

have been passed enlarging the competency of witnesses and refusing the objection to their credibility. So that in adopting it here, we are only keeping up with the progressive spirit of the age.

Mr. DORSEY objected to the substitute as insufficient to carry out the purpose which the mover had in view. When all that it proposed to accomplish was effected, a great part of the ground would have to be gone over again. He thought the subject of religion should not be mixed up with legislation. We live in a country of universal toleration, and that principle ought to be carried out in relation to the competence of witnesses, and also with reference to persons who may be selected by the people as their agents, without attempting to restrict them in their choice. He should vote against the substitute.

The question was then stated to be on the substitute of Mr. RANDALL.

Mr. WARE asked the yeas and nays, which were ordered, and being taken, resulted as follows:

*Affirmative*—Messrs. Donaldson, Randall, Sellman, Bond, Brent of Charles, Merrick, Buchanan, Welch, Crisfield, Eccleston, Miller, Tuck, George, Dirickson, Sappington, Magraw, Gwinn, Fiery, Hollyday, Ege and Shower—21.

*Negative*—Messrs. Chapman, President, Morgan, Hopewell, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Weems, Dalrymple, Bell, Chandler, Ridgely, Sherwood of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Phelps, Chambers of Cecil, McLane, Bowie, Sprigg, McCubbin, McMaster, Fooks, Shriver, Gaither, Biser, Stephenson, McHenry, Nelson, Carter, Stewart of Caroline, Harbincastle, Brent of Baltimore city, Ware, John Newcomer, Harbincastle, Michael Newcomer, Davis, Slicer, Parke and Cockey—45.

So the substitute was rejected.

The question then recurred on the amendment of Mr. DORSEY.

Mr. CHAMBERS asked the yeas and nays:

Which were ordered.

Mr. BOWIE called for the reading of the amendment;

Which was again read.

The question on the amendment was then taken, and resulted as follows:

*Affirmative*—Messrs. Morgan, Hopewell, Mitchell, Dorsey, Wells, Randall, Kent, Sellman, Bond, Sollers, Brent of Charles, Buchanan, Bell, Welch, Ridgely, Colston, Eccleston, Chambers, of Cecil, Miller, McLane, George, Dirickson, Thomas, Shriver, Gaither, Biser, Sappington, Magraw, Nelson, Gwinn, Brent of Baltimore city, Ware, Fiery, John Newcomer, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Shower and Cockey—42.

*Negative*—Messrs. Chapman, President, Lee, Chambers of Kent, Donaldson, Weems, Dalrymple, Merrick, Chandler, Sherwood of Talbot, John Dennis, Crisfield, Dashiell, Williams, Hicks, Phelps, Bowie, Tuck, Sprigg, McCubbin, McMaster, Fooks, Stephenson, McHenry,

Carter, Stewart of Caroline, Harbincastle and Davis—27.

So the amendment was adopted.

The question then recurring on the adoption of the thirty-third section, as amended,

Mr. JOHN NEWCOMER moved to amend it, by striking out the word "duty," and inserting the word "privilege."

Mr. N. said, it seemed to him that "privilege" was the better word.

The question was taken, and the amendment was rejected.

And then the article as amended, was adopted.

The thirty-fourth article was read as follows:

*Art. 34.* That every gift, sale or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of, or in trust for any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination, and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination, without the leave of the legislature, shall be void; except always any sale, gift, lease, or devise of any quantity of land, not exceeding five acres for a church, meeting or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose; or such sale, gift, lease or devise shall be void.

Mr. PHELPS moved to strike out "five" acres, and insert "thirty."

Mr. P. said, he had had some experience in these matters, and he thought it necessary to increase the number of acres which may be granted, "for a church, meeting, or other house of worship, and for a burying ground." It had of late years become very fashionable and proper to lay out cemeteries, and "five" acres was not sufficient for the purpose. He had been told that Greenwood Cemetery occupied one hundred acres.

Mr. MICHAEL NEWCOMER opposed the motion of Mr. PHELPS, and suggested that one acre of land in the county which he, [Mr. N.] represented, was worth thirty in the county of Dorchester. (Laughter.)

Some conversation followed.

Mr. BLAKISTONE moved to strike out the whole section.

Mr. PHELPS said that scarcely a year passed, without an application being made to the Legislature, for an appropriation for the enlargement of grave yards. There was certainly nothing improper in such an object, and the spirit of beautifying and improving these grave yards, ought to be encouraged by every gentleman on this floor.

Mr. STEPHENSON called for a division on the motion of Mr. PHELPS, so that the question should be taken, first, on the motion to strike out.

A division was ordered.