

before witnesses, followed by cohabitation, is evidence of marriage sufficient to establish the civil contract in law.

But in this State we have considered it not only as a civil contract, but as a very solemn and important religious ceremony, to be celebrated by ministers of religion under the sanction of religion, as intimately connected with the good order, welfare, and purity of society. And I should be very reluctant to see these time-honored maxims and principles, if we may so call them, which have been attached to this relation, changed by allowing justices of the peace, some of whom are not ministers of the gospel, and not altogether such as many good citizens would care to preside over the ceremony of their marriage. I should suppose there would be no doubt that the legislature would authorize any recognized minister of any religious denomination in the State, or any religious society in the State, or any other persons that such societies might authorize to perform the marriage service.

With reference to the necessity for the registration of marriages, that has long been felt. I admit that the evidence of a certificate extracted from an old registry is important in law; and from the facility of obtaining such evidence I think it ought to be provided for. But I think the legislative power to do this is so clear and unequivocal that it does not need a constitutional amendment to enjoin its exercise. If we are to put into the constitution everything that the legislature ought to do, we shall have a very pretty constitution before we are through with it. That is the main objection I have to the incorporation of this article.

Mr. TODD moved to amend the amendment by striking out the words "by any mayor of a city, by any justice of the peace."

Mr. SANDS. The are two difficulties here in the way. If we place the section asked for by my friend from Harford (Mr. Russell) in the constitution, we certainly do shock the sensibilities of a very large portion of our people, upon this very important subject. If we refuse to pass the section, we deny to a very large class of people the celebration of the marriage rite after their own manner. Now, I think that can be met by adopting as a section of this article, section 4 of article 60 of the Code, so amended as to meet the case. Suppose, for instance, we were to embody in our constitution some such article as this:

"The legislature shall pass laws providing that the rites of marriage between any persons, inhabitants of this State, shall not be celebrated by any person within this State, unless by some minister of the gospel ordained according to the rites and ceremonies of his or her church, except it be in the case of Hebrews, in which case the ceremony may be performed by a rabbi, and excepting in

the case of the society of people called Quakers, in which case the marriage ceremony may be celebrated by a mayor of a city, a justice of the peace," &c.

You thus leave the Christian denominations exactly where they stand upon this question, and you provide for the Quaker and the Hebrew. I propose to offer such a substitute for the amendment, if my friend will accept it.

Mr. PUGH. I am opposed to striking out the words in the amendment of the gentleman from Caroline (Mr. Todd.) I do not know what the gentleman from Harford (Mr. Russell) may determine upon, but I should be willing to accept some such substitute as that offered by the gentleman from Howard (Mr. Sands.) But I would respectfully suggest that all other religious denominations are left by the proposed additional section precisely where the substitute will leave them. There is nothing whatever in this section which requires any member of a religious denomination to get married by a mayor of a city or a justice of the peace. They may employ a minister of the gospel and give the ceremony all the solemnity they desire. There is nothing here to interfere with anybody's religious views or religious rights.

But, Mr. President, I wish to call the attention of the convention to one or two articles that have already been adopted here. The preamble of the bill of rights is:

"We the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good constitution in this State for the sure foundation and more permanent security thereof, declare:

"Article 35. 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 the 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," &c.

This preamble and this article have been solemnly adopted by this convention, and they form a part of our bill of rights. Every individual of the society of people called Quakers can claim under this bill of rights the right to exercise all his religious privileges, and can claim not only under this bill of rights but under the Constitution of the United States the right to worship God according to the dictates of his own conscience,