ment upon many weighty matters he had often to rely, were gentlemen not bred to the law.

To intelligent men he never had any fear of speaking the truth; it is only the ignorant who profess to know every thing. Lawyers bow with deference to the superior attainments of others, who have devoted their lives to a particular calling.

To draught a law or frame a Constitution is in many respects peculiarly appropriate to lawyers, though to pass upon its expediency or fitness for the wants of the people required sound common sense, which belonged to no class exclusively.

He repeated what he had said, of the certain definition of the term, infamous crime. He had tried cases where witnesses was objected to as incompetent to testify, having committed an infamous crime; the courts and lawyers readily understood the term. The party in order to testify, must have purged himself of the offence by having served out the punishment allotted, or produce the evidence of pardon.

Mr. SOLLERS said, he was not satisfied with the explanation of the gentleman from Baltimore. It appeared then, that the courts had to determine this question. What is, and what is not an infamous crime, is a rule of court, to be decided by the *dictum* of the court. But if it so happen that the court disagree, who is to decide? Take the case of a duel; it is an assault with intent to kill, but although no one is hurt, yet the accused may be convicted of an infamous crime and must pay the penalty And yet, would any man pretend to say that such a person ought to be regarded as infamous? According to the definition of the gentleman from Baltimore, however, he might be held so by the decision of the court.

Mr. CONSTABLE objected to the phrase *infamous crimes*, because its meaning was uncertain, and there might be a want of uniformity in its application, arising from a diversity of opinion as to import, which would operate injustice.

He also thought it objectionable as investing the legislature with an indefinite power to extend these disabilities. Whatever might have been the *crimes* known as *infamous* at common law, and he believed there were none below the grade of felony, it was obvious that they might be multiplied indefinitely by statute. Thus *forgery*, which was not a *felony* at common law, and hence not embraced in the class of offences which it denounced as *infamous* had been made so by act of parliament.

In the same manner, assault and battery and other trivial *misdemeanors*, may be made *infamous crimes*; and those who commit them be subjected to the harsh disabilities imposed by this section. This phrase then, was liable to be extended both by *legislation* and *construction*, and if done by the *latter*, the same crime when committed by different persons might not always be visited with these disabilities. In order to obviate this objection, though not that resulting from legislative extensions, which could only be avoided by a specific enumeration of the offences intended to work these disabilities, he would move to substitute the word, *felony*, for the phrase, *infamous crimes*.

The amendment was not now in order.

The question was then stated to be on the amendment of Mr. CHAMBERS, of Kent, and having been taken,

The amendment was agreed to.

Mr. CONSTABLE then offered his amendment, (as above indicated.)

A brief legal discussion, technical and colloquial in its character, here took place; in which it was contended, by Mr. CONSTABLE, that if the infamy of an offence was decided by the fact of confinement in the penitentiary, under the fifth amendment to the Federal Constitution, the offence of assault and battery is infamous, because it is presentable in the United States courts by a Grand Jury, and punishable by confinement in the penitentiary. He also stated, that in Harford county, a man who had been convicted of an infamous crime twenty years before, and had served out his imprisonment, was rejected as an incompetent witness.

Mr. CHAMBERS dissented from this view, that assault and battery, and misdemeanor, could be classed among infamous crimes.

Mr. PRESSTMAN insisted that the gentleman from Cecil, (Mr. Constable,) had raised this question as an argument, which did not express his real sentiments, and contended that the term "infamous crime," exists in the law books with a technical meaning, including treason, felony and all offences which come within the "*crimen falsi*" of the Roman law. To avoid uncertainty, the committee had designated some offences by name, and then added the word "infamous" to cover the rest. Because the courts may commit errors, was not a sufficient reason for changing the language of the books.

The question then recurred and was taken on the amendment of Mr. CONSTABLE.

The amendment was agreed to.

The question then recurred on the amendment of Mr. STEWART, of Caroline.

Mr. CHAMBERS said, the gentleman from Calvert, (Mr. Weems,) had asked what was to be understood by the words "infamous crime," and had remarked that to spit in the face of a gentleman would be an "infamous crime."

Mr. WEEMS explained. He did not say it would be. He put the matter hypothetically. He repeated what he had before said.

Mr. CHAMBERS said, let it be so. He then went into a technical argument to show that the term was known to common law and to lawyers.

It was very desirable to use definite language, and when words had acquired a known meaning, the more technical the better. Nothing produced more confusion than the use of words of various significations. He instanced the word "clever," which in different locations indicated very different qualities, such as intelligence in one place, honesty in another, and fine social habits in a third. He denied that assault and battery was at common law regarded as amongst "infamous crimes," nor was it so classed by the fifth section of the amendments to the Constitution of the United States, as had been said by the gentleman