

Methodist chapel, some small Presbyterian church, or some other small church, which is not in the habit of receiving donations as the other church is, day by day, the year round. Applications were made in several instances to the Legislature at its last session, in reference to small donations of \$100 or \$150, made to some church struggling for existence in some portion of the State, where it was highly important that it should receive the donation as a means of continuing its existence.

In regard to the great church establishments to which the gentleman refers, I know them in Baltimore, and know how they work, and that this article presents no obstacle to them. These munificent gifts are bestowed, and are received, and are held; they find no difficulty on that point.

Mr. MILLER. Can land be deeded to that church?

Mr. STOCKBRIDGE. Land is given and it is held. It is done in this way; it is given, sold, or willed to a certain officer of the church, not to him as an officer of the church, but as an individual. Yet his ecclesiastical connection is such that he never has any direct heirs; is such that all he has is at all times arranged in such a manner that in case of death it passes at once to some other member of that great denomination. I could give the names of the churches, and of the men who hold the property, if the gentleman chose to hear them. I know that hundreds upon hundreds of thousands of dollars' worth of property are held by a single man; not deeded to the church, but deeded to him; not deeded to him as a priest, but deeded to him personally, and as an individual. I know that men so holding this property have held it year after year, and then it has passed by a form of deed of sale to another dignitary of the church, while the one holding it before, has been transferred to some other field, has gone to Europe it may be. The property has been held by his successor, until transferred to another dignitary of the church; these dignitaries always holding the same official position, yet neither the devise nor the deed alluding to that position, nor in any way recognizing it. That is done every day.

Mr. THOMAS. All I have to say about it is this: if such deeds as the gentleman mentions are made, and the property held by any ecclesiastic, minister or priest, then those deeds are void under this bill of rights.

Mr. STOCKBRIDGE. Not at all. This article says—"gift, sale, or devise of land to any minister, public teacher, or preacher of the gospel, as such."

Mr. THOMAS. I admit that. But it also says "to or for the support, use, or benefit of."

Mr. STOCKBRIDGE. Certainly "as such." The way it is done is just this: Suppose that

my friend is a bishop; a deed is made to him, not as bishop, not in trust for any church or church establishment; but it is made to him, his heirs and assigns forever; or a devise is made for the benefit of him, his heirs and his assigns forever. Yet by a private regulation, under certain private oaths, he never has that property in his hands one day that there is not an arrangement made by which, if he were to die, that property would go to some other person, not as bishop, not in trust for the church; but to some other person distinctly and by name, yet one who holds a certain official position in the church. And so it is held and managed year after year. I can trace back for more than half a century particular pieces of ground so held and regulated.

Mr. STIRLING. I agree to what my colleague (Mr. Stockbridge) says; but that does not strike me as an objection to this section. Everything contained in this article is right and true. The only effect of his argument it seems to me is to show that the article is not fully carried into effect. But if you strike out the article entirely you open the door still wider to the very difficulty the gentleman suggests. It is possible for any one to come to the Legislature and get their assent to any rightful and proper disposition of property. But it does strike me, as it strikes my colleague, (Mr. Thomas,) that if the facts can only be proved, all these deeds the gentleman speaks of are void. If they are in point of fact made for the actual benefit of any religious sect, then they are void, for there is no principle of law more clear than the principle that the law does not allow any trick or device to accomplish what it does not allow to be done directly. The only difficulty is the practical difficulty of discovering the device. Of course the assumption, on the face of a deed, is that the property is given to A. B. his heirs and assigns forever. But a court of equity can enquire whether there is any reservation in fact, whether that property is held for anybody else, and if they prove the fact that it is a secret trust, then the deed is void. It so happens that these accumulations of land have not gone on to such an extent as to awaken public fear. If they do, then, under this article, the public has the power to come in and set them aside. I believe there is no denomination in this State that has so much property as to excite any distrust. And anything contrary to law can be got at without any interested party bringing the suit. Whether anybody will take the trouble to do it is another thing. But the right to enquire into it on the part of the State always exists. If it does ever reach a point to excite the apprehension of the people it can be reached under this article.

I will go as far as any one to maintain every denomination of Christian belief, by all proper pecuniary assistance. But I believe