

I am informed by my friend of the fact that in Baltimore city the commissioner of enrolment states that the law of the United States prohibiting felons from serving in the army and navy has been rescinded and is not now regarded. The United States have seen the error of this, and have done what my colleague is unwilling to do, gone back from their former policy. It is notorious that persons confined in Baltimore jails have been let out if they would enlist.

Mr. STIRLING. They had not been convicted.

Mr. CUSHING. But they were persons who were so sure of being convicted that rather than stand a trial they have deliberately taken upon themselves the hardships of enlistment in this war, three years service in which are worse than a five years term in the penitentiary. It is notorious that this has been done. I do not at all see how the institutions of our land are to be endangered by a few of these men coming out and voting. I do not think their influence would be worse than that of the rowdies who accumulate around many of our polls.

Mr. THURSTON. It certainly will be a dangerous change to make in the law, and it is an experiment which I do not think is justified by the arguments which have been made.—The fact that unconvicted felons are allowed to vote is certainly no argument for adding to their number those who are convicted and known to be felons. I think the section should remain as it is, in this respect, and I am therefore decidedly opposed to the amendment.

Mr. EDELEN submitted the following amendment to the section:

Insert after the word "crime," in the second line, "or of any crime punishable by the constitution and laws of this state with confinement in the penitentiary."

Mr. EDELEN. My object in offering this amendment is to render that certain and determinate that which seems now to be very uncertain and indeterminate. I desire to give a legal common sense definition of the term here used, "infamous crime;" and I see no better mode of doing it than to adopt the definition which the revised statutes of New York have adopted upon this subject, abolishing all the common law distinctions between infamous crimes and other crimes, between felonies and misdemeanors, and letting the whole stand, for the purposes of this section upon the definition which I propose to insert. I have here Bouvier's Law Institutes, the best authority upon the subject; and really I am at a loss to understand the definition which he gives of infamous crimes. I will read his definition for the benefit of the convention:

"*Infamy*, in a general sense, is the condition of a person who is regarded with contempt and disapprobation by the generality of men on account of his vices. But in a legal sense, it is the state of one who has been

lawfully convicted of a crime, followed by a judgment, by which he has lost his honor.

The crimes which render a person infamous are, first, treason; second, felony; third, frauds; which come within the section of the *crimen falsi* of the Roman law, as perjury and forgery, piracy, swindling and cheating, baratry, and bribing a witness to keep away.

The consequences of infamy, are the loss of political rights, and incapacity to testify as a witness."

[Bouvier's Institute, volume 1, page 72.]

I desire by this amendment to render the meaning determinate and clear. I remember that awhile ago my friend from Baltimore city (Mr. Stirling,) and my friend from Cecil (Mr. Scott,) differed very materially upon this point. The gentleman from Baltimore city insisted that manslaughter, under the Maryland law, was not an infamous crime, and the gentleman from Cecil thought it was. I desire to make it definite.

Mr. STOCKBRIDGE. There is a class of crimes which it is quite as desirable to include, as those which the gentleman has included; for instance, counterfeiting, for which a man is sent to the penitentiary under the laws of the United States; robbing the mail, or the post office. I see no reason why these should be excepted. I think the phraseology should be changed to include this class of offences; and I therefore move to add after the word "State," the words "or of the United States."

Mr. EDELEN accepted the amendment.

Mr. THOMAS submitted the following amendment to the amendment:

Insert after the words "years," in the first line, the words "who shall have been a second time."

The amendment was rejected.

The question recurring upon the amendment submitted by Mr. EDELEN,

It was rejected.

The question recurred upon Mr. CUSHING's amendment.

Mr. PUGH. I wish to give my reasons very briefly for sustaining that proposition. I notice that in all the remarks that have been made, the point I made was not noticed except to a slight extent by the gentleman from Anne Arundel (Mr. Miller.) My idea is, that the object of the law is both to prevent crime and to reform. A child is punished by the parent for an act it has committed. It is punished because it has committed a wrong; and the idea of the parent is to reform the child. I take it for granted, that by adopting such a course as this, by making the law so that after a convict has served out his term in the penitentiary, you shut the door of reformation and leave him forever under the ban, you neglect to provide for what the law contemplates: It is the intention of the law to punish him to make him do better,