

different mode shall be prescribed by the law creating the office. I see however that that does not apply to vacancies.

Mr. SANDS. I will suggest merely that our work may be symmetric and systematic, that this should more properly come in between the twenty-fifth and twenty sixth sections.—The first section creates the orphans' court and the second section defines its jurisdiction; and it seems to me more proper that we should there provide for vacancies.

Mr. HEBB. The committee on revision can arrange that.

The amendment was adopted.

On motion of Mr. STOCKBRIDGE,

The further consideration of the report was postponed until to-morrow.

THE MILITIA.

On motion of Mr. STOCKBRIDGE,

The convention proceeded to the consideration of the report of the committee on the militia and military affairs, which was on its second reading.

The first section was read as follows:

"Section 1. The militia shall be composed of all able-bodied male citizens, residents of this State, being eighteen years of age, and under the age of forty-five years, who shall be enrolled in the militia, and perform military duty in such manner not incompatible with the constitution and laws of the United States, as may be prescribed by the general assembly of Maryland."

Mr. RUSSELL submitted the following amendment:

Section 1. Add at the end, "but persons whose religious opinions or conscientious scruples forbid them to bear arms shall be relieved from doing so on producing to the proper authorities satisfactory proof that they are thus conscientious."

Mr. AUDOUN. I beg leave to call the attention of my friend to the second section of the minority report, which provides for the class of persons to whom he alludes. It is this:

"Sec. 2. Persons whose religious opinions or conscientious scruples forbid them to bear arms shall not be compelled to do so in time of peace, but shall pay an equivalent for such personal service."

Mr. PUGH. There is nothing there to provide for producing satisfactory proof.

Mr. RUSSELL. The object of the amendment I have introduced was to relieve a class of persons who are conscientiously opposed to bearing arms. They have heretofore under former laws of the State, with the exception of the militia law passed by the last legislature, had that privilege. There is a class of persons in this State that are really and truly conscientious against bearing arms, and it is for their relief that I have offered this amendment. It is not for the benefit of those who would counterfeit peace principles or manufacture them for the occasion. It is

for those who truly entertain peace principles, and who have heretofore been relieved under former laws or constitutional enactments, and for them only that I have offered this amendment. It has been very carefully drawn up, so as to require the production of satisfactory proof that they are thus conscientious, and would not include those who are conscientiously opposed to this war in preference to any other, but only those who are really and truly conscientious with regard to all war.

Mr. SCHLEY moved to amend the amendment by adding the words "in time of peace, but shall pay such equivalent for military service as the general assembly may prescribe."

Mr. RUSSELL. That will destroy the whole object I had in view. They cannot render any equivalent at all. You may as well let the whole thing go, as to incorporate that amendment.

Mr. STIRLING. I hope that amendment will not be adopted. The law of this State as it stood previous to the adoption of the act of the last session exempted the Society of Friends from bearing arms; and it has been a provision that has been inserted in most of the militia laws of this State. There are in this State a large number of persons belonging to the Society of Friends, and the society of people called Dunkers, who are sincerely conscientious upon this subject. There is no good to be accomplished by forcing them to bear arms, and a vast amount of harm might be done by requiring them to do it. The amendment which proposes a commutation is not right. If it is right that they should bear arms they should be made to bear arms. If they have conscientious scruples against bearing arms, I suppose they will be equally strong against paying a commutation for the service. It is a serious matter for the friends of the constitution to settle. It is not improper for me to state that the entire body of the people who desire to be protected in their religious scruples by the amendment of the gentleman from Harford (Mr. Russell) are friends of this constitution; and their religious prejudices, feelings, or wishes, ought to be consulted for that reason if for no other. I am therefore both from policy and from principle desirous that the amendment of the gentleman from Harford should prevail. It may possibly require some changes; but I think that substantially as it is it ought to be passed. I should prefer that the word "religious" should be inserted before "conscientious." Will the secretary read the amendment offered to the section by the gentleman from Harford?

The secretary read the amendment.

Mr. STIRLING. I think that is all right, and I hope that amendment will be adopted.

Mr. SCHLEY. I think that every citizen is bound to bear arms in time of war; but I