

What does this section propose to do? It proposes to make it imperative upon the legislature to pass certain laws in reference to marriage, a subject amply, fully within the power of the legislature, without any provision in the constitution to that effect. I object to filling the constitution with subjects that never have been brought into it heretofore, filling it with the various notions of the different members here. If the arguments which have been addressed to us here tonight, in reference to the various amendments and the original proposition were urged upon the house of delegates or the senate of Maryland, that would be perfectly proper and right.

A great many complaints have been made of the waste of time of this body. There can be no greater waste of time than in discussing subjects here which properly belong to the legislative branch of this government. We are here, as I said before, to limit and restrain the legislature; not to impose mandates upon them. I have no objection to the proposition of the gentleman from Harford. I cannot say that I should object to the fullest liberty in relation to the *modus* of marriage; but this is not the proper place for it. It is the business of the legislature to settle the mode and manner in which people shall marry, and what shall be deemed a valid marriage and what shall not. I object to such subjects being introduced into this body. It belittles this body to introduce into it every little matter that may enter the brain of any member. I think the proper business of constitution-making is really degraded by entering upon such matters, and filling the constitution with subjects of this sort. For these reasons I shall vote against the original proposition and every amendment that has been offered, because I think this is not the place to introduce them.

Mr. PETER. The gentleman from Baltimore (Mr. Stirling) seems to think that the whole of the marriage contract is comprised in a few solemn words pronounced by a minister of the gospel uniting the parties for life. I do not so understand it. I do not so understand the teachings of my Bible, that it is the few solemn words which are pronounced in that ceremony which makes the married life, and which raises it to the ideal desired by the gentleman from Howard (Mr. Sands.) I care not whether the gentleman from Howard be married by a bishop or archbishop; aye, if he believes it to be a religious sacrament he may go to Rome and be married by the pontiff himself; would that make his marriage any more sacred? If he would idealize that marriage, and raise it to that high position, it must be by his conduct, by his action, and not by the words pronounced in the ceremony.

I hold that marriage is sacred. I hold that

it ought to be respected; that it should not be carried into the grog-shop, nor into the gambling tent. But I say that no words of a minister or a priest, no words of a pontiff of Rome himself, can make that marriage sacred; because it is the conduct of the man and of his wife. They are the ones, and they alone who can make that sacred tie the ideal fancy which the gentleman from Howard would have it.

If the gentleman from Howard desires to be married according to the dictates of his conscience, according to his religious belief, I for one would not object. I would be the last man on earth to interfere with any man. But, as the gentleman from Baltimore on my right (Mr. Cushing) well said, I do not think we ought to designate any church by its name in this Constitution. If a Quaker or a Friend is entitled to be married by a magistrate, or a mayor, or a judge, extend to me that same privilege if I desire it. Taking the principle as advocated by the gentleman from Howard, that a Presbyterian may be married by a Presbyterian minister, an Episcopalian by an Episcopal minister, and a Roman Catholic by a priest, what will you do with people who do not belong to any church? By whom are they to be married?

Mr. SANDS. Give them their choice.

Mr. PETER. Still they must be married by some minister. I suppose we all know there are foul-mouthed ministers as well as foul-mouthed constables or magistrates. Among the twelve apostles there was a Judas Iscariot. I know men in my county, who have been constables and magistrates, as honorable and more so, than some who have worn the gown and the white cravat. It is not the man that performs the marriage ceremony that makes it what God has commanded that it should be. It is not the manner in which that ceremony is performed; but it is the action of the parties, how they fill their respective duties, and their respective situations in life. They can raise it from the grovelling earth and dust. They can make it what Christ would have it, when he made that comparison alluded to by the gentleman from Howard.

The gentleman says it would make it a mockery. A mockery? Is there a gentleman within this hall, or anywhere, who would perform the marriage ceremony as a mere mockery? Aye, sir; I may say there are such men in the United States; for I believe that at the fair held by the sanitary commission in New York, it was made a mockery for the purpose of raising money. A minister there did so belittle his gown, as to come in and act a part in the mockery of performing the solemn ceremony of marriage before the assembled crowd, for the purpose of raising money for the commission. Would you not prefer to be married by any honest magistrate, any honest mayor, any honest con-