

just as it is the intention of the parent when he punishes his child, to reform the child.

It has been urged that one hundred and fifty convicts are turned loose from the penitentiary every year, who will be allowed to vote. They have fulfilled the requirement of the law. They have had their punishment. They have served out their time. Any argument which applies to refusing them the privilege of voting, would be equally good in favor of keeping these men in the penitentiary forever. They are turned loose upon society.

Mr. EDELEN. I would suggest to my friend that under the constitution and laws of this State, it has been the policy to deprive such persons of the elective franchise.

Mr. PUGH. I have no doubt of it; but we are here to reorganize the government of this State. But I take the ground that it never has been in the contemplation of the law to punish a man eternally. I do not know what arguments were urged when this idea was first incorporated into the constitution. I only look at the thing as I find it. I say that there are then two objects always contemplated in punishment. One of them is simply that a man having committed a wrong shall be punished for the act against society; and the other is, that he shall be reformed by that punishment, just as the child is reformed by the punishment inflicted by its parents. And I say that object is utterly defeated by this provision in the law which casts upon the man for all time this ban, instead of admitting him to the enjoyment of what was intended by the law that he should enjoy, if he reformed.

Mr. SANDS submitted the following amendment to the section:

Amend by striking out all after the word "crime," in the second line, and insert "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."

Mr. BERRY, of Prince George's. I would suggest to the gentleman to strike out the word "sober." It would be very unpopular in his section of the State.

The amendment was rejected.

Mr. TODD submitted the following amendment to the section:

Insert after "executive," in the third line, "or unless he be restored to the right of franchise by act of the general assembly."

The amendment was rejected.

The question recurring upon the adoption of the amendment submitted by Mr. CUSHING, it was rejected.

Mr. THURSTON submitted the following amendment:

Strike out the words "person under guardianship as a," in the fourth line, and the words "as a," in the fifth line, so as to read, "and no lunatic or person *non compos mentis* shall be entitled to vote."

Mr. MAYHUGH. Who is to decide whether a man is *non compos mentis*, or a lunatic?

Mr. THURSTON. The judges of election.

Mr. MAYHUGH. I think that would be a dangerous experiment.

Mr. THURSTON. They have always done it.

Mr. MAYHUGH. They have never done it in our county.

Mr. BERRY, of Prince George's. If this amendment is not adopted, all lunatics will be entitled to vote who have not a guardian.

Mr. JONES, of Somerset. I hope it will not be left to the judges of election to say that any man is a lunatic and not entitled to vote. Under this doctrine, I doubt whether a sane man can be found in the State.

Mr. BERRY, of Prince George's. In my practice there has been no case of appointing a guardian over a lunatic where he has no property. Common reputation regards certain men as lunatics. If there is any doubt upon the question, their friends may have a jury of inquisition, and have it determined. But as the section now stands, all lunatics who have not guardians appointed by the court under a writ *de lunatico inquirendo*, would be entitled to vote.

Mr. JONES, of Somerset. To give the judges of election the right to try the question of lunacy, would be giving them an uncertain and dangerous power.

Mr. BERRY, of Prince George's. They have the right to try the question of non-age or non-residence, and all such questions equally affecting the right of a party to vote.

Mr. THURSTON. It has been the practice in our part of the State, for the judges of election to decide the matter upon common reputation.

Mr. STIRLING. The words "under guardianship" here, do not include persons *non compos mentis*. It strikes me that we are laboring under a mistake, and that the section as it stands, is not liable to the objection urged against it. It does not say that a person *non compos mentis* under guardianship, but that no person *non compos mentis*, whether under guardianship or not, shall be entitled to vote. A man may be a lunatic and have sane intervals, and he is not allowed to be excluded unless he is under guardianship; but if not under guardianship, the judges of election have no right to exclude him from voting.

Mr. STOCKBRIDGE. I think it was the intention of the committee to copy the old constitution, which reads precisely like this, word for word, excepting that it says "or as a person *non compos mentis*," which removed it from all doubt.