

as well as honest people, and are able to impose upon almost anybody with regard to their condition; and a large class of them have a considerable amount of misdirected ability; and they are useful political tools, because they are able to control those whom men of not so desperate fortunes cannot control. So far as the pardoning power goes, it no more proves as a fact that the man to whom it is extended ought to exercise the right of suffrage than the fact of having served his time out in the penitentiary. If this amendment prevails, I shall move to strike out the pardoning power of the executive, in order to require the man to prove before his restoration, his absolute reform, to the satisfaction of the tribunal here provided.

Mr. CUSHING. The practical objection I have to the amendment of my colleague is that the man who has been in the penitentiary in his own section of the State, if he wants to be pardoned under this provision, must go before the general assembly, and must make it known to the whole State, as it must go into the proceedings of that body. As it is now, a man convicted of crime and sent to the penitentiary has only to move into another State and to live there a year, and he is as good in that State as any other man. If you deprive him of a vote in your own State because he has been convicted, and force him to make it known beyond the people of his own locality, by appealing to the legislature, the result will be that his disgrace will get into the newspapers, and the whole argument will be made public, and the people everywhere will point at him and say: "that is the man they talked about in the general assembly, that was convicted of thieving and has been pardoned." Yet he can go into another State and live there a year and vote.

Mr. STIRLING. Let him do that.

Mr. CUSHING. But why is he not just as good a citizen of Maryland, and why cannot he vote just as well in Maryland as in any other State? How much worse a citizen of Maryland would he be, after a year, than of Pennsylvania? Why is there not a provision in your constitution that no man convicted of crime and sent to the penitentiary in any other State in the Union shall vote here?

Mr. STIRLING. It does mean that. It means that a man convicted anywhere shall not vote here.

Mr. CUSHING. Does it mean pardoned by the executive of any State? Does it mean that he shall not be entitled to vote in any State of the Union? Is it the gentleman's argument that in the constitution of Maryland there is a prohibition extending over the whole Union?

Mr. STIRLING. No, sir; but the man who has been convicted anywhere is not "entitled to vote at any election in this State." If he

has been convicted in a foreign country, he is excluded in the same way.

Mr. CUSHING. A man is required to be registered before he can vote, and he cannot vote if he has been convicted of a penitentiary offence. How are you to know whether he has been convicted elsewhere or not? The whole presumption is that this State is meant and this State alone.

The PRESIDENT. You can remedy that by saying "convicted in this State or elsewhere."

Mr. SCOTT. There are some States where men have been convicted and sent to the penitentiary for having "Uncle Tom's Cabin" in their houses. Shall we say that such men shall be prohibited from voting in the State of Maryland?

It strikes me that the operation of the amendment will be to let loose upon the community the most dangerous class of convicts, while the least dangerous and better class will be forever disfranchised. Men having money and influence can reach the legislature, and if they have not stolen a horse or killed anybody for the last three months they will make out a reform and be allowed to vote. But the poor fellow living in the country with no friends, no money, and no influence, who has committed but one offence, must be for all time disfranchised. There is no equality in it. There is no justice in it.

The amendment was rejected.

Mr. STIRLING submitted the following amendment to the section:

Strike out from the word "unless," in the second line, to the word "shall," in the third line; and insert the words "he shall be restored to the rights of franchise by the general assembly by a vote of two-thirds of the members elected to each house."

Mr. SANDS. That leaves the poor fellow in a much worse case than the previous amendment; because that left it in the power of the governor to restore him by pardoning him; whereas by this he can only be restored by the legislature, and it must go upon their journal for his descendants to look at and see that their father or their grandfather was convicted of theft. I do not know upon what grounds this amendment can possibly be supported, for it has nothing like the merit of that which the house have just voted down.

Mr. BERRY, of Prince George's. I hope this amendment will not prevail, to strike out what has been very wisely retained in our constitution ever since the organization of the State government. How often do we find that men are convicted upon circumstantial evidence; and such cases arise, where the circumstantial evidence is supposed to be of the strongest sort, connected together link by link; and yet the party so convicted and sent to the penitentiary was not guilty of the offence. Would it not be wrong to keep a