

did not contain the difficulty attending the original proposition. I am utterly opposed, as a general thing, to the performance of the ceremony of marriage by a civil officer. I am as much opposed to that as the gentleman from Kent (Mr. Chambers.) But this difficulty was started last night, and it does exist that there are certain denominations, the Friends and the Menonists, in the western part of the State, which will only marry members of their own church, so that if one of their denomination chooses to marry one outside of it, they cannot get married by the ceremony of their church. Then the only course is to go to a minister of some other denomination; and the difficulty is that the Quaker or Menonist is prevented by the discipline of the church from being married by any minister receiving compensation for his services. There is a class of persons who are conscientiously opposed to being married according to the recognized form, and that conscientious difficulty I was willing to meet by providing that any person in the State conscientiously scrupulous with regard to existing regulations might be married by a judge or clerk of a court of record.

Mr. CHAMBERS. I believe that in point of fact that difficulty does not exist. The system observed by the Friends or Quakers upon this subject requires that the marriage shall be within their society. Therefore, provided the party who is not a member will be married in their way, there is no difficulty.

Mr. STIRLING. I am informed that it is not so. I am informed by the gentleman from Harford (Mr. Russell,) that they cannot marry in their church, that they will not marry them, and that they censure them if they are married by a minister.

Mr. CHAMBERS. Then I acknowledge my error, with regard to the society of Friends; but with regard to the Menonists I think there is no such difficulty. And if there is any difficulty it is better that it should continue, rather than to have the whole system to which we have so long been accustomed deranged. I have never heard of any memorial from the society presenting the difficulty; and I think it is unnecessary to act upon the subject. The house have assented to the abstract proposition that marriage shall not be considered merely as a civil contract by a very large majority. How, then, can we, without a direct violation of that vote, agree to this proposition? I think, therefore, the house will agree to the proposition I have to make, which is to lay the subject upon the table, with the view to getting rid of it altogether.

Mr. MILLER. I merely rise to say that when this proposition was before us yesterday evening I labored under a misapprehension with regard to the statement of the gentleman from Harford (Mr. Russell,) an apprehension in which several members of the convention fell as well as myself. I understood him to say

that it was contrary to the discipline of the Quaker society that a member of that society should marry any person outside of the society. I am informed, however, that that was not the view which he presented. I beg leave to state that the remarks which fell from me were under that misapprehension.

I am opposed, however, to the adoption of any order on this subject, for the general reason I stated in the opening of my remarks, also enforced by my colleague, that it is a matter entirely within the power of the legislature. We are cumbering our constitution with mandates upon the legislature to do what it is competent for them to do without such an order being passed; and we might just as well go through the whole field of legislation.

The PRESIDENT. The gentleman is not in order. The motion to lay upon the table is not debatable.

Mr. STIRLING. The rules provide that a motion to reconsider shall not be laid upon the table.

The PRESIDENT. The motion of the gentleman from Kent is not in order, under the 44th rule.

Mr. THOMAS. The motion to reconsider which I made, was agreed to. Did not that carry with it the reconsideration of the original proposition?

The PRESIDENT. The motion of the gentleman did not reconsider the original proposition, and hence there was nothing upon which the amendment could be based. The motion now is to reconsider the vote upon the original proposition of the gentleman from Harford.

The motion to reconsider was duly seconded.

Mr. BOND. Could not the gentleman from Baltimore offer his proposition as an original proposition? If it is offered as an original proposition, it seems to me, it will be liable to no difficulty whatever.

Mr. STIRLING. I suppose the house having once rejected it I could not offer it again.

Mr. BOND. It was rejected as an amendment. It was not rejected as an original proposition.

The motion to reconsider was agreed to.

The question recurred, under the previous reconsideration on motion of Mr. THOMAS, upon the adoption of the amendment submitted by Mr. STIRLING, which was modified by him to read as follows:

Strike out all after the word assembly and insert:

“Shall provide by law for the registration of births, marriages and deaths, and shall pass laws providing for the celebration of marriage between any persons legally competent to contract marriage, and shall provide that any persons, prevented by conscientious scruples from being married by any of the existing provisions of law, may be married