

to be a civil contract only, and desire the privilege to be united by a civil officer, such as a mayor or a magistrate. Such, I believe, is the practice of nearly every other State.— I do not think it is right to compel persons who believe it to be only a civil contract, to go against their will, before a minister of any persuasion. I think we should leave the question open, that they may be married either by a minister of the gospel or by a minister of the law. I shall vote for the section as proposed.

Mr. RUSSELL. I am not accustomed to public speaking, and it is with a great deal of diffidence that I say anything on the subject. I must confess I have been very much surprised to hear some of the remarks that have been made by gentlemen of this convention. They seem to me to have been considerably wanting in liberality. I have been very much astonished by the remarks of the gentleman upon the other side of the hall, from Anne Arundel (Mr Miller,) who has spoken, as I understood him, as if Quakers wanted this privilege in order to violate their own principles. Such is not the fact. I endeavored this morning to make the convention understand this matter. I stated that the society of Friends, from its earliest rise, more than two hundred years ago, had had a testimony against a hireling or paid ministry. That has been the ground of difficulty about their members intermarrying with others than members. It is not against the discipline of the church at all for their members to marry those who are not members, provided it is not done by a minister, by what is termed a hireling or paid minister. It was on that account, in order to avoid this difficulty, to allow that which the church allows—for the church allows those that are members to marry those who are not members, as can be done in Pennsylvania, New York and elsewhere—that I introduced this section.

It seemed to me so plain that there could be no objection to it. It hurts nobody. It violates the principles of nobody. It only gives those who are members the right to marry with other persons without coming under church censure, and without being under the necessity of going to Pennsylvania, New York or elsewhere.

I had a case which came very near home to me, a member of my own family, which I will mention as an illustration. I have had a daughter married since this convention was in session, in Philadelphia, to one who was not a member of the church. In order to do that, and not to incur church censure, she was under the necessity of going out of the State, and she went to Philadelphia to be married. If it had not been for this law, it might have been done at home in a more agreeable manner.

I cannot see for the life of me, how a single individual in this hall can object to a

provision of this kind. It violates nobody's right. Those wanting to be married by a minister can do so, as they always have done. The society of Friends have nothing at all against the ministry, although they bear testimony against what is called a hireling or paid ministry. They are far from believing that there are not ministers of the gospel among them. They do not hold the idea at all that there are not. It has always been a tenet of the church that a hireling ministry is not recognized in the church of Christ. But they do not say that every man who takes pay for preaching is necessarily a hireling minister. He ought not to preach for pay. It should be from a higher motive. And when such a person does preach—whether he receives \$500, \$1,500 or \$2,000 a year, makes no difference—according to their views, he is not a hireling minister. But they cannot single out cases. Hence that is their system, and hence their discipline must stand as it is.

Mr. TODD. There are many ministers in our midst who are not paid for their services, having no pastoral charge. It seems to me that the difficulties of the case would be avoided by their employing a minister of that character. However, in order to enable the gentleman from Howard to offer his amendment, I will withdraw the amendment I offered.

Mr. SANDS submitted the following amendment:

Strike out all after "assembly," in the first line, and insert:

"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. PETER. I believe that every man and every woman is entitled to be married in that manner which they may select. If they believe marriage to be a religious ceremony, let them be married by a minister. If they believe it to be a mere civil contract, let them be married by such a civil officer as they may choose—by a mayor, justice of the peace, magistrate, or constable, if they desire it. Viewing it, as I do, as a mere civil contract, I conceive that it would constitute a valid marriage if two persons were to rise in this house and declare that they were man and wife, and intended to live as man and wife.

But I am confident that the gentleman from Anne Arundel (Mr. Miller) was excusa-