

The question is simply as to whether the heirs shall be entitled upon the commission of treason, and conviction, resulting in the taking of the life of the traitor, to inherit his property. The object of the forfeiture of the property of the traitor seems to have originated in the desire in the minds of the lawgivers, to prevent, if possible, the commission of the act which is to be punished. There are many men in this country traitors, who, if they had believed that by the laws of the United States their property as well as their lives were at stake, would have hesitated ere they committed treason, and entailed what gentlemen are pleased to call punishment upon their families. But trusting to the leniency of the jury to save their lives, and trusting to their interpretation of the Constitution of the United States to save their property, they have supposed that with comparative safety they could commit treason. Hence we find to-day a large portion of our country plunged hotly into treason by the operation of that style of argument.

Gentlemen have quoted the Constitution of the United States as under their interpretation prohibiting us from levying a penalty for treason against the State of Maryland. Gentlemen seem to think that we are to be governed in this by the law of the United States, and that therefore our Constitution must agree verbatim with that of the United States. If the people of Maryland choose to decree that they will take a broader view of the iniquity of treason, and regard it as of a darker dye than it appeared to those who framed the Constitution of the United States, so long as there is nothing in the legislation we propose which conflicts with the Constitution of the United States, I do not see why there should be any difficulty.

One gentleman has reasoned that by such a process we are giving to the Constitution of the United States the interpretation that you can try a man after he is dead. Another has appealed to you to know whether you would punish the wife and the children, and has given us to understand that in general cases they may be or are ignorant and without influence over the acts of the husband. I must say to gentlemen that we must legislate for the future in the light of the past. Even on his own ground, we have not found wives ignorant, nor have we found them without influence. Perhaps half the treason in our land may be traced to the wives and the mothers. I do not offer this as an argument in chief, but as a fair rebuttal of the argument for mercy on the ground of ignorance and on the ground of want of influence. We know the fact that the wives and children of traitors are not without knowledge, and we believe that they are not without influence in their counsels, and trust therefore that we shall at least meet the sentiments of the people, that treason should deprive a man of all

that he has, both of life and of property; if haply we may keep thereby any more from treason, or if we cannot, that we may at least punish them.

And if any hereafter shall commit treason against the State of Maryland, let there be no possible variety of interpretation as to the law of Maryland on that point. Let the man who shall hereafter commit treason against the State of Maryland do it with his eyes open, and knowing that he is in all probability sacrificing all. We have a right to use the past so far as it may guide us in legislating for the future. We have a right to look back and see whether a doubtful interpretation has aided treason. If it has aided treason, in the case of any other State or of the United States, or of any other country, we have a right to learn a lesson from it, and apply it to our own case. We are not here to confine ourselves to the light shed by the Constitution of Maryland alone. We have a right to take the whole range of the history of every land and every people.

I think the question resolves itself into the opinion of the members of this Convention. If they consider treason as a crime of so dark a dye that the utmost punishment that the law can inflict upon the individual, and requiring of the lawgiver the imposition of the extremest penalties, they will vote for absolute forfeiture of the estate. But if, uninstructed by the past, we have not learned that treason is a grave crime; if we have been taught that treason is a little thing, a thing to be committed, then repented of, and then pardoned; if it is in the power of the Convention so to express its views in the formation of the organic law of this State.

Mr. EDELEN. I belong to that class of members composing this body, who in the general course of action would be disposed to forbear any discussion of the questions brought before the body for their consideration, and content themselves with listening to the arguments offered on either side and voting according to the best of their judgment, for the interest of the State. But the propositions which have been advanced before this body in this discussion, particularly those advanced yesterday by my friend from Howard, (Mr. Sands,) and endorsed, as I understand, by the chairman of the committee, (Mr. Stirling,) are so utterly and entirely opposed to what I conceive to be the true theory of the principles of our Constitution, State as well as Federal, so little in harmony with the civilization and humanity of the age, that I feel that I should be recreant to the trust which my county has in part confided to me, if I did not raise a protest against these encroachments upon the true theory of government, as well by my voice as by my vote.

I will not follow the gentleman from Caroline (Mr. Todd) in reference to the propo-