

justice. But if this provision was adopted they would hardly accept the office. We do not want to be deprived of the power of having our good citizens as magistrates and justices of the peace. And we want to allow them the right to act as members of the Legislature, or any other officer, if the necessities of the case require it. I know that in the old Constitution there was a provision to meet the case, and I am not particular how it is done now, so that it is done.

The question being taken upon the amendment, upon a division, it was not agreed to—ayes 16, nays 34.

No further amendment being offered to this article, article thirty-five was read as follows:

“That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice unless under color of religion any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person be deemed incompetent as a witness or juror, who believes in the existence of a God, and that under his dispensation such persons will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.”

Mr. JONES of Somerset I move to strike out the word “a,” before the word “God,” near the close of the article, so that it shall read, “who believes in the existence of God, and that under his dispensation,” &c.

Mr. STIRLING. I do not think that makes any practical difference. Still I think it is better, and will vote for it.

The question being taken, the amendment was agreed to.

Mr. DUVAL. I move to strike out the word “or,” between the words “frequent” and “maintain,” so that it will read, “nor ought any person to be compelled to frequent, maintain, or contribute, unless on contract, to maintain,” &c.

Mr. STIRLING. The gentleman will recollect that the language here employed was adopted a great while ago, when it was customary to put in the conjunctions “and” and “or” cumulatively. The true, full, amplification of the English language requires those words to be put in in all places. It is so done now in all legal pa-

pers, making the phraseology more formal. But in modern times it has become customary to be more sparing of those words, the same meaning being conveyed without them.

Mr. DUVAL. If it is correct to say “frequent, maintain, or contribute,” then the “or” between “frequent” and “maintain” is superfluous.

Mr. STIRLING. Not so; the word “or” is understood, if it is not written. The words “frequent” and “maintain” cannot be put together without a copulative or disjunctive conjunction being understood, even if it is not written. I think, in a document like this, for the sake of greater formality, the word “or” should stand.

Mr. DUVAL withdrew his amendment.

#### WITNESS-S—RELIGIOUS TEST.

Mr. MILLER. I move to strike out all after the word “witness,” and insert the words, “on account of his opinions on matters of religious belief,” so that it will read: “Nor shall any person be deemed incompetent as a witness on account of his opinions on matters of religious belief.”

My object in offering this amendment is to make this provision of our bill of rights conform to that of other States upon this point; and also to correspond with and conform to our recent legislation upon the subject of the competency of witnesses. The Constitution of the State of New York, from which I copied this amendment, provides that—

“The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.”

Now, so far as the striking out the part relating to jurors is concerned, that is a matter which the Legislature is perfectly competent to provide for. It is perfectly competent for the Legislature to provide that no one shall be a juror, to sit in the trial of cases, who does not “believe in the existence of God,” &c. It is perhaps very proper that there should be some such provision as that in relation to jurors; but the Legislature can provide for that.

But in relation to the competency of a witness—I am speaking now in the legal sense—the competency of a witness to testify, the Legislature of this State last winter passed a law allowing one who has been a convicted criminal to go into the witness box and testify. A man who has been in the penitentiary, and convicted of any crime whatever, except that of perjury, our law now allows to go into the witness box and testify. Now, it seems to me that if we have gone thus far in legislation upon