

tent of the law is that the governor must give notice that he is going to take the case up for consideration.

This order does not conflict with that in the least. If the governor acts upon this recommendation, he has the power to give all the notice that the law requires to be given.

Now, in regard to what the gentleman from Anne Arundel (Mr. Miller) says about certain persons having been sold, and those who have bought them having an interest in their labor—I do not think those cases could come within the purview of this order. I should have been better satisfied with the order if it had been confined to persons in the penitentiary. So far as I have heard, or believe, I do not think there is a single negro who has been convicted for these offences who has not been sold out of the State.

Mr. JONES, of Somerset. They are all sold in the State.

Mr. MILLER. I suppose that within the last year ten or a dozen have been sold in this county.

Mr. STIRLING. The governor has a discretion in regard to them. I do not think any harm can result from the adoption of this order. So far as my experience goes, the amount paid for these persons is not much, and probably full value has been returned long ago.

Mr. MILLER. I know persons who have paid as high as two hundred dollars.

Mr. STIRLING. However, that does not at all touch the question of power. The governor, under the constitution, is not bound to observe any such obligation as that. No matter if the criminal in the penitentiary is bound by a contract to work for those who contract with the penitentiary, he can be pardoned, and when he goes out, the contract, so far as he is concerned, it is at an end. I have never had my attention called to the people of which the gentleman speaks. I know there are a great many cases in the penitentiary involving great hardship—of persons who have been sent there because the judges of the courts had no discretion in the matter.

I know of a case in Allegany county, where a man was accused of running off a number of servants, they being his own children. It was proved before the court that he wanted to keep them from being taken by the rebels. Yet he was sentenced to the penitentiary for five or ten years. I call upon the members from Allegany to say whether that is not the fact, or very near the facts? I may have misstated them somewhat, but I am satisfied I have stated them very nearly right.

Mr. GREENE. The case arose in this way: at a time when it was supposed the town of Cumberland was in danger of being taken by the rebels, this old negro man gathered up his children, who were slaves, and took them off to Pennsylvania. He made no concealment

of what he was doing; the fact was observed by everybody. Yet he was convicted and sentenced. The judge, the jury, and nearly all the leading citizens of Cumberland, including the owner of the slaves that had been run off, signed a petition to the governor requesting a pardon.

Mr. JONES, of Somerset. And the governor has granted it?

Mr. GREENE. Not yet.

Mr. STIRLING. There is one man now in the penitentiary under a sentence for forty years, for an offence of this kind; a man against whose private character no one entertains a doubt, but who under mistaken notions undertook to carry out his own convictions in regard to the law. It is one of that class of offences which no one regards as *malum in se*, but an offence against those laws which were necessary to keep up the institution of slavery. He was sent from Prince George's county for forty years. When there is no longer any necessity for such laws, why keep him there?

Mr. BELT. What was the case? One of insurrection?

Mr. STIRLING. No; being engaged in the underground railroad. He was convicted on five or six indictments, probably more, at the same term of the court.

Mr. BELT. The most remarkable feature about this discussion, is this extraordinary sympathy for the negro. Not satisfied with devoting nearly the whole of the session of the convention to the consideration of the negro in his various interests and relations, here at the very heel of the session, on the very brink of adjournment, we are called upon to stop our legitimate business, and pass an order recommending the governor to open the door of the penitentiary to the negro and the negro stealer; for nine-tenths of the people tried for these offences against the policy of slavery are negroes. Why not extend your clemency and leniency and mercy to white men? Many a white man is in the penitentiary for other offences, and there unjustly. I have vainly tried, during the session of the convention, to have some action taken here that would release from the penitentiary men who have been sent there, and who have since become lunatics. You can get nothing done for innocent white people who are confined for minor offences upon slender evidence.—Nothing can be done except for Mr. Negro; he is to be relieved. It is preposterous, ridiculous, disgusting.

Mr. STIRLING. The gentleman can entertain himself what opinions he pleases about what is preposterous and disgusting. I choose to entertain my own. I would like to know what this convention has to do with particular cases of wrongful imprisonment? This order, whether right or wrong, is based upon the ground that there is a certain class of offences, action upon which is rendered no longer necessary by the action of this body.