

may be necessary. It relates to a mere rule of evidence, which can be settled by law; and if we are to go on and insert in the Constitution provisions regulating all the rules of evidence in dispute, the instrument will be very greatly and unnecessarily encumbered, while its adoption by the people would be greatly endangered. Such a result, he had no doubt, was not desired by the members of this Convention and should be avoided, especially if it could be done (as in this instance) without the denial of a single right to the people. He would vote against the amendment.

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

*Affirmative*.—Messrs. Morgan, Hopewell, Bell, Welch, Ridgely, Eccleston, Chambers of Cecil, Miller, Bowie, McCubbin, Thomas, Shriver, Gaither, Biser, Sappington, Gwinn, Brent of Baltimore city, Fiery, John Newcomer, Michael Newcomer, Weber, Parke, Ege, Shower, and Cockey—25.

*Negative*.—Messrs. Chapman, President, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Merrick, Buchanan, Chandler, Sherwood of Talbot, Colston, John Dennis, Crisfield, Dashiell, Williams, Phelps, McLane, Sprigg, George, McMaster, Fooks, Jacobs, Stephenson, McHenry, Nelson, Carter, Stewart of Caroline, Harbine, Davis, Anderson, Hollyday and Slicer—38.

So the amendment was rejected.

Mr. BISER now offered the following amendment which he had yesterday indicated his intention to offer:

"Strike out from the word 'liberty,' in the third line, to the end of said article, and insert in lieu thereof, the following:

"Therefore, no religious test shall be required as a qualification for any office of public trust, that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall ever be allowed in this State, and that no person shall be rendered incompetent to be a witness on account of his opinion on matters of religious belief, but the liberty of conscience hereby secured, shall not be construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace or safety of this State."

Mr. DORSEY offered the following substitute, which (he said) he would be glad if the gentleman would accept;

Add at the end of the said article, the following:

"Nor shall any person be deemed incompetent as a witness or a juror, or disqualified to hold any office under the laws or Constitution of this State, except as hereinafter provided by the Constitution of this State, who believes in the existence of a 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 in the world to come."

Mr. BISER accepted this proposition as a modification of his own.

Mr. RANDALL called for the reading of the substitute, which was again read.

Mr. MORGAN said, he would not be willing to admit ministers to hold seats in the House of Delegates or any political body. The amendment seemed to him to go further than the gentleman from Anne Arundel intended. He, (Mr. M.) said that he was willing to admit as witnesses all who believed in a future state of rewards and punishments.

Mr. DORSEY modified his substitute so as to insert the words "except as hereafter provided by the Constitution."

Mr. RANDALL said, it had been generally conceded, according to modern decisions, that a man is a competent witness who believes in a future state of rewards and punishments, whether here or hereafter. He thought the Convention generally acquiesced in this opinion. The question is, where should this provision be placed? It refers to the right of conscience, and he thought the proper place for it would be in the thirty-sixth article. It was cognate to the place where it is now introduced. The thirty-sixth article relates to the oath and to the manner in which it shall be administered. He was disposed to amend the thirty-sixth article so as to make it more specific. The thirty-third article refers to the duty of every man to worship God in such manner as he pleases. The thirty-sixth article relates to the qualification of a witness, to his rights as a citizen of the State. He thought, therefore, that the best course would be to reject the amendment now proposed, and to insert, in lieu of it, the substitute which he now offered to come in at the head of the thirty-sixth article.

Mr. DORSEY differed from his colleague. He thought the provision more appropriate where it was now proposed, than where his colleague wished to place it. It did not apply to official oaths but was a general provision that those who were presented as jurors or witnesses, should not be excluded if they entertained a belief in a state of future rewards and punishments. He thought, therefore, that the provision was better where it now is, and where it is entirely appropriate. He did not concur in the statement that the practice is settled in England, that none but one who believes in a future state of rewards and punishments is a competent witness. He did not so understand it. Some of the Judges in this State are of opinion, that a man must believe not in a state of future rewards and punishments, but in a future state of rewards and punishments. The object of the amendment is to remove that difficulty. He had no particular wish to place it in this section, but he thought it the most appropriate place for it.

Mr. RANDALL thought the thirty-fifth article was a very proper place, as it relates to the test or qualification required on admission to any office of trust. The thirty-third article sets forth the duty of every man to worship God in such manner as he thinks most acceptable; and the thirty-sixth article prescribes the manner of administering an oath to witnesses. These are the three articles which relate to the subject, and it was his object to keep them distinct. He thought it