

he shall, for every such offence, forfeit and pay five pounds for every hundred pounds of property such person shall be deemed worth on the public assessment of all property within this State.

"XVII. *And be it enacted*, That every person chargeable with the treble tax aforesaid, shall be forever disabled and rendered incapable to practice the law, physic or surgery, or the art of an apothecary, or to preach or teach the gospel, or to teach in public or private schools, or to hold or exercise within this State any office of profit or trust, civil or military, or to vote at any election of electors of senators, or of delegates to the house of delegates; and if any such person shall offend against this act in any of the particulars above specified, he shall, for every such offence, forfeit and pay £5 for every £100 of property he shall be deemed worth on the public assessment of all property within this State."

[Laws of Maryland, 1777, chapter, 20.]

Yet the descendants of the men who passed that law, complain that we are needlessly severe upon those who have committed a crime a thousand times more black and damning than that punished in the act I have read.

Mr. BERRY, of Prince George's. I will state the difference between the proposition now before this house and that law; and it is a marked difference. The oath there prescribed is an oath of allegiance to the State of Maryland, and the oath here comprehends an oath of allegiance to the general government, and goes further and proscribes those who have ever sympathized with those who have taken part in this rebellion.

Mr. SCOTT. So far as the oath is concerned, the citizen of Maryland owes paramount allegiance to the general government.

Mr. STIRLING. The gentleman from Prince George's is mistaken. It does not include the sympathizers. I have not gone so far as to make a voter swear to his sympathies.

Mr. SCOTT. I do not deem it necessary to read all this act. I have read enough to show that we are acting kindly to these people. We are acting towards them the part of the considerate parent who keeps edge tools out of the hands of his children, and of the public authorities who keep them out of the hands of lunatics and insane persons.

Mr. BERRY, of Prince George's. I do not know that there is sympathy included in the oath before us; but I refer to the oath proposed here by the gentleman from Cecil (Mr. Scott) yesterday, which not only excluded a man who had ever sympathized with them, but a man who had not on all occasions upbraided and denounced the rebellion under all circumstances, which would keep a citizen in any country constantly in hot water and broils.

Mr. SCOTT. We are acting kindly towards these people in preventing them from the use of a franchise or privilege which they would use for their own destruction, and the destruction of others, until they return to their reason.

As to the President's proclamation of amnesty, it has nothing to do with the right of Marylanders to vote. We are to judge for ourselves to whom we will extend that right. We have a perfect right in forming a new constitution, either to extend that franchise to other citizens who have not heretofore enjoyed it, or to restrict it, and confer it upon a far smaller number of people than heretofore. There is no inconsistency or impropriety in restricting it; and the President's amnesty proclamation has nothing whatever to do with it.

But I have no wish to enter into the discussion. My object in rising was that I thought this act of 1777, was in point, and that it would be well to read it.

Mr. EDLEY. I do not wish to be troublesome, but I do not see how that amendment is consistent with itself. The gentleman from Baltimore city said awhile ago that he was willing to engraft the latter part of the clause embracing the pardoning power of the President.

Mr. STIRLING. I said so? No, indeed.

Mr. EDLEY. I take that back then. But you have offered upon a vote of two-thirds of the members elected to each house of the general assembly, to restore them to their original rights. But I ask how can Mr. A. pardoned by the general assembly in the manner pointed out by that amendment, ever take the oath that he had not in any past time done so and so, without perjury, without calling high Heaven to witness a lie? Mark you, that this thing is to stand irrepealable as a part of the organic law of the State. The legislature cannot modify or change the form of the oath; but it is to stand there until another convention meets in this hall, or until this constitution is repealed in that respect in the manner pointed out by the article we passed to provide a convention.

The gentleman stands upon party legislation. I understood him at first, that he was ready to take the clause reported by the chairman of the committee; but he says not. But he does say in that amendment, that the pardon may be granted by the concurrence of two-thirds of the general assembly. Yet there stands the oath staring every man in the face, and Mr. A. or B. when pardoned must swear that he has never in his life done that for which he is pardoned, that he has never committed any of the crimes contained in the oath.

Mr. STIRLING. I want this to refer to any subsequent matter of the same sort. I intend to make an addition to it afterwards, whereby it shall not apply to any person who shall