this Convention to the citizen and patriot, Ishmael Day, for his heroic act in shooting the traitor who dared to pull down the American flag; and would also have voted in favor of the order of Mr. Schley, of Frederick, requesting the President and the commandants of the military departments to assess upon sympathizers with the rebellion residing in this State the total amount of all losses sustained by the loyal citizens of this State by reason of the recent rebel raid.

Mr. BELT submitted the following resolution:

*Whereas*, By the 21st Article of the existing Declaration of Rights of this State, it is, among other things, provided "that no freeman ought to be taken or imprisoned, or dis seized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers or by the law of the land;" and whereas, on the 19th instant, this Convention did adopt the following order, to wit: "Ordered, that this Convention, representing the people of Maryland, hereby respectfully request the President of the United States and the com-

mandants of the military departments in which Maryland is included, as an act of justice and propriety, to assess upon known sympathizers with the rebellion, resident in this State, the total amount of all losses and spoiliations sustained by loyal citizens of the United States resident in this State, by reason of the recent rebel raid to compensate loyal sufferers;" and whereas, there is an obvious conflict and contradiction between the said order and the before recited Article of the Bill of Rights; and whereas, the subject-matter of the said order is not properly within the purposes for which this Convention was called, but is irrelevant and altogether foreign to the same; therefore

*Resolved*, That in the opinion of this Convention, the aforesaid order was improvidently passed, and that the same be and it is hereby rescinded.

Mr. STIRLING. I raise the point of order that this resolution proposes to take contradictory action to what has been already taken by the house, without reconsideration. I submit that that is contrary to parliamentary law.

The PRESIDENT sustained the point of order.

Mr. CHAMBERS. Will the Chair allow me to refer to the fact that at the late session of Congress a gold bill was passed, and the proposition was entertained for its repeal. I did not know that it was against the rules of legislative bodies to repeal a resolution or order, or law of its own enactment.

The PRESIDENT. The house is competent to repeal any measure which it has passed; but this is a different proposition, to do indirectly that which cannot be done by the rules; for the question of reconsideration by the rules can only be agitated by a motion to reconsider made by a member who voted with the majority.

Mr. BELT. Do I understand that it is incompetent for the house to pass an order rescinding the former order, or that I as a member of the house am not competent to offer such an order?

The PRESIDENT. The Chair decides that it is incompetent to rescind a proposition in the mode adopted by the gentleman from Prince George's (Mr. Belt.) The gentleman attempts to reach this proposition indirectly. The rules prescribe a certain form in which the question shall be reached. A question decided by the house stands as the judgment of the house until that judgment is rescinded by the proper mode. The proper mode is by reconsideration, emanating from some one that voted in the majority. The judgment of the house cannot be disturbed except by those who voted in the affirmative.

Mr. BELT. My object is not to reconsider, but to take independent action, to repeal or rescind what has been done. I certainly thought it was competent for me or for any other member, to take that original action.