

of Somerset, Keefer, King, Larsh, Lee, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Nyman, Parker, Pugh, Ridgely, Russell, Sands, Schley, Smith, of Dorchester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Wickard, Wooden—56.

The proceedings of yesterday were read and approved.

On motion of Mr. MARKKY,

It was ordered to be entered on the journal that Mr. BAKER, of Frederick county, is detained from his seat in the Convention by sickness.

THE LATE REBEL RAID.

Mr. SANDS submitted the following order: *Ordered*, That the President of the Convention transmit to the President of the United States, and to the Military Commandant of this Department, and to the Governor of Maryland, certified copies of the order adopted yesterday in relation to the spoiliations made by the rebels during their late raid into Maryland.

Mr. CHAMBERS. That resolution was passed yesterday without any participation on my part, and I believe without any discussion. It took me by surprise, I confess; and really I was not aware of its character until it was beyond the reach of the House. It appears to me, comparing it with some former instances of our action here, that it is singularly strange that such a proposition should have been passed, or that any further proceedings to give it efficacy should be adopted. I find, sir, that as a part of our doings we have enacted as a fundamental principle in the government of the State, and as a principle proper for the observance of all who are to come after us:

“Art. 13. That no aid, charge, tax, burden, or fees ought to be rated or levied, under any pretence, without the consent of the Legislature.”

In violation of this principle we apply to powers, so far as this question is concerned, foreign to the State, to designate military officers to impose a charge without the consent of the Legislature, required by this article.

Again, we have declared:

“Art. 20. That in all criminal prosecutions every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge, in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.”

Here, disregarding all this necessary preliminary to punishment, we have authorized a military officer to act as jury, judge and executioner, to carry out his own private judgment, without appeal to any witness or any

jury, upon a charge which he himself is to make, the truth of which he is to decide, the punishment of which he is to inflict.

Again, sir, I find:

“Art. 22. That no man ought to be taken or imprisoned, or disseized 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.”

Let my friends upon this floor remember that this is a solemn declaration of what is just and right, of a fundamental element of justice and right, not to be violated even by our own legislature or by any other tribunal. Yet, in opposition to every word of this article of the bill of rights, you have provided that a man shall be deprived of his property by the judgment and discretion of a military officer, by the recommendation of the same body who have decided that this is an elementary principle of justice and of law. Will my friends violate the principles thus solemnly enacted?

Is it said that this is a military power? What says the bill of rights upon that subject? The 29th article says, “In all cases,” not one exception, and “at all times,” whether in peace or war, “the military ought to be under strict subordination to and control of the civil power.”

What are we doing? We claim to be a civil power, and we propose to confer upon the military power a jurisdiction and the exercise of a power which we do not ourselves possess. There is no civil power in this State that could do as this Convention has undertaken to do, call upon a military officer to act at its own discretion, seizing the property of those whom he chooses to say are guilty of disloyalty, or have adopted principles of secession, without proof, without an opportunity of proof, and certainly in many cases against the fact, as every man will know. I say there is no civil power in the State that has authority to do that. Yet this Convention, the authors of this very declaration that “at all times” and “in all cases” the military ought to be subservient to the civil power, invites the civil power to be trampled upon and disregarded, by a military officer to be selected by the President of the United States. We have a character to sustain. We ought to have a consistency to observe.

With regard to the propriety of the payment of damages to those who have suffered loss, I do not now mean to enter into that question. I say that every man should be remunerated for the losses he sustains, whether in the defence of his country, or whenever his property is taken for public use. But far be it from me to say that it should be paid for by the process which the resolution passed yesterday contemplates. Far be it, I trust, from anybody, when sober reason shall prevail over passion and prejudice, and the in-