

not object to the spirit of the amendment at all.

Mr. SCOTT. I will read the section reported in the minority report, which strikes me as a great deal better than that in the majority report. It is substantially the form agreed upon in full committee, but afterwards changed in my absence, I know not why.— It is on page 416 of the journal:

"Section 5. No person who is a lunatic, *non compos mentis*, or under guardianship, shall be allowed to vote; nor shall any one convicted of bribery, or other infamous crime that consigns him to the penitentiary, until two years after he shall have paid the penalty of his offence, unless pardoned by the governor."

This is a sort of compromise which requires a man to wait two years after being released from the penitentiary before he can vote, and does not consign him to infamy eternally.

Mr. SANDS. I wish to correct my friend in a matter of fact. This was never agreed upon in committee. It was talked about but never agreed upon.

Mr. SCOTT. I understood it to be.

Mr. SANDS. I did not so understand it.

Mr. BERRY, of Prince George's. I should like to inquire of the chairman of the committee why the words "under guardianship" are used in this section? There are a great many lunatics and persons *non compos mentis* in the State who have no guardians, and that would allow them to vote. A guardian is only appointed under a writ *de lunatico inquirendo*, where the person has personal property, to take possession of that personal property.

Mr. SANDS. I will explain the matter. I agree with you entirely. We had some talk over this matter in committee, but it was not decided. The clerk was simply ordered to copy the section as it stands in the present constitution.

Mr. STIRLING submitted the following amendment to the section:

Insert after the word "executive" the words:

"Or unless he shall be, on account of reformation, restored to the right of franchise by an act of the general assembly passed by a vote of two-thirds of the members elected to each house."

Mr. STIRLING said: I do not want to prevent a man from becoming a good citizen; but let him prove it and have him restored.

Mr. RUGH. That amendment is worse than it was before, because it requires the poor fellow to come and parade his infamy before the legislature.

Mr. SCOTT. My objection to the whole thing is that there are a great many men who have never been consigned to the penitentiary that have been cheating that institution all their lives; and I do not see why we should disfranchise the man who has served in the

penitentiary, and not the man who as richly deserved to go to the penitentiary as he. A man who has stolen a pair of chickens not worth fifty cents is sent to the penitentiary and disfranchised, while the wholesale thieves and defaulters to the amount of thousands of dollars have the right of franchise.

And you not only deprive this poor devil of the privilege of voting, but you stamp the infamy of his crime upon his offspring. His boy says to him, "Pa, why can't you vote? I see other men voting." Then he must either tell him a lie or confess that he has been in the penitentiary. It is a perfect outrage; and I shall vote against the whole section if that thing is put into it.

Mr. STIRLING. You cannot disqualify an unconvicted thief.

Mr. SCOTT. There are other crimes besides thieving. A man gets into a fight and takes the life of a fellow in defending himself, and yet he may be sent to the penitentiary.

Mr. STIRLING. The law does not punish a man for defending his own life. Manslaughter is not an infamous crime known to the common law and has not been so held. It is a felony at common law, and made a penitentiary offence; but has never been considered as what is technically known as an infamous offence. An infamous offence is that kind of felony which characterizes the party with entire turpitude. If a man is convicted and sent to the penitentiary he ought not to be allowed to associate at the ballot-box with those people who have not been legally convicted. I think the door ought to be held open to every such man to reform; but if he does reform let there be an act of equal solemnity with that which sent him to the penitentiary, to restore him.

The reason why I require a two-thirds vote is because I do not wish to leave it to any temporary majority which might restore men to vote who happened to be on their side for the purpose of aiding themselves at the ballot-box by restoring a certain class of persons to the right of suffrage. I think no man could go before the legislature, humane as that body usually is, and fail to get restored if he proved that he lived a peaceable and quiet life.

The gentleman has cited the effect upon the children of the man. If that father is still an unreformed man, his children should be protected. If the father of a family is not a fit man to have the custody of children, they can be taken away from him. The law will take away the children of a convicted thief who has never reformed. He has no right to have the custody of children; and if anybody asked that they be taken away, the court would take them away from him.

Mr. CUSHING. I consider the amendment as equivalent to declaring that under no circumstances shall a man convicted of felony ever be restored. I do not think such a man would ever find those enough interested in