

man in the penitentiary with such evidence before the people? Ought he not to have the right to go to the executive of the State, and after showing the evidence of his innocence, be discharged from the penitentiary? I say that is a wise provision. It is scarcely ever exercised without due precaution. I think the governor should be vested with the power of pardon in cases which should properly appeal to his clemency. I hope the amendment will not be adopted.

Mr. STIRLING. This does not affect the pardoning power at all. It does not say that the governor shall not pardon; only that the pardon shall not restore the right of suffrage.

Mr. BERRY, of Prince George's. Would it not be equally hard for him? In the one case he is distrained from his liberty, and in the other case from the elective franchise. I say the principle will equally apply; and I hope the amendment will not prevail.

Mr. THOMAS. It appears to me that striking out this clause will have this effect: that in the case cited by the gentleman from Prince George's (Mr. Berry,) when the man upon due examination by the governor has been pardoned out of the penitentiary, still, because he has been put in the penitentiary for an infamous offence, he is to have this additional stigma hanging over him, and he cannot vote.

The amendment was rejected.

The question recurred upon Mr. CUSHING's amendment, to strike out the first part of the section.

Mr. STIRLING. I do not know whether it is the temper of the convention to adopt this amendment or not; but I wish very earnestly to protest against it. I shall now support the section as it stands in the report. The penitentiaries of this State turn out one hundred and fifty felons every year; among the most reckless and degraded of the community, no one-tenth of whom probably will ever be reformed. If this amendment prevails the result will be to restore those men immediately to the right of citizenship. I have had reason to know these men; and I state as a fact that there is not one man out of a thousand who is not sent to the penitentiary justly. There is not one man out of a thousand who is not sent for the third or fourth offence committed, the others never having been discovered. They are the most desperate class of people in the community, and their crimes strike at the very foundation upon which society rests. I have known only one or two instances in which any man ever sent to the penitentiary has reformed.

Mr. MILLER. I will refer the gentleman to the fact that the law of the United States prevents convicted felons from other countries from voting.

Mr. STIRLING. Certainly. No man who has been convicted as a felon abroad can be nat-

uralized here. No man convicted of felony can serve in the army or navy of the United States. I know a man in Baltimore who got off from the draft by producing before the commissioner a certificate that he had been sent to the penitentiary and served out his time. Will you allow the people who under the law of the United States have not even the privilege of suffering the hardships of war under the flag of the United States to go to the polls and vote. Shall the penitentiaries of Maryland turn out one hundred and fifty new voters every year?

Mr. CUSHING. There are more unconvicted felons that vote at every election, two to one, than have ever been sent to the penitentiary; men notoriously known in the community to be stained with almost every crime known under the divine law. Yet there is never a particle of objection made to their voting; and they do not unfrequently decide the elections. As to throwing these one hundred and fifty men from the penitentiary every year upon the State, it does not strike me as being so tremendous. Many of them have learned at the penitentiary what they never knew before, how to work at a trade, and they have a chance of making a living when they come out which they never had before. They have learned that crime brings its punishment, a lesson that men not in the penitentiary have not learned. The chances are better for the man who has come out of the penitentiary than for the man equally bad who has not been in it. The influences of the penitentiary and the influences of the jail, are two very different things. A man in the penitentiary is not forced to herd with other felons. He is kept at hard work, and is not allowed to speak to the people that are near him. It is mainly a reformatory power. It gives him time for reflection; and under the present system tends to his improvement.

But in most of the jails of the State, they are herded together, and the influence of the jail is very different.

The argument of the gentleman from Anne Arundel (Mr. Miller,) in respect to foreigners, does not apply to this amendment at all; for the law of the United States was only passed to prevent our country from being made a penitentiary or a Botany bay for other countries. But there is no law of the United States that a man coming here, who has been a felon in Great Britain and served out his time, may not be elected to the house of representatives if the people choose to send him there. The law of the United States prevents the men who are sent here as to a penitentiary, who are deported from their homes by the action of their own government from becoming naturalized. There is no law of the United States to prevent a felon in Great Britain, who has served out his time and been pardoned, from enjoying any privilege in this country that any other foreigner is entitled to.