

of a witness upon the ground that he was not a believer in the Christian religion. But the court would not allow that question to go to the jury, because it did not disqualify the witness, and therefore would not allow the question for the purpose of discrediting. The courts may not allow you to ask such a question, unless it absolutely disqualifies a man from being a witness. I think, therefore, that this ought to disqualify a man *in toto*, and that we ought not to open the door wider than it now is; that we ought to have all the checks which can be put around this subject, and even then, as common experience shows, how much false swearing and perjury there is in every court of justice. If you allow a man to come in and testify without any just sense of his responsibility to his God, and without any belief in future rewards and punishments, you will be encouraging this false swearing and perjury. I am for strengthening and tightening those checks, rather than loosening them in any respect. I hope, therefore, that no amendment will now be adopted that will have a tendency to loosen the restraints we now have.

Mr. MILLER. I do not wish to be misapprehended in relation to the motives with which I offer this amendment. I believe myself as firmly as any man in the existence of God; that every man will be held morally accountable for his acts, not only here but hereafter. But our legislation, and our bill of rights as amended in 1850, allows a class of persons to come into courts of justice as witnesses, and prohibits the Legislature from excluding them from the witness stand, who do not believe in any future state of reward and punishments—that is, after this life. It allows that class of persons who call themselves Universalists, or Unitarians, a certain class who hold that all our sinful acts will be punished in this world, and not in any future world. And most of the States have gone as far as the State of New York, in whose Constitution I find the words of the amendment I have proposed. That is, that in reference to the mere question of giving testimony in a court of justice, the Legislature shall not exclude any man from the witness stand on account of any opinion he may entertain in relation to matters of religious belief. A Turk, a Jew, or an infidel, who does not believe at all in the Christian religion, seeing some act of crime committed, or knowing some important fact connected with it, might be excluded by the Legislature, under this article, from testifying to that fact in a court of justice. The tendency of all constitutional legislation in this country has been to open the door and let in all such persons as witnesses. Then the question of creditability on account of his religious belief, as to whether he holds

himself morally accountable here and hereafter for his acts, or whether he believes in the existence of a God at all—let that be considered by the jury, and not by the court. I desire this amendment to be adopted, but I want to have my motives distinctly understood in offering it.

The question being then taken on the amendment of Mr. Miller, it was not agreed to.

No further amendment being offered to Article 35—

Article 36 was read as follows:

“That no other test or qualification ought to be required on admission to any office of trust or profit, than such oath of office as may be prescribed by this Constitution or by the laws of the State, and a declaration of belief in the Christian religion; and if the party shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards and punishments.”

Mr. STIRLING. I desire to offer a slight amendment to this article. I move to insert, after the words, “than such oath of office” the words “and qualification,” so that it will read “than such oath of office and qualification as may be prescribed by this Constitution, or by the laws of the State.” I do not think there can be any objection to it. It carries out the idea of the first part of the section, “that no other test or qualification ought to be required,” &c.; but it makes it plainer.

The question being taken upon the amendment, it was agreed to.

OATH OF OFFICE—RELIGIOUS TEST.

Mr. RIDGELY. I move to amend article 36, by striking out all after the word “State,” so that the article will then read—“That no other test or qualification ought to be required on admission to any office of trust or profit, than such oath of office and qualification as may be prescribed by this Constitution or by the laws of the State.”

Mr. CLARKE. I move, before this amendment is voted upon, to amend the portion to be stricken out as follows: strike out all after the words “Christian religion” and insert the words, “or in a future state of rewards and punishments.” That part of the section will then read—“and a declaration of belief in the Christian religion, or in a future state of rewards and punishments.”

My object in moving this amendment is to get rid of this provision which especially singles out the Jew, and provides the mode in which he shall declare his belief, in order to be permitted to hold an office. The Jews are a large and respectable class of the people of the State of Maryland, and I know that some thought there was rather an invidious mention made of their religion or their denomination, by expressly provid-