

tendant upon such flagitious crimes, but takes from them the common rights and privileges enjoyed by all other citizens, when they are wholly innocent, and however remote they may be in the lineage from the first offender. It surely is enough for society to take the life of the offender, as a just punishment of his crime, without taking from his offspring and relatives that property, which may be the only means of saving them from poverty and ruin. It is bad policy, too, for it cuts of all attachments which these unfortunate victims might otherwise feel for their own Government, and prepares them to engage in any other service, by which their supposed injuries may be redressed, or their hereditary hatred gratified. Upon these and similar grounds it may be presumed that the first clause was first introduced into the original draft of the Constitution; and, after some amendments, it was adopted without any apparent resistance."

Then the author comments upon the lessons which the history of other countries afford us upon that subject. On that point he says:

"The history of other countries abundantly proves that one of the strong incentives to prosecute offences, as treason, has been the chance of sharing in the plunder of the victims. Rapacity has been thus stimulated to exert itself in the service of the most corrupt tyranny; and tyranny has been thus furnished with new opportunities of indulging its malignity and revenge; of gratifying its envy of the rich and good, and of increasing its means to reward favorites, and securing retainers for the worst deeds."

That is the commentary of Judge Story upon the history of other nations, where they have attempted, in dark and bloody times, and under cruel and oppressive rulers, to enact such cruel and bloody laws as these—over-violent laws, as Blackstone terms them; unjust and oppressive, never working out the end for which they were designed. That was said by Mr. Justice Story about monarchical forms of government.

Mr. Madison has given as the reason why the provision upon this subject was put in the Constitution of the United States; and when I cite to this body anything said by Mr. Madison upon that subject, I presume that they will remember that no man living in his day had more to do with the framing of that instrument than James Madison. After citing the clauses of the Constitution of the United States, which declare the punishment of treason, and that no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted, he makes this comment:

"As treason may be committed against the United States, the authority of the United States ought to be enabled to punish it; but as new fangled and artificial treasons have been the great engines by which violent fac-

tions, the natural offspring of free governments, have wreaked their alternate malignity on each other, the Convention have, with great judgment, opposed a barrier to this peculiar danger, the peculiar danger of a republic, by inserting a constitutional definition of the crime, fixing the proof necessary for conviction of it, and restraining the Congress, even in punishing it, from extending the consequences of guilt beyond the person of the author."

Here we have James Madison declaring why it was that this provision was put into the Constitution of the United States. It was to prevent the wreaking of the malignity of alternate factions, one against the other, in a republic like ours; and it was wisely put there to stop, if possible, at some period or other, the enmity of faction. In regard to the attempted confiscation law of Congress, I am glad the President had the manhood, and felt the sense of his constitutional obligations so resting upon him, to veto such a bill. But you may depend upon it that if such a provision is carried into execution, hatred and animosity will be transmitted from generation to generation in this country—and no matter what may be the result of the present conflict of arms, this country will never be restored to peace and quiet, because this perpetual sore will always be open, and the descendants of those, who think themselves justly entitled to their property, according to all the principles of Christian and civilized humanity, will be made the unrelenting enemies of your Government. Therefore, if the design and object are to bring about a speedy peace, and restore tranquility, let there be as little of hatred and bitterness left upon the statute book as possible.

I had proposed to examine a little into this doctrine of treason, and go somewhat at length into a consideration of it. I shall not do so, however, at any length, for the debate has taken such a direction that it is not now so necessary. But when the Constitution of the United States declares that "no bill of attainder shall be passed," that "no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted," and when a previous clause defines what treason is, we may be sure that this was put in from good motives, which we, representing the sovereignty of the people of Maryland, ought to follow. I admit that it is in our power to confer upon our State Legislature the right and authority to do so, if they please, but I am now discussing the policy of such a measure as this provides for.

Mr. SANDS. If the gentleman will allow me, I will read from the act of 1777, of this State, passed, I believe, in this very hall, during the times of the revolution. The act is entitled, "An act to punish certain crimes and misdemeanors, and to prevent the growth of toryism." I will not read the preamble.