

which it was at all probable that the Legislature would 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 was concerned. His great object was to provide that no family should be deprived of its property, by reason of crimes 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 sixteenth and twenty-fourth 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 forfeiture of property, as a matter of course.

Mr. D. explained that the conflict between the several articles of the bill of rights, which the gentleman from Charles, [Mr. Dent,] supposed would exist under the amendment, would not in fact take place.

Mr. MERRICK said, he thought that this power to punish treason by forfeiture, was a matter of some importance to the government, and ought to be retained. This punishment was intended to operate, not upon the subordinate portion of the community, but upon the wealthy and powerful traitor. He had the means of eluding the criminal law, and it was only by an infliction of this character that he could be reached. This power constituted a check upon him for which no adequate substitute could be found. There was no other punishment applicable to them. The crime of treason was a high public crime, which could not otherwise be reached.

Mr. DENT said, he stood corrected as to the supposed conflict between the two articles. He found they would not conflict. He had no objection to forfeiture for treason, and he then modified his amendment.

After a few words by Mr. CHAMBERS, of Kent, and Mr. DORSEY, as to the construction to be given to the article—

Mr. JENIFER remarked that this clause was engrafted on the Bill of Rights just at the moment when we were emerging from the Revolu-

tion. It was not probable that any such events would happen again. Why then were we to punish an innocent family for the guilt of a single individual? Upon reflection, he felt constrained to adhere to his original motion to strike out all the clause after the word "crime."

The PRESIDENT. Does the gentleman move that amendment?

Mr. JENIFER. I do.

Mr. MERRICK rose and was proceeding to address the Convention—when

Mr. CHAMBERS, of Kent, interposed, and suggested to him that he (Mr. M.) could attain his object, by calling for a division on the motion of the gentleman from Charles, (Mr. Jenifer,) to apply to the words "murder or."

Mr. MERRICK intimated his intention so to do. His object, he said, was to retain in the Legislature the power to punish the crime of treason by forfeiture of estate. It was wise and prudent that the power should be retained in the hands of a body to which the people of the State were to look for all their future well-being, to reach a crime in the only way in which it ever could be reached.

Some conversation followed between Messrs. JENIFER and MERRICK—after which

The question was taken on striking out from the section, the words "murder or."

And it was agreed to.

So the said words were stricken out.

The question then recurred and was taken on the amendment of Mr. JENIFER, and, by ayes 34, noes 21, the said words were stricken out.

Mr. DENT now moved to strike out the article, and insert the following substitute:

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

The question was taken and the substitute was adopted.

The twenty-fifth article, as amended, was then read.

Mr. THOMAS suggested, that this article frustrated one of the objects he had in view, in the vote which he had just given. He desired to strike out all that part of the article, which forfeited the estate for treason or murder. He desired to deny to the Legislature the power to declare by law, that either of these crimes should work a forfeiture of estate. If the amendment of the gentleman from Charles, (Mr. Dent,) prevailed, his, (Mr. T.'s) object in the vote he had given, was defeated. The conviction itself might not work a forfeiture; but the Legislature might provide by bill of attainder, for a forfeiture.

Some explanation followed.

Mr. THOMAS hoped some gentleman would move a reconsideration of the vote just taken.

Mr. DORSEY suggested, that the sixteenth section, accomplished the object which the gentleman from Frederick, (Mr. Thomas,) had in view.

Mr. THOMAS acquiesced, remarking that he was not here at the time the report was made, and had not, therefore, had an opportunity of examining it.