

matter which everybody ought to be allowed to regulate for himself, to marry whom he pleases, consult his own taste, and get married in any way he chooses. The institution of marriage is a social institution on which rests the whole fundamental structure of society. It is a matter within the absolute discretion of the State. The State has a right to say that nobody shall get married. The State has a right to abolish marriage. It has a right to provide regulations under which it shall be taxed. It is simply a question of State policy. It is not only the particular people who are sought to be relieved in this matter, who are interested in the question. I tell gentlemen that if they put into the constitution a provision which has never been known in the State in its whole history, to allow justices of the peace to marry, they will shock to a great extent a large portion of the best religious sentiment of the State.

Everybody knows what the office of a justice of the peace is, in a great many places, even when the justice of the peace himself is a very decent and respectable man. They are surrounded by crime and vice of every description; and the persons who come forward there are particularly persons of the lower class of life, and they are allowed under this provision to come there and celebrate the most solemn connection in life alongside of a thief admitted to bail.

Mr. PUGH. It does not provide that it shall be celebrated in his office.

Mr. STIRLING. I am talking of what might be the fact, and I think would be the fact. It offers an inducement to corrupt officials, before whom men are constantly brought in cases in which people can be persuaded to marry, to exert an influence to have the ceremony performed. There is in the existing regulation on the subject a degree of security, not so much as there ought to be, but some security. There are some States that tolerate the proposed authority; but they are States differently situated from what we are. They have been accustomed to it, and have grown up under it. In the New England States they have an absolute registration. It is a serious matter there to be married before a justice of the peace; but it would not be so here, because we have never been accustomed to it here.

There is one thing to be said in favor of the regulation in this State; that there is no State in the Union in which the marriage relation is more respected than in this State under the existing regulation; or where the law of divorce is more in accordance with right morals and right principles; or where there are fewer divorces in proportion to the population. There are some States which throw open the doors so wide that people move into them to get divorced; and the marriage relation is so trampled upon that there are all

sorts of court expressions to signify the different relations of people in society, and sometimes it is not known whether they are married or not. It is notorious that in some parts of the country from their earliest settlement the doors have been thrown open to everybody.

This is a matter which concerns the interest of the State. And if the law is put in an improper form it is as much my right and interest to object to it as of the man who expects to get married. This proposition it seems to me relieves any difficulty. It does not say anything about the Society of Friends. As it has been suggested by gentlemen here, it may be possible for a man not strictly speaking a member of the Society of Friends, or not registered as such, to be in a condition to desire some provision of this sort. Therefore I use the general term, "persons prevented by conscientious scruples from being married by any of the existing provisions of law," exhausting all cases, and allow such persons to be married by the judge of a court.

There may be one objection that the judge of a court is not always accessible; but really taking a little trouble, there is not a county in the State in which the attendance of a judge cannot be had to perform the ceremony. In most towns in the State, it can be had without any trouble whatever. Certainly in those parts of the State in which the larger class of very respectable and worthy people of the State to be benefited by this provision reside, there is ready access to the judges.

There is an amount of responsibility about marriage by the judge of a court. And the legislature can very easily provide that a record shall be kept in the court. I submit that it is not expedient, not right, and so far as I am concerned I will never consent to it, to allow the marriage ceremony to be performed in this State by justices of the peace.

Mr. BOND. I shall vote against the original proposition of the gentleman from Harford (Mr. Russell) and all the amendments. I have waited with some patience to hear the reasons for my action in this matter stated by some one; for as I am not fond of public speaking I rarely indulge in it when I can have an opportunity of voting upon a proposition, and when somebody else happens to express my views. But the reason upon which I found my action has not been stated, at least has not been pressed with the earnestness which I desired.

It is this; that this is a matter purely for the legislature of Maryland. The business of constitution-making, according to my apprehension, is to limit or restrict the powers of the legislature; not to fill the constitution with mandates of legislation, that they shall do this, that, or the other, but to restrict, to limit, if you please, the powers of the legislature.