

favor of the restriction now proposed, was that it might do some good; while he himself, and his friends, who stood opposed to it, contended that it would do much harm—operating more against legal than illegal voters, by disqualifying many of the former, and few of the latter.

In framing an organic law, much must be left to the discretion of the Legislature. The act of Congress directed the creation of election districts in the States, but the details were left to the Legislatures. Every local regulation as to residence in districts which are continually changing their boundary lines, should be left to the Legislature. As was suggested by the gentleman from Kent, municipal matters should be left for the action of the municipal authorities. It was proper that local regulations should be made by local authorities. Among the frauds alleged to have been committed, that of colonization was a fraud of one municipal authority upon another authority of the same character. This cannot, however, apply in cases where votes are aggregated through the State. It can only apply to elections in Congressional districts. It will apply to Baltimore, where owing to the contiguity of votes, colonization does exist; and in reference to this matter, both parties are obnoxious to censure. In the rural districts of the State, the elective franchise was in as great purity as human infirmity will permit.

The great evil exists in Baltimore city, which is divided into two districts for Congressional elections. These districts have been twice gerrymandered by the whig party. Since the year 1842, the evil has been the fruit of party legislation. The Legislature have the power to correct this evil by an honest apportionment, and to prevent the colonization of voters. It is not to be doubted these evils have arisen from the strife of parties. But we are not making a Constitution to reach every contingency which may arise. This is an isolated case in Maryland, and can be cured by the Legislature without any provision in the organic law.

This proposition of five days residence would be productive of inconvenience in the rural districts. A great number of the persons residing in the interior, are laborers who are continually passing over the lines, from one district into another. It is much worse in Baltimore, where thousands of persons who have no fixed domicile, are daily passing over imaginary lines, and it would be wiser to allow them to vote where they are, than to make restrictions which would disfranchise many legal voters.

He then put a case to shew that even if the proposition was introduced into the organic law, its effect would be different from what was contemplated by the friends of the measure, and would not prevent illegal voting.

In reply to what had been said by the gentleman from Prince George's, as to the simplicity of the judges of election, he contended that the gentleman was mistaken; that the election laws were simple, that they had been put in the hands of the judges, and that some of those judges had been judges for many years. But admitting mal-

administration, that was no argument against the law itself.

It had been asked on the other side, what remedy, if any, we proposed for illegal voting? And with a purpose of impugning the sincerity of gentlemen, who had voted against restrictions, it was charged that whilst we thus voted, we admitted the existence of the evil. On a former occasion, he had urged as a remedy, that fraud upon the ballot box, was an evil, which could be better reached by *cure* than by *prevention*. He then said, that illegal voting should be declared an infamous crime, that a single conviction followed up by ignominious punishment, would do much, by example, to abate the evil. This suggestion had been met by honorable gentlemen, who contended for district residence, as a remedy, or an aggravation of the evil. They had characterized it, as an invitation to illegal voting, and had appealed to the utter inefficiency of existing penal laws for such a purpose.

He was free to admit that the present penal laws against illegal voting, have supplied that experience, but such testimony served only to enforce the necessity of their repeal, and the substitution of other laws; which, recognizing the vice, as one of the deepest moral turpitude, would provide a penalty commensurate with the crime. He admitted that the existing penal laws, invite to the offence. What are they? Why, they provide a mere fine of a few dollars for a violation of that, which has been again and again characterized in this House as the dearest and most cherished right of freemen. Will any man pretend that such a penalty would for a moment restrain a person depraved enough to perpetrate the act of illegal voting? No sir—no sir! The penal laws are mere waste paper; they have proved utterly useless; and it was time to profit by the experience of the past, to provide such a punishment for illegal voting, as its frequency and enormity demands.

He was ready to make illegal voting an infamous crime, a just cause of disfranchisement; and by this remedy, rather than by the imposition of shackles upon the right of suffrage, which involve the innocent with the guilty, he hoped in some degree to purge the ballot box. He concluded by admonishing his friends, that the adoption of this restriction, would be to open the door for all the propositions to be revived, which had been rejected.

Mr. DAVIS rose, in the language of a distinguished Senator of the United States, "to establish the truth of history." He found in the few remarks which he had addressed the Committee a day or two since, he did injustice to the populous and distinguished county of Frederick. He wished to make the *amende honorable*. In giving the history of her efforts to reform, her own internal affairs, he made an important omission, which he now wished to supply.

He then restated the facts in relation to the action of the county of Frederick, concerning the change in the mode of appointing the Levy court, in 1838, and the adoption of the six months residence as a qualification for the members of