

and hang the offender under the second section, for we were now at work on that section.

He would go as far as any man, in inflicting adequate punishment in all such cases, but he did not desire to see the punishment so severe and excessive, that juries would recoil from its infliction and malfactors would escape.

Nor would he consent to lay down as proposed, one undeviating, inexorable and unbending rule, punishing all offenders for life, without any sort of reference to the extenuating circumstances which might exist in many cases. It is scarcely possible that all would offend in equal degree, the inexperienced youth, led away by designing men, might be the victim equally with the hardened offender. By the proscriptive terms of the section as reported, every offender is to be disfranchised from voting or holding office for life, in addition to other penalties. Is this just or consonant to the dictates of humanity? No mercy, no forgiveness for the repentant man, who by years of moral conduct, may atone for youthful crime. Mr. BRENT would not thus deprive a man of every motive to become a good citizen, but would think five years disfranchisement enough. The old Constitution has disqualified such offenders from holding office, and yet no one has ever suffered under its idle restrictions. Why is this so? Because the penalty is too harsh and disproportioned for the offence. It is therefore impossible to get up a prosecution or to convict, under so penal a code, and this accounts for the morbid feelings heretofore entertained by the community as stated by the gentleman from Queen Anne's, (Mr. SPENCER.) But he (Mr. BRENT) would greatly prefer to avoid cumbering the new Constitution with crude and sweeping penalties. Let the whole subject of penal enactment in detail, be referred to the Legislature with a clear constitutional obligation imposed on them to pass proper laws, punishing these crimes, and disfranchising the offenders for such term as might seem proper. He was opposed to this Convention wasting its time in such matters, because to carry out such penal enactments properly requires much detail; and our Constitution, instead of being concise and simple, would become complex and voluminous.

Mr. RIDGELY said he had opposed all restrictions upon the elective franchise, and had regarded the punishment to be visited upon the offender as the proper corrective of the evil. He was prepared to vote for the amendment of the gentleman from Kent, (Mr. RICARD.) He thought that the moral effect of the two punishments would be the same; because the individual would carry a brand upon him, whether the punishment was limited or not. But he thought that the section under consideration would not accomplish the object. Convictions were wanted in order to deter others from the commission of the crime. It had been said that there had been convictions under the existing law, and that the Executive had interfered to prevent them being carried out. That was the very difficulty which he feared, and to prevent which he should offer an amendment, (which he read.)

Some conversation followed between Mr. CHAMBERS, of Kent, and Mr. RIDGELY.

Mr. JENIFER expressed the hope that if any such proposition as the gentleman from Baltimore county, (Mr. RIDGELY,) indicated, was to be adopted, he hoped it would be made to apply generally or not at all.

Mr. RIDGELY then offered his amendment in the following words:

Add at the end of the second section the following words:

"And over all such offences or the punishment or disability imposed thereon, the Executive of this State shall exercise no power or control."

Mr. SPENCER gave notice that at the proper time he should offer the following as additional sections to the report:

Insert after the 2nd section the following:

Section 3rd. That every person who shall be elected to any office whatever, in said State hereafter, or who shall be appointed to any office whatever, in said State hereafter, shall before he enters upon the duties of the office to which he may be elected or appointed, first take and subscribe the following oath, (if not conscientiously scrupulous, and in such case, affirmation,) before some one of the Judges of the Court of Appeals of this State:

I, ———, do solemnly swear that I have not at any election held in this State, since the ratification of the new constitution of this State, or in any other way, in any manner violated the provisions contained in the 2nd section of the said constitution relating to bribery, and that I have not procured or induced by any means, any individual or individuals to vote at any such election in violation of the provisions contained in the 1st section of said constitution relating to the age and residence of voters, and if any person elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office and a new election or appointment shall be made as in case of refusal or resignation; and any person who shall swear or affirm falsely in the premises shall be guilty of perjury, and on conviction thereof in due course of law subject to all its pains and penalties.

Sec. 4. That the Judge before whom such oath or affirmation shall be taken, shall cause the same to be subscribed by the person so swearing or affirming, in a book by him to be kept for such purpose, a duplicate of which said oath or affirmation as the case may be, he shall transmit to the clerk of the Court of Appeals of this State, with the name of the individual who took and subscribed the same, designating the office to which he has been elected or appointed, to be by the said clerk, whose duty it shall be to do so, recorded in a book to be kept for such purpose among the records of the said Court of Appeals, a certified copy of which said oath or affirmation by the said Judge under his seal, or by the said clerk of the said duplicate, under his seal of office shall be taken and received as evidence in any of the courts of this State that have criminal jurisdiction.

Mr. DORSEY, replying to Mr. SELLMAN's ques-