

this subject, we ought to go a step farther, and not require this qualification as to the competency of a witness. The creditability of a witness is a different matter. Let his religious belief be a matter of inquiry, and let it go to the jury, and let them determine whether they will believe him or not, no matter what his religious belief may be. But in view of the legislation we have already had upon the subject, I think we ought not to impose any disqualification to testify as a witness on account of religious belief.

I have no doubt that, if a murder were committed, and nobody saw the crime committed but a man who would say he did not believe in the existence of God, but who was such a man as Hume or Gibbon, or any other infidel, who was a man of honor and integrity and truthfulness, it would be considered hard that the criminal should escape punishment because that man's religious belief disqualified him from going on the witness stand and testifying to what he saw. We should, it seems to me, go as far as most of the States of this Union, I believe, have gone, and not exclude a person from testifying as a witness on account of his religious belief; not absolutely disqualify him from giving testimony, but have the question of his creditability to be inquired into and determined upon by the jury. Let the witness be cross-examined as to his religious belief, and then let the jury say whether they will believe him or not. A man who has been convicted of stealing, or any other infamous crime, and has been sent to the penitentiary and has served out his time, is not excluded from the witness-box, but can go upon the stand and testify against any of his neighbors. That matter, however, may be enquired into, before the jury, as affecting the question of his creditability. The provision I propose is in the Constitutions of most of the States, and I believe it should be inserted here.

Mr. BARRON. I never want to see the time in the State of Maryland, when a man can appear as a witness to swear either for or against me, who does not believe in a God. I think that every man who is a witness on the stand should be at all times a believer in the Supreme Ruler of the universe. I shall not vote for any motion to allow any man to be either a witness or a juror who does not believe in the existence of a God. I am perfectly willing to strike out "a" before the word "God," but I can go no further than that; I would just as lief have a fox for a witness, if he could talk, as a man who did not believe in God.

Mr. STIRLING. As this article stands now, it does not prohibit the Legislature from letting anybody they choose be a witness.

Its only effect is to put a limitation upon the power of the Legislature to exclude persons from the witness stand. It says they shall not exclude a man from being a witness or a juror, if he believes in the existence of God, and a future state of rewards and punishments. This article, as it now stands, does not prevent the Legislature from admitting him to testify even without that belief. As the gentleman from Anne Arundel (Mr. Miller) says, the Legislature says that a man who has been a convict may be a witness, and you can let that fact go to the jury on the question of creditability. The only effect of the change in legislation is to make the jury the judge of that instead of the court. There is no necessity for making this change. It does not give the Legislature any more power, but rather gives them a little less power. As the article now stands, it prohibits the Legislature from excluding a man who has this much belief. The gentleman from Anne Arundel (Mr. Miller) would prohibit them still further from excluding a man if he had still less belief. Now, I am willing to leave it to the Legislature; if they say that it is better to go back to the old system again, I am willing to let them have the power to do so. This is a declaration of the general principle that a man ought not to be excluded if he believes in God, and a future state of rewards and punishments. I do not want to say that the Legislature has no right to ask that question; I think the Legislature should have the right to ask that question. Whether they will ask it or not is a mere matter of expediency for them to decide.

Mr. DANIEL. I do hope, Mr. Chairman, this amendment will not be adopted. I think I see great propriety in retaining this provision in the bill of rights just as it now stands. Indeed not only that, but I think we ought to recognize in our Constitution more than we do, the existence of God, and our accountability to Him, and that we derive from Him all our benefits, social and otherwise, I think we ought to be very cautious how we break down any safeguard of this kind. I believe that witnesses ought to be held responsible to God, and I do not believe any man is qualified, or ought by law to be allowed to testify in any court of justice, who does not believe in God and in future rewards and punishments. We ought to make this as secure as possible, and not allow any future Legislature to say that any man can come into a court of justice and testify under such circumstances.

I disagree with the gentleman from Anne Arundel (Mr. Miller), that this is a matter of which may go to the jury and be judged of by them. I recollect a case which I tried, in which I tried to invalidate the testimony