

from the chairman of the committee his reasons for submitting this motion.

Mr. STIRLING. I do not propose to argue the question fully. As I said before, I rather suppose that, strictly speaking, it would not be absolutely necessary to make the change, but the purpose is explained by reference to the debates of the last Convention. As to the remark of my colleague upon the committee, that when this article was before the committee I did not propose to make any change, it is proper for me to state that I did not then intend to do so; but of course, making this report, does not preclude a subsequent motion to amend, when I come to the conclusion, upon reflection, that a change is proper. By referring to the debates in the former Convention, pages 199 and 200, vol. I, members will find that the article now in this Constitution is not the article as reported by the Committee upon the Declaration of Rights. The article as reported by the committee, of which Judge Dorsey was chairman, was as follows:

"Art. 24. That there ought to be no forfeiture of any part of the estate of any person for any crime except murder, or treason against the State, and then only on conviction and attainder."

"Mr. Jenifer moved to amend the said section, by striking out all after the word "crime."

"Mr. J. said he did not see that any case could arise in the State of Maryland where a forfeiture of property should take place after a criminal execution. It would be a hard case that a family already suffering the bitter results of the criminal acts of its head, should be visited also with this additional infliction.

"Mr. Dent offered a substitute for this said motion, to read as follows:

"Strike out all the 24th article to the word "treason," in the second line, and insert in lieu thereof, the following:

"That no conviction shall work corruption of blood, or forfeiture of estate, except for."

"Mr. Jenifer expressed his willingness to accept this substitute as a modification of his own proposition.

"Mr. Merrick desired to suggest to his colleague (Mr. Jenifer) that it might possibly be well that he should modify his amendment. He (Mr. M.) would suggest that the time might come when it not only might be good policy, but due to justice, that there should be a forfeiture of property in case of treason. If it met the views of his colleague, he (Mr. M.) thought that the object might be answered by simply striking out the words "murder or."

"He could not contemplate any crime as to which it was at all probable that the Legislature could at any time decree a forfeiture of estate.

"Mr. Jenifer said that he would with pleasure accept the suggestion of his colleague, (Mr. Merrick.) But he (Mr. J.) could not

see any great distinction between the crime of murder and that of treason, so far as the principle involved in this amendment is concerned. His great object was to provide that no family should be deprived of its property by reason of crime committed by its head. He would have preferred that the whole article should be stricken out; but was willing to accept the proposition of the gentleman from Charles, (Mr. Dent.) The object was to punish the criminal, but not to punish an innocent and unoffending family.

"Mr. Dent read the 16th and 24th articles to show that the amendment of the gentleman from Charles, (Mr. Jenifer,) if adopted, would conflict with the former. If that amendment should be adopted, it would be requisite to strike out the 16th article.

"Mr. Dorsey thought, he said, that it would be rather unsafe to strike out the word "treason." He was in favor of striking out the word "murder," but thought that "treason" ought to be retained. During our revolutionary struggle, we found the Legislature constantly passing laws under which a considerable portion of the most valuable real estate in the State of Maryland was sold—the property of Tories—of those who abandoned their country in the hour of her peril, and fled to the enemy. A crisis might arise in the history of this country, where a similar necessity would exist. He believed that under every government, treason was punished by a forfeiture of property, as a matter of course."

After some further debate, they adopted the article as it stands in the Constitution. I have only to state that the views of Judge Dorsey are the views which I entertain. I think for treason, there ought to be forfeiture of estate. But instead of saying that "a crisis might arise," I will say that a crisis has arisen. I wish to leave the words that no conviction shall work corruption of blood, because I desire that the right of the descendants to inherit, should not be impaired by reason of the crime of the ancestor. I do not wish to leave the section as it stands, because the construction might be placed upon it that it was a universal prohibition of forfeiture in any case whatever. It is true, it is not necessarily liable to that construction, for the words that it shall not "work" corruption of blood or forfeiture of estate, may not prevent the Legislature from prescribing forfeiture as the punishment of crime. But as there is a difference of opinion about it, in order to avoid ambiguity, I desire to make this change so as to recognize the right to punish treason by forfeiture of estate.

Mr. CLARKE. I prefer that the article should remain as it is. But if the amendment of the gentleman from Baltimore city (Mr. Stirling) is to be incorporated into it, I should prefer that it should go in with this amendment, to add: