

should be performed by ministers of the church; I think it a relic of church despotism, instituted originally by particular powerful churches, coming down through the various denominations of the christian church, and partaking of the old idea of caste, which associates all ministers together in some degree for the preservation of their particular character.

I think the solemnization of marriage by ministers has now simply become in the State of Maryland—marriage being regarded as a civil contract in most of the States of the Union—a valuable franchise in the hands of the ministers. Now, I do not desire again to see in the constitution of Maryland any article to identify a particular sect, as the Jews, and I shall therefore oppose the amendment of the gentleman from Howard (Mr. Sands,) because it goes into a long detail to express what the gentleman from Harford expresses in a few words.

Mr. SANDS. Will the gentleman allow me to read the amendment which I have drawn up as embodying my views?

“The general assembly 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 religion, ordained according to the rites of his or her church, except in the case of persons members of the society of Friends, commonly called Quakers, or persons intermarrying with members of that persuasion, between whom the marriage rites may be celebrated by the mayor of any city of the State or any justice of the peace thereof, or in the manner usually practiced by the members of that denomination.”

Mr. CUSHING. I say that that amendment expresses in many words the idea expressed by the gentleman from Harford in a few words. I object to the amendment because it designates the sect commonly called Quakers; and I do not approve in organic law, or in any other law, singling out particular sects in any way, shape or form. The law should be made general.

Mr. JONES, of Somerset. The very amendment of the gentleman from Harford (Mr. Russell,) specially mentions the society of Quakers.

Mr. CUSHING. That is the only objection I have to voting for it; but as it was introduced by one possibly of that persuasion, I shall not insist upon that objection.

Mr. PUGH. Will the gentleman allow me to interrupt him to say that the reason why they are made an exception is that they have no ministers. Hence it is necessary to mention them in that way.

Mr. CUSHING. There may be a great many people in the State, who, whether Quakers, Jews or Christians, may prefer as a mere testimony that they hold marriage to be a civil contract, to be married by a civil officer.—

There is no reason why any layman in the State of Maryland should be forced, for the purpose of marrying, no matter what may be his religious views, or absence of religious views, to go before any minister whatever.

I think the registration of marriages covered by the last clause, is extremely important. Notwithstanding the remarks of the gentleman from Somerset (Mr. Jones) that probably no legislature would refuse to pass such a law, the fact remains that they have refused; and hence it is that there is an effort here to-day to provide for the solemnization of marriages in cases in which there is now in the eye of the law no recognition of the marriage contract. While I do not want to encumber our constitution with any specific laws legalizing marriage in the case of applicants of any denomination, I would like to have the law so general as to cover every class, so that every one may select whether he will be married by a minister or civil officer. Therefore I am prepared to vote for the article without alteration, because I think it expresses in a few words what many of us desire.

Mr. MILLER. I was very much surprised to hear the gentleman from Cecil (Mr. Pugh) say that the law, as it now stands, violates the religious rights of the people called Quakers, or that this amendment is going to do anything towards preserving their religious rights. Under the law as it now stands, Quakers can marry according to the rites of their church. That is very clear. How is it that we are violating their religious rights or religious liberty by allowing them to marry in that way? It is not for that purpose that the section is offered. It is to enable a person who is a Quaker to marry somebody who is not a Quaker. How is that any violation of his religious liberty or his religious principles? I do not see how it is, when we allow full liberty to be married by a minister of their own denomination, or the rites of their own denomination; which is clearly the law as it now stands. They may marry under the code in such manner as is used or practiced by the society of people called Quakers. That is their privilege now. This section is introduced to enable a person who is a Quaker, contrary to the teachings and principles of his church or society, to marry somebody else outside of that society; for they cannot go into their society to be married before one of their members, according to the practice of their church, with a person who is not a Quaker; because their religious views forbid such a marriage. That is precisely the reason this is introduced. How is that to affect the religious liberty or conscience, or religious rights of the people.

Mr. ABBOTT. I hope the section will be adopted as originally proposed by the gentleman from Harford (Mr. Russell.) It allows our people, many of whom believe marriage