

consideration was the proper place for the insertion of this matter. He should prefer that the whole of article 36 be stricken out, and a more concise proposition substituted, but he should not address any argument on this point. He was in favor of declaring that all persons declared competent as witnesses by the common law should be made competent. If by the common law the negro is capable of being a witness, why should we keep up this proscription? He is among us, and we have christianized him to some extent, and to continue to exclude him is nothing but sheer injustice.

But there is another consideration: It is easy to imagine a case where the testimony of a negro might be very important to a white man; where it would be impossible to arrive at the truth without the testimony of the negro. Then, why cling to the old lingering prejudices? He (Mr. A.) had an amendment to propose, as follows: "Strike out the words 'nor shall any person be deemed incompetent as a witness on account of race or color,' and insert, 'nor shall there be any incompetency of witnesses not recognized by the common law of the land.'"

Mr. A. then referred to the quotations made from the Dred Scott decision, and said that the question of citizenship was not at all involved. But there is another paramount reason: The whole judiciary of the State is embarrassed by the present position of this matter. Our judges are indicted in the federal courts for refusing to receive negro testimony, and it is our duty to relieve them. Is the bench of the State to continue to be degraded, because we persist in holding to an effete prejudice?

Mr. Peters argued at length against the admission of negro testimony.

Mr. Garey said the negro was in fact and by law a freeman of the State of Maryland, and was so declared in the 24th article of the bill. He was opposed to both of the reports made this morning. It was the right of the negro to testify—his right as a freeman. The law of 1717, prohibiting negroes from testifying where white Christian men were concerned, was based upon the idea that it would be dangerous and impolitic for the negro to testify.