

the Executive, notwithstanding its liability to abuse in his hands. He also took up the Constitution of the United States, and read the clause which gives the pardoning power to the President of the United States. This section is the same in effect, but is not so well expressed as in the Constitution of the United States. He hoped the Convention would not consent to take away the pardoning power from the Governor. If he can pardon in cases of murder and the highest crimes known to our laws, why is he not to be permitted to pardon in cases of bribery? For it would be recollected, his colleague had introduced a restriction on the Executive power to pardon in cases of bribery. He hoped no authority would be conferred on the Legislature to restrain or take away this power.

Mr. SPENCER said he was opposed to the principle of leaving so delicate a power to be exercised, subject to the discretion of the Legislature. He would not vote for such an amendment. The gentleman from Anne Arundel (Mr. Dorsey) had referred to the possibility that some abolition excitement may spring up, and that in such contingency, it might be important that the Legislature should have the power to say whether persons engaged in it should be subjects of the pardoning power or not. There was no man, who would go farther than he (Mr. S.) in punishing agitators of this kind, and yet he could not yield to the force of such an argument. We must remember, that this is a subject, which of all others is most calculated to excite feeling and prejudice. It is a charge which necessarily excites the passions of men, and under such a state of feeling, public indignation might be directed against an innocent man, and his conviction be the result. In such cases he preferred to leave the pardoning power in the hands of the Executive, who would never pardon unless he were fully satisfied that the conviction had been brought about under the influence of excitement and unjust prejudice. He was opposed to the amendment of the gentleman from Anne Arundel.

His friend and colleague, [Mr. Grason] referred to his [Mr. S.'s] amendment, withholding from the Executive the power to pardon in cases of bribery. He explained his purpose in offering that amendment, and drew a distinction between an offence committed from a sudden impulse, or in a moment of thoughtlessness, and a crime coolly and deliberately planned and carried out.—He had voted for the first branch of the amendment of the gentleman from Anne Arundel, in order to leave the question open to the Convention.

Referring again to the offence of bribery, he stated that it was always perpetrated with deliberation. The bribe must be deliberately offered. The party offering must have previously arranged his plans, sought out his object, and acted deliberately. In no case where a man calmly and deliberately conceives a criminal purpose and carries the design into execution, ought the pardoning power to be exercised. He was therefore willing to restrain the Executive in granting pardons, in cases of convictions against an individual for giving bribe, unless he was

satisfied that the convictions were the result of persecution and without evidence. He would discriminate too, between the one who gave and the receiver of a bribe. They were generally humble, poor and uneducated men, who were seduced by the temptations which were offered to them—temptations, which under the circumstances of penury and want, they could not resist.

Mr. DORSEY said, that he was struck with the force of the proposition of the gentleman from Somerset, (Mr. Crisfield,) and had modified the second branch of his amendment, to meet the views of that gentleman. As any legislative restriction, after the perpetration of the crime, of the pardoning power, would be somewhat in the nature of an *ex post facto* law. With reference to the objections of the gentleman from Queen Anne's, he would reply, and he was sure the gentleman from Carroll, (Mr. Brown,) would agree with him, there ought to be some confidence reposed in the Legislature. He had heard of the pardoning power, or one somewhat analogous, having been abused in the hands of the Executive. Even since we have met here, a case had occurred, in which the Governor had thought proper to release the sum of eight hundred and fifty-three dollars due on a debt to the State, from a collector of taxes, thus indirectly levying taxes to that amount upon the people, a power which he (Mr. D.) had, under like circumstances, never heard of, as having been exercised before; and the recurrence of which he hoped the Convention would take care to prevent.

In the case to which he had referred, the Governor could not have acted from any political feeling, because the collector was a whig, backed, however, by an opposite and powerful influence. The reasons assigned by the collector in his application for the release, was that in 1844 and 1845, when he was appointed collector, there was an indisposition in tax payers, to pay their taxes, and that money was scarce in those years. Every member of this body knew the indiscreet manner in which the pardoning power had been exercised; and he had heard many complaints on the subject—a general desire prevailed that it should be restrained. He had proposed no new restriction. He had left the power to be exacted as it has existed from 1776. He did not propose to add any restriction, but would merely leave the Governor in the position, in which he has in been since the year since the year 1776; and yet he was told that we must not touch the power of the Governor; and one would imagine, from the manner in which this declaration is made, that even the Constitution itself has no power to control it. Sir, the Governor possesses no pardoning power, but as given to him by the Constitution. Here Mr. D. read the section from the Constitution of 1776.

Because it was supposed that this power had been abused, complaints have been made again and again, and he knew that these complaints came from all portions of the State. He had moved his proposition without reference to any political party. He had nothing to do with political parties. He did not care whether the Governor was a whig or a democrat. But com-