

appear as attorney, counsel, solicitor or proctor, in any court of this State."

On the question being propounded,

Will the Convention postpone said report?—it was

Determined in the negative.

#### ELECTIVE FRANCHISE.

The Convention then resumed the consideration of the report of the committee on the elective franchise.

The second section of said report was then read.

Mr. DORSEY moved to amend the section by adding at the end thereof, the following:

"And the person to whom such bribe, present, reward, promise or security may have been offered or given, shall be a competent witness to prove the offence, and may be compelled to testify as such, and if so testifying, should he have received the same, he shall be exempt from all punishment therefor; and the person by whom such bribe, present, reward, promise or security may have been offered or given, shall be a competent witness, and may, as such, be compelled to testify; and if so testifying, he shall be exempt from all prosecution or punishment for the offence by him committed; provided always, that such exemption from prosecution and punishment shall only be extended to that party who shall first appear before the grand jury to testify as aforesaid; and that neither party shall be compelled to give testimony unless protected from punishment by the exemption hereinbefore provided."

Mr. MITCHELL said:

He hoped the Convention would pause before they adopted a section of this kind. No one present was more opposed to bribery than he was, and he desired to see it put a stop to. He would repeat what he had once before said, that it was a most common offence in that quarter of the State from which he came. There was a large number of paupers there dependant upon the bounty of their neighbors for every thing they had in the world. He contended that if this section was to become a part of the Constitution, and any gentleman, in the kindness of his heart, were to furnish any of those poor families with the means of support, to enable them to live through the winter, when those men who earned their livelihood on the water, had no employment, they would turn round upon their benefactor, when an opportunity occurred, and for malicious reasons, go into court and swear so and so had bribed them to vote in such manner as they desired. He repeated that he trusted the Convention would not adopt the section, as it would do away with any thing like charity in future. Although he had no political aspirations, the very moment this amendment should be adopted—if it was to be adopted—his heart would be closed against the sympathies of his neighbors.

Mr. DORSEY explained his amendment, and expressed his regret that the gentleman, (Mr. Mitchell,) had taken the view of it he had done, as it was, in his (Mr. D's) opinion, an erroneous one.

Mr. SPENCER was opposed to the amendment, but not for the same reasons assigned by the gentleman from Kent, (Mr. Mitchell.) He entertained no fear that a grand jury would be found in Maryland, who would punish him for his charity; but he had an objection to incorporating a provision that a man who was guilty of receiving a bribe, should be taken and held as a witness to prosecute a man. This was the most infamous of all crimes, but he (Mr. S.) could never give his consent to make a Constitutional provision on the subject. Now, it was one of the first principles of law, that a man guilty of an infamous offence, should not be a witness. He would, for those reasons, vote against the amendment.

Mr. DORSEY contended that the argument of the gentleman (Mr. Spencer,) could not possibly apply to this case—for the party, afterwards charged with the infamous offence, had not been convicted when he became a witness. He went forward and gave his testimony before he was charged with the crime, in any shape or form.

Mr. CHAMBERS would suggest that the case of a party charged with an infamous crime before conviction could scarcely be considered a fair analogy. Such a person was allowed to testify, not because the law assumed that a party guilty of such crime, would tell the truth, but upon the ground that until conviction, he was presumed to be innocent.

But here was the case of an *admitted* profligate. No other would receive a bribe, and if he were capable of this violation of moral principle, was it safe to trust him with the means of destroying the reputation of another, or his liberty? It might well happen that such a person should be detected in his vile offence; that prosecution should be threatened, and the only means of escape be to charge some other as a *particepsi*. In such a case, it was no violent presumption that such a man would screen his guilty friend, and assail some other individual.

If indeed, the Legislature should be authorized to make an experiment on this subject, it would present a different case; and if his friend from Anne Arundel, (Mr. Dorsey,) would put in a provision to that effect, he might perhaps go with him. But this tying one up for ten or twelve years, hopeless of change, is rather too strong. He, therefore, could not support the proposition.

The question being taken, it was determined in the negative.

Mr. JOHNSON moved the previous question, and being seconded,

The question was taken on the adoption of second section; and

Determined in the affirmative.

Mr. MITCHELL demanded the yeas and nays, which were not ordered.

Mr. DORSEY then moved to amend the report by adding at the end thereof, as additional sections, the following:

"Article 1. No person who is a candidate, or has been nominated, and is to be voted for to fill any office or appointment under the Constitution or laws of this State, or the ordinances or au-