

The question having been taken, the Convention, by ayes 27, noes 32, refused to strike out.

The question then recurred on the motion of Mr. BLAKISTONE to strike out the thirty-fourth article.

Mr. STEPHENSON called the yeas and nays.

Mr. LEE offered the following amendment.

"Insert after the word 'worship,' in the twelfth line, the words 'or parsonage.'"

The amendment was agreed to.

The question again recurred on the motion of Mr. BLAKISTONE.

Mr. PARKE moved to amend said article by inserting after the word "acres," in the twelfth line, these words, "or the value of ten thousand dollars."

Mr. BLAKISTONE said, by the advice of gentlemen around him, he would withdraw his amendment.

So the motion to strike out the thirty-fourth article was rejected.

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

Mr. DORSEY expressed his belief, that if this amendment should be adopted, it would be an abandonment of the principle of prohibiting gifts or devises of lands to churches, ministers of the gospel, &c., and would lead to the engrossing of a large portion of the real property of the State by the clergy. We have made a more liberal allowance of such gifts and devises, than was tolerated in the last bill of rights. If, as is proposed by the amendment offered, a devise of lands, worth ten thousand dollars, by one testator, to a priest or other minister of the gospel, is tolerated, by a succession of such devises, lands to an indefinite amount in quantity and value, may be placed in *mortmain*, in violation of the best interests of the State, and against every principle of public policy.

The question was then taken on the amendment of Mr. PARKE, and it was rejected.

Mr. JOHN NEWCOMER now renewed the motion of Mr. BLAKISTONE, to strike out the thirty-fourth article.

Mr. HARBINE said he hoped the motion of his colleague, (Mr. John Newcomer,) to strike out the entire section, would prevail. The section denied the rights of persons to give, sell or devise, and of religious corporations and clergymen as such, to receive of such persons, lands, goods and chattels. He held that every owner of property had the right to make whatever disposition of it he pleased, provided such disposition, did not injure the community at large. He also held the right of corporations and individuals to receive, and purchase property subject to the same condition. These principles of right were so plain as to require no discussion. All institutions and persons should, as near as circumstances will possibly permit, be placed upon the same broad principles of right and equality. Any other doctrine at this era of progress, was behind and unworthy of the age. But is it in any manner probable, that the exercise of these rights, prohibited by this section, would operate to the injury of the people and institutions of this State? If

there was, he (Mr. H.) was prepared to vote for the section. But he could see no possible danger. That age had long, long, since passed away. True, the old Constitution had a similar provision, but then it was formed when times were very different from what they are now. Religious prejudices then weighed powerfully; bigotry and superstition, the relic of ages gone by, still had their influences, hence it was natural that men of that day, should have great dread of the property monopolies of religious persons and corporations. Yet even in the old Bill of Rights, it was provided that by leave of the Legislature any amount of property might be given and sold, purchased and received, and when has the Legislature refused to grant such leave? Mr. H. said this question had arisen at a time he had not anticipated, and therefore he had not examined it fully, but he was prepared to say, that in very many, if not in the Constitutions of all the other States of this Union, no such provision as the section under consideration could be found. He would then ask that if not necessary in other States, was it necessary in ours? If the evils which this provision was intended to prevent did not exist in other States, whose organic law contained no clause of this character, would such evils exist among our people without it? Most certainly not. Why then encumber our Bill of Rights with such a provision? Why have such restrictions—why make such distinctions without causes that fully justify?

Mr. STEPHENSON asked the yeas and nays on the motion of Mr. JOHN NEWCOMER, which were ordered.

Mr. WEEMS expressed his intention to vote against the amendment. He had no objection to the Church holding as much property as might be desired. But as there are so many sects already ready in existence, and others might arise, they might, in process of time, run all over the State, and possess themselves of all the most valuable land. And as he believed that all Church property was exempted from taxation, the effect might be to produce a great diminution of the revenue which the State derives from taxes. For this reason and not from any hostility to the Church, he should vote against the amendment.

The question was then taken, on the motion of Mr. JOHN NEWCOMER, to strike out the section, and the result was as follows:

*Affirmative.*—Messrs. Randall, Kent, John Dennis, Hicks, Eccleston, Phelps, Miller, McHenry, Ware, Jr., John Newcomer, Harbine and Showler—12.

*Negative.*—Messrs. Morgan, Hopewell, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Sellman, Weems, Dalrymple, Brent of Charles, Merrick, Buchanan, Bell, Welch, Ridgely, Sherwood of Talbot, Colston, Crisfield, Dashiell, Williams, McLane, Bowie, Tuck, Sprigg, McCubbin, George, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, Magraw, Nelson, Carter, Stewart of Caroline, Hardcastle, Gwinn, Prestman, Fiery, Michael Newcomer, Davis, Weber, Hollyday, Slicer, Parke, Ege and Cockey—55.