

with the Governor the power to remit only in cases where he is satisfied the prosecution originates in malice and falsehood. If this can be proved to the Governor, the same testimony will prove it to the court and jury, and protect the party there. But we know—experience has taught us—that the Governor will act not upon proof, but upon *ex parte* representation—upon political party representation. He alone is to judge when malice or falsehood instituted the prosecution, and how is his judgment to be impressed, but by individuals impelled by political excitement and party prejudice? Every case will be made a case originating in malice and falsehood, and thus your whole system become practically a dead letter. Against this he protested.

Mr. DRICKSON replied that whatever might be the opinion of gentlemen, in regard to this "erying vice," as it had been styled, he was confident that very many persons of the highest respectability and of sterling honesty, had mingled in the scenes of political strife and partaken of its excitement, and might have involved themselves in this very "vice," perhaps rather from the necessity of the case, than from any deliberate design to do a wrong. Like the gentleman, he fully appreciated the consequences of the evil, and earnestly desired to see it wholly eradicated—and for that very reason he urged the Convention to apply some appropriate remedy, not to attach the punishment now prescribed, at which the very courts would look with terror, and shudder to inflict. He never could accord with the opinion that this offence was above or equal in grade to the crimes of murder and arson and those of a kindred character, and he never could agree to establish any punishment—(more especially one of so solemn a character as that now proposed,) which neither time nor circumstances could mitigate or wipe away. Disfranchisement forever! Let gentlemen pause—let them beware—behind such a provision, if it can be executed, an abyss lies open, into which many a noble, but thoughtless youth, under the influence of momentary impulses, may fall and sink to rise in this world no more forever.

Mr. J. U. DENNIS reminded the Convention, that it was committed to us to determine the question of our fitness for self government, and that this might be one of the last opportunities we may have of proving our capacity for it. He adverted to the effects of corruption on the Republics of Greece and Rome, and expressed his fervent hope, that the time would never come when the name of our country would be coupled with theirs, in illustration of the brevity of republican institutions. He trusted that America, the place of his birth, would survive to the latest period, and the people of after ages would pronounce a blessing on the State of Maryland for the successful labors of this Convention. In reply to the suggestion that we are making the punishment of bribery out of all proportion to the enormity of the crime, he referred gentleman to the book, which they had read in their infancy, about the choice between good and evil. The

ballot-box was the greatest good we possessed, and he asked gentlemen whether they were ready to suffer its purity to be violated without some effort to check the evil. The extent to which it has spread is a sufficient reason to justify us in laying a strong hand upon it at once. We have been told that public opinion calls for the suppression of this vice. He considered it as worse than the leprosy, and expressed a hope that it would be eradicated. Men who would deliberately inflict a stab on the purity of the ballot-box, he would mark with the brand of Cain, and drive them with the lash of scorpions from the pale of free institutions.

The question was then taken on the amendment of Mr. RICAUD, and, by ayes 40, noes 31, it was agreed to.

The question then recurred on the amendment of Mr. RIDGELY (as to the pardoning power.)

Mr. GRASON said that the amendment of the gentleman from Baltimore county proposed to limit a power which was not yet granted. When the report on the Executive department should be before the Convention, it would be the proper time to go into the consideration of this subject. But at present there is no such power existing as it is proposed here to limit. It will be time enough to discuss this question when that report comes up for action. Now, from the character of the discussion, we seem to be about sliding into a debate on the pardoning power, which may occupy the time of the Convention for some days. He hoped, therefore, that the gentleman from Baltimore county would not press his amendment at present, but let it be withdrawn until it be in its appropriate place.

Mr. RIDGELY expressed his belief that this amendment embraced the great object which the people looked for, and that unless this provision shall be inserted in the Constitution, they would not vote for it. He did not consider it as obnoxious to the criticism of the gentleman from Queen Anne's. It referred to an offence which was *sui generis*, and entirely unknown to our laws. The sense of the Convention seemed to be that the pardoning power should not be given to the Legislature or the Courts, but only to the Executive, if it could be guarded in his hands, by proper restrictions. He could not see that there could be any better plea for the introduction of his amendment than that in which the offence itself is defined. He therefore could not consent to withdraw his proposition for the purpose of introducing it in the report to which the gentlemen from Queen Anne's referred.

Mr. JEMIFER was of opinion that the objection urged by the gentleman from Queen Anne's deserved consideration. There is a report on our tables on the Executive department, and that would seem to be the proper place for this amendment to come in. It may be very properly grafted on that report. But as the amendment of the gentleman from Kent, (Mr. RICAUD,) limiting the disfranchisement to five years had been rejected, he should be against the withdrawal of the amendment at this time, as he thought there should be an opportunity given to take the sense of the Convention now on the question