

not previously read and thought over the several propositions set forth in that lengthy amendment of the gentleman from Baltimore city (Mr. Stirling,) is prepared to vote understandingly upon it.

Section two, as reported by the committee, is in these words:

"No person who has at any time been in armed rebellion against the government of the United States or the lawful authorities thereof, or who has been in any way or manner in the service of the so-called 'Confederate States of America,' shall ever thereafter be entitled to vote at any election to be held in this State, or to hold any office of honor, profit or trust under the laws thereof, unless such person has been pardoned by the President of the United States, and has fully complied with the requisitions of said pardon."

Now, I appeal to gentlemen, if in all conscience that section is not sufficiently binding? Does not that section leave this matter just exactly where it was placed by the President of this country, in his amnesty proclamation issued last fall? That proclamation placed this whole question in a certain position before the American people, from the hills of Maine to the Gulf of Mexico, from the slopes of the mountains of the west to the waters of the Atlantic. I cannot state to this convention satisfactorily what that amnesty proclamation was. I have gone to the library and searched, but I cannot find it. But I believe it was somewhat to this effect: that every man except those included in certain classes therein enumerated, either of a civil or a military character, who would lay down his arms, and register a certain oath therein contained, should be thenceforth and forever after restored to the status which he held before he raised his arm against the authority of the federal government. Now, I appeal to gentlemen of this convention, if they will not be content to leave this question where the chief executive of this country has placed it; and permit a man who, perhaps in an unthoughtful moment, has taken up arms against the government, to come back and do as the President of the United States requires him to do; let his offences then be wiped out, and he thenceforth occupy the position in regard to all political rights in the State or the country that he had before he took up arms?

If the provision proposed by the gentleman from Baltimore city is incorporated in our constitution, then every man from this State who has ever drawn his sword against the lawful government of the United States, although he may do all that is required of him by the President of the United States, is met upon the very threshold of this State by a proposition which forever disqualifies him from ever holding any office of profit or trust under the constitution and laws of this State, and which closes the doors of the ballot-box hermetically forever against him. By this

provision, which you seek to incorporate into this constitution, you forever exile him from the borders of this State. The oath required by that amnesty proclamation looked to future good behavior. And I submit that men of this convention, the most extreme and ultra upon this subject, should be content with that.

I caught in the reading of the body of this amendment some such expression as "open word or deed." But when the oath was read, I noticed that the word "open" was left out. Now, I should like the gentleman from Baltimore city (Mr. Stirling,) to tell me what is meant by the expression "open word or deed." If a man publicly expresses his sentiments in the newspapers, that would come under that designation. Yet in the oath the word "open" is left out, making the oath decidedly more stringent than the body of the amendment.

One other remark. This strikes me as a novel way of punishing offenders. I had thought that the one great and leading and cardinal principle which had come to us from the common law of England, was that before a man should be convicted of any offence or misdemeanor, he should be entitled to a trial before a jury of his peers. But what do you propose to do here? Gentlemen say they do not propose to punish. Can you conceive of a higher degree of punishment, short of taking a man's life, than to declare him forever disqualified from holding any office of profit or trust in the State, and of closing against him forever the ballot box, making him a mere cypher in the community where he lives, stripping him of every political right? Look at your old constitution, and at the constitution you propose to-day. You find in the old constitution that the deprivation of the right to exercise the elective franchise is one of the punishments which you inflict upon a man by reason of having committed and been convicted of an infamous crime. It is a punishment. You proposed to-day to bar against a man the doors of every office, and to deprive him of the right to vote, without an opportunity of being heard in his defence; and all this, I insist, in the teeth of the doctrine that has been announced by the head of the general government.

Look at it. The executive of this country, who is supposed to watch over and guard the interests of the general government, has laid down a certain line of conduct and action for these men in rebellion. And you here to-day, in order to wipe out an offence against that same government, take an entirely different ground, and adopt an entirely different and more stringent rule. If this thing was an offence against the State of Maryland, which you were seeking to punish, there would be some show of reason and propriety in it.