

should it be referred to them, in their consideration of the subject, I wanted to inquire of the gentleman in relation to the first article, he proposes. I thought he might not have fully considered the effect of that article, and my suggestion was for the purpose of enabling him to perfect an order on which he evidently prides himself.

In regard to the other suggestion, why confine this to the mulatto alone? Why should there be any more difficulty in the mind of the gentleman in regard to giving the mulatto an equal privilege to labor with the white, than there is in allowing an equal privilege to the quadroon, or any other person having the taint of negro blood? I also want to know by what process of inquisition he proposes to find out whether a person is a mulatto or not? Some of these persons are so white that it would require an anatomical and physiological examination to determine whether they are mulattoes or not. My sole object was to ascertain whether the gentleman had presented a proposition to this Convention in a shape which he considered perfect.

Mr. CLARKE. Certainly not; merely a suggestion.

Mr. EDLEN. Before the vote is taken I desire to present my views briefly upon this subject for the consideration of the Convention, and first in reply to the gentleman who has just addressed the Convention, (Mr. Cushing.) He will find that this word "mulatto" is not an expression new to the laws of Maryland, and the process by which it is to be determined who is a mulatto and who is not, I would suggest to him is for the courts. If this provision is incorporated into the Constitution of Maryland, the question will come up on an indictment; and it will then be for the courts to say whether the party on trial comes within the designation of "free negro or mulatto" or not.

Now, sir, we all know that since 1839 there has existed upon the statute-book of this State a provision prohibiting the immigration of free negroes from any other State, territory or district. And the reason why this subject addresses itself with more force to our consideration at this time; why such a provision as this should be incorporated into the organic law of the State, is because of the peculiar circumstances by which we are now surrounded; the circumstances adverted to by the gentleman from Prince George's (Mr. Clarke) in his argument yesterday, and also referred to by him to-day. The tables of the census of the United States show that the State of Maryland, one of the smallest States in this Union, has now within her borders a free negro population exceeding that of the great Empire State of New York. Why is this? Is it not because there is something peculiar in the climate and soil of the State of Maryland that invites their immigration here? Now

with that immense population of free negroes already upon us, and with Washington city almost within a stone's throw of several counties of this State; then whenever this war shall cease, or whenever the status of this class of our population is determined in some way or other, and those now there collected are ready to come in upon us, what, I ask in all sincerity and earnestness, will be our condition?

I do not propose at this stage to discuss this question in all its bearings and in all its details. But something has been said by the gentleman from Baltimore city (Mr. Abbott) about the peculiar habits of this class of population in that city. Now it is very different in Baltimore from what it is with us in the country. There you have your police officers at every turn and corner of the streets. And the free negroes there, whether they are or are not of a better class than those we have in the counties, have not the same opportunities or means of indulging their peculiar habits of thieving and robbing as exists in the sparsely populated rural districts. The gentleman says that with them they steal only a little ham and bacon. But allow this flood of free negroes to overrun us in the counties, and what protection or security shall we have for our meat-houses, our pig-sties, our hen-roosts, or even the corn in our fields?

In reference to the question of labor I have this to say, that it is true that in our part of the State we are sadly in want of labor. Judging from the facts as they now exist, I have no hesitation to say that a great deal of our grain and harvests now growing will fall ungathered to the ground, for want of the necessary labor to save it. Yet although my constituents are suffering in this way, although I myself am personally interested to such an extent that it might be supposed that private interest might induce me to seek for this class of labor, I feel that it would be like giving to a patient a stimulating draft which, while it might afford temporary relief, would leave him in a more hopeless condition than that in which he was before.

We must look far into the future; we are not legislating for the present only. We must shape our action on all these questions that are presented for our consideration, in such a way as to secure the most permanent results for good. We have in the action of other States precedents to justify our engrafting a provision of this kind in the Constitution, and where, too, they were not surrounded by the peculiar circumstances that attend our present position. Gentlemen of this Convention will find upon examination that Indiana incorporated a similar provision in her Constitution. And a similar provision was engrafted upon the Constitution of Illinois, but I believe it failed to be ratified by the people.

Mr. JONES of Somerset. It was ratified by the people.