

Mr. PRESSTMAN suggested that the party might be sent to the penitentiary, before the Executive could issue the pardon. It would be better to grant the pardon before the accused is subjected to the ignominy of going to the penitentiary. There might be a provision that the court should delay the sentence, until the decision of the Executive on the case should be known.

Mr. SOLLERS replied that the ignominy was not in the punishment, but in the conviction. He thought such a case would be of rare occurrence. If there was any disposition to grant a pardon, the Executive could issue a respite.

Mr. STEWART, of Baltimore city, suggested to the gentleman from Montgomery, (Mr. Brewer,) the propriety of withdrawing his amendment. He was satisfied from the information before the committee on printing, that there was no county in which there was not a newspaper printed.

Mr. BREWER then withdrew his amendment.

Mr. PRESSTMAN suggested a modification of the amendment, by adding at the end thereof, the following:

"And that sentence of the court shall not be executed where the court is satisfied that the convicted party has applied for Executive clemency, until the Governor shall have acted upon the application."

Mr. SOLLERS was about to accept, when

Mr. TUCK suggested, before the gentleman from Calvert, accepted the modification, the propriety of so amending the amendment as to make it read that the party shall have previously applied for a pardon and notified the court of such application.

Mr. KILGOUR said there might be cases of wrong which would not be reached by the amendment as it stood. He moved the following amendment:

"Amend said amendment by inserting after the words 'signing such petition,' these words 'unless recommended for pardon by the court and jury before whom convicted.'"

Mr. SOLLERS accepted the amendment of the gentleman from Baltimore city, and modified his amendment accordingly.

The question was then taken on the amendment offered by Mr. KILGOUR, and it was rejected.

Mr. GRASON objected to the amendment of the gentleman from Calvert, which required the publication of the names of all who signed petitions for pardon. Applications of this kind were often made in letters, which sometimes had more influence than the names attached to petitions. He objected to the publication, on account of the difficulty and expense. In the case of Turner, it was understood that the petitions were signed by three thousand persons. It would take several numbers of the largest newspaper to contain the names and petitions in that case. There might be cases in which it would be improper to publish the names.

A person committing a crime, might be willing to give testimony against his accomplices, on condition of first receiving a *nolle prosequi*, and of not being publicly known as a witness till

his associates were arrested. He had himself granted a *nolle prosequi*, in a case of this kind, at the request of the President of the Frederick county Bank.

Again, a person, perhaps a female, suffering from cold or hunger, might steal as much wood or provisions as would supply their immediate wants. There might be cases of this kind, in which the court and jury and the whole community would invoke the pardoning power. Why should there be a necessity for keeping such an offender in prison to await the publication of the names and petitions?

There was another class of cases—the escape of a slave from his owner, is made felony by an act of assembly. If arrested and committed to jail, he cannot be delivered to his master without a *nolle prosequi*, which is usually granted on condition of his being sent out of the State. In such cases, why should any delay or expense be incurred, by a publication of the names and petitions in the newspapers?

Mr. SOLLERS said:

The objection of the gentleman from Queen Anne's was based on the ground of inconvenience. The object of the amendment was to guard against the escape of criminals from punishment by means of petitions, which did not embody the public sentiment and came from irresponsible sources. By such means many a criminal may go "unwhipped of justice," especially on the eve of an election. He desired to prevent this evil, by requiring the publication of the names of those who signed such petitions.

Mr. BRENT, suggested that there should be a provision for the publication in a Baltimore paper, and that it should not be confined to a paper printed in Annapolis.

He hoped the gentleman from Calvert, would agree to introduce after the words "if there be any," the words "or elsewhere in the discretion of the Governor."

Mr. SOLLERS accepted the amendment and modified his amendment accordingly.

Mr. GWINN offered as a substitute for the said amendment, the following:

"And the Governor shall before proceeding to grant any pardon or *nolle prosequi*, (unless where the same is granted for reason of public policy,) give a reasonable notice of the application of such pardon or *nolle prosequi*, and of the grounds on which the said pardon or *nolle prosequi* is prayed"

Mr. GWINN said:

That he thought that the Governor should be required to give a reasonable notice of such applications, but that it was improper to fix the precise period which should be required for such notice. It would necessarily vary according to circumstances.

If the offence were newly committed, in a thickly settled community, the briefest notice would suffice to excite public attention, and to prevent imposition upon the Executive, or upon the prerogative of pardon. But in other cases, where the neighborhood was sparsely settled, a greater length of time might be required.