

him particularly to bring the matter before the general assembly and so press it as to secure a vote of two-thirds of that body.

Nor do I think my colleague (Mr. Stirling) meets the objection of the gentleman from Cecil (Mr. Scott,) because certainly a breach of trust ought to be an infamous thing, and yet it is not a crime for which men are sent to the penitentiary. A man may steal from money confided to him thousands of dollars, and the community may know it; and yet he may vote. He is not put into the penitentiary, and consequently he escapes all the constitutional penalty. But a man who is poor and has stolen a loaf of bread for the sake of his suffering family, is to be disfranchised all his life, after he has served out the full penalty the law prescribes. Yet if a man who is a thief gets off, from a technical error in the indictment, he escapes from this penalty, however disgraceful may have been the offence.

Mr. THURSTON. As the gentleman from Prince George's (Mr. Berry) considers this section defective with regard to persons under guardianship, I shall move at the proper time to amend the latter clause so as to read: "No lunatic or person *non compos mentis*, shall be entitled to vote." I think the objection of the gentleman is well founded, and that this will meet it.

With regard to the question directly before us, we all know how imperfect the law is; that we cannot always convict and punish criminals. Persons convicted of theft or other infamous offences certainly are not entitled to vote. Men convicted of crime and sent to the penitentiary rarely reform. I think it is better therefore to obviate all danger of such persons being allowed to vote, than to leave the door open to the few who may be disposed to reform. I shall therefore oppose the amendment upon that ground.

Mr. PUGH. Is it not a maxim of law that there are two objects to be attained—the prevention of crime, and the reformation of the criminal? It seems to me that I remember some such maxim as that. If that is the case, I stand upon the ground that we cannot act upon that part of the maxim of law relating to reformation, unless we leave some door open for the man who has served out his time, and contemplates reformation, to return to society and to demand of society the privileges of a reformed man. In that way only, it seems to me, is society properly carrying out the principle both of preventing crime and reforming the criminal, the two objects sought to be attained by all law.

Mr. THOMAS. I am in favor of the amendment of my colleague (Mr. Cushing) to strike out the first part of this section. I support this amendment upon a view that I think should carry conviction to every mind in this convention. The law fixes the penalty for larceny; and it says that a man who

steals shall go to the penitentiary for such a length of time. He goes there and serves out his time, away from his fellow-men, deprived of citizenship. He comes out, proposing in the secret recesses of his soul, to reform. But as soon as he comes out of the doors of the penitentiary, he is met in his very teeth with another stigma flung in his face, saying to him, you are still a felon. I say that that in itself is enough to crush the exertions, and energies, and good intentions of any man. Cases have come within my own knowledge of men being consigned to the penitentiary for criminal offences, and organizations have been formed to get them out of the penitentiary through an executive pardon, for political influence. Men, on the very eve of election, have induced the executive to sign the pardon of notorious criminals in the penitentiary for the purpose of making political capital, to manufacture votes. If this is stricken out of the constitution, it will do away with this practice.

I knew of one particular case that occurred in 1861, when a man was let out of the penitentiary in the evening, and went up and voted the next morning. I say these things can be done and will be done; and I say they ought to be stopped. I do not see that there is any moral effect to be attained by it. On the contrary, its moral effect is bad, and its legal effect is worse.

Mr. SANDS. I had intended myself to allude to the fact alluded to by the gentleman who has just taken his seat. I think the records of all by-gone times will show that a little before election day men in squads have been sent out of the penitentiary for the purpose of voting. Look at the injustice of that. A man is convicted and sentenced for three years, and his neighbor ditto. The governor pardons one of them, and lets him out at the end of two years, and he is qualified to vote. Yet the poor fellow who has served out his full time, is deprived of the privilege of voting. Where is the justice of such a provision as that? There is no justice in it.

It was proposed in committee to amend the section so as to read:

"Sec. 6. No person above the age of 21 years convicted of larceny or other infamous crime, shall thereafter be entitled to vote at any election in this State, unless he shall produce to the judges of the election at which he shall offer to vote, a certificate signed by six or more lawful voters, that since his discharge from the penitentiary, he has demeaned himself as a sober, honest, and law-abiding citizen; and no lunatic or person *non compos mentis* shall be entitled to vote."

I will offer this at the proper time as a substitute for the section.

This is a matter of more importance than it looks at the first view. To reform one man—is it not worth an effort? Suppose that by