

The Declaration of Rights was then taken up, the 36th article being under consideration.

The question was on the substitute for the article submitted by the minority of the committee on the Declaration of Rights, which was lost by yeas 21, nays 45.

The question then recurred on the substitute for the article submitted by the majority of the committee, as follows:

“Nor shall any person, otherwise competent, be deemed incompetent as a witness or juror on account of his religious belief, provided he believes in the existence of God, and that, under His dispensation, such person will be held morally accountable for his acts, and be rewarded or punished therefor either in this world or the world to come. No person shall be deemed incompetent as a witness on account of race or color. But the General Assembly may, at any time hereafter, change or modify this clause, if they shall deem it expedient.”

Mr. Jones moved to strike out all after the word “come,” the Convention having already disposed of the subject in a different manner.

The motion to strike out was agreed to.

Mr. Ritchie moved to amend the substitute by striking out all after the word “juror,” and insert “in consequence of his opinions on matters of religious belief.”

Mr. Lee said the impression seemed to be that this was a new principle, but such was not the case. In most of the State constitutions there was no disqualification as a witness or juror on account of religious belief.

Mr. Mackubin said the effect of this would be that a man might sit as a juror or testify who did not believe in the existence of God, and he was unwilling to place either his life or estate in the power of a man who did not regard the Most High.

The amendment was rejected by a vote of 50 to 16.

No further amendments being proposed the substitute was then adopted and the 36th article was then passed over. As now amended it is as follows:

“Article 36. That as it is the duty of every man to