

inserting after the word "impeachment," in the second line the following:

"And in cases where he may be deprived of such power by some provision of this Constitution, or express legislative enactment."

Mr. DORSEY said there were some cases in which he thought it indispensable for the Legislature to hold this power. If the Legislature should think it right to deprive the Governor of the power of extending pardon in a case where its exercise would be injurious to the public interest, it would be proper that they should have the power to do so. There ought to be this restrictive power somewhere; the Constitution had vested it in the Legislature, and there it should remain. And it was with this conviction that he had proposed this amendment. By the Constitution of 1776, the pardoning power is conferred on the Governor, with this express limitation; and by the act of 1782, ch. 42, this power of restriction was exercised by the Legislature. Have your Governors of late years become so pure, so eminently trustworthy, that they should be clothed with all powers, as well legislative as executive? Such appears the tendency of our proceedings, and of *modern democracy*; it formed no part of the democracy of olden times.

Mr. SPENCER stated that he had contemplated an amendment in some respects similar to that which the gentleman from Anne Arundel had offered. And if the gentlemen would modify his amendment, by striking out the words "an express legislative enactment" he [Mr. S.] would vote with him. But he was not willing to give the Legislature an indefinite power to be exercised at their discretion.

A division of the amendment was ordered.

Mr. SOLLERS gave notice of an amendment, which he would offer when in order.

Mr. RIDGELY stated that if he understood the amendment proposed by the gentleman from Anne Arundel, it purposed to place in the hands of the Legislature the authority to restrict the pardoning power in the Governor, whenever in their discretion, they may see fit to do so. If therefore, he understood the amendment rightly, if it was adopted, it would be idle to give the Governor the power at all. It was idle to give the Governor the power to pardon offences if that power was liable to be restricted at the discretion of the Legislature, who may thus entirely take away the power from the Governor. It would, under such a constitutional provision be perfectly competent for the Legislature, by a single enactment, to divest the Governor entirely of the pardoning power, and thus render this proper constitutional prerogative a mere shadow. He did not think the Convention was disposed to give such a power into the hands of the Legislature. He concurred with the gentleman from Queen Anne's. [Mr. Spencer] in the views he had expressed. He was willing to vote for a restricting power in the Legislature in such cases as are specified in the Constitution. He expressed a hope that the question would be deci-

ded, and that the House would never consent to give the Legislature an unlimited authority to restrict the power in the hands of the Executive, but only in reference to the cases restricted in the Constitution.

Mr. DORSEY contended that the gentleman from Baltimore county, (Mr. Ridgely,) had assumed more than he could sustain. The Governor has no constitutional power. He did not offer his amendment with a view to deprive the Governor of the pardoning power. But to leave the pardoning power in the same condition it always heretofore existed. It appeared to him very important that there should be a power in the Legislature—an authority as there always heretofore had been—to restrict its abuse whenever there is danger of its exercise to the public injury. He referred to the possibility of abolitionists persevering in abducting our slaves and attempting to murder their masters when seeking to recover them, and the Governor of the State being tinctured with abolitionism, an event by no means impossible, under the present mode of electing him, were induced to grant *nolle prosequi* in all such cases, would you deprive the Legislature of the authority always heretofore possessed by it under our present constitution, of prohibiting the pardoning power from being exerted. He insisted that in such a case, the power ought to be in the hands of the Legislature, to restrict the Governor. He believed there was no danger that the power of the Legislature would be exercised, except in extreme cases, where its necessity was apparent.

The question was then taken on the first branch of said amendment, being in these words, "and in cases where he may be deprived of such power by some provision of this constitution"

And it was agreed to.

The question recurred on the second branch of the proposition.

Mr. DORSEY. This is a very important question. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CRISFIELD expressed his willingness to go for the amendment, if its operation was limited to future cases.

Mr. CRISFIELD desired to ask the gentleman from Anne Arundel if he intended that after an individual had been convicted of a crime, and had gone to the penitentiary, the right of the Governor to pardon was not complete? Was it his intention that in such a case where the punishment of the crime is inflicted, the Legislature may interfere to check the pardoning power in the hands of the Executive? If the gentleman from Anne Arundel would confine his amendment to such cases as may hereafter occur, which may arise after the passage of the act creating the offence, he would be willing to vote for it. But without some limitation, he could not give it his support.

Mr. GRAYSON adverted to what he regarded as a defect in the amendment of the gentleman from Anne Arundel, and referred to the debates in the New York Convention, and the opinions expressed by Kent, Spencer, and other eminent judges, that the pardoning power ought to be vested in