

ances, I do not know when I can be present; certainly not during this week.

Yours, truly,

W. H. MACE."

In accordance with that request, I offer the following order:

"Ordered, That it be entered upon the journal, upon the request of Mr. Mace, of Baltimore county, (absent from indisposition,) that the vote cast by him against the proposition of Mr. Schley, of Frederick, requesting the President of the United States, and the military authorities in Maryland, to assess upon the known rebels of the State, the losses sustained by the loyal men of the State by the recent rebel raid, was so cast in entire misconception of the true state of the facts, and that upon more mature reflection and better information, he is convinced that the proposition was just and proper, and ought to have been adopted."

The order was agreed to.

On motion of Mr. BARRON,

It was ordered that it be entered on the journal, that if John Barron had been present on Monday, July 25th, he would have voted for section 40, of the legislative department, as reported by the committee.

On motion of Mr. MARBURY,

It was ordered that it be entered on the journal, that had Mr. Marbury, of Prince George's county, been present when the resolution of Mr. Cushing, of July 9th, the reprisal resolution of Mr. Schley, of July 19th, and the banishment resolution of Mr. Stirling, of July 20th, 1864, were presented, he would have voted in the negative.

On motion of Mr. RIDGELY,

It was ordered that it be entered upon the journal, that if Mr. Ridgely, of Baltimore county, had been present when the vote was taken upon the resolutions offered by Mr. Stirling, of Baltimore city, on Thursday, the 21st inst., relating to disloyalists, he would have voted for the resolutions.

LEGISLATIVE DEPARTMENT—MARRIAGE.

The convention proceeded to the consideration of the order of the day, being the second reading of the legislative article, the pending question being on the adoption of the following amendment submitted by Mr. DUVALL:

"Section — The general assembly shall pass laws providing for the rites of marriage between any persons legally competent to contract marriage, and provide for the registration of all marriages, in whatever manner the same may be solemnized."

Mr. CHAMBERS. I have not heard any reason assigned for this amendment, and the votes seem to indicate that the desire for such an amendment is growing weaker. I hope the convention will decline to adopt it. I do not know that there is a religious sect that does not regard the marriage ceremony as of a religious character. The Roman Catholic be-

lieves it to be entirely a sacrament. The Quaker has other religious forms. I think any inroad upon that principle would be a very serious violation of the feelings of ninety-nine out of every one hundred of the community.

Mr. BARRY, of Prince George's. I shall oppose any legislation upon the subject of marriage, other than the legislation now upon the statute books, which I think is sufficient to cover all questions which may arise. We had a most interesting case which arose in Prince George's county, which was very fully tried before the circuit court of the United States for the district of Maryland some two years since, in which all the law of marriage was fully discussed before the court. There we had a most learned and elaborate opinion delivered upon the law of marriage. The court in its decision determined that cohabitation and birth of children and recognition were presumptions of marriage; that marriage was first of all a civil contract. I recollect that the judge very forcibly stated reasons why this should be the case. Very frequently in the wilds of the west, parties who represent themselves to be ministers of some denomination of christians, are called upon to perform marriage ceremonies. The marriage ceremony is performed by them. Would it not be an outrage that the children born of that connection should be bastardized because they could not prove that the party who married them was a minister of some denomination of christians, and authorized to perform the ceremony?

This question has been twice before the Supreme Court of the United States. I think a case will be found in 8 Peters' reports where this very question was presented, and the court gave a divided opinion upon that question. A subsequent question arose in the Supreme Court of the United States, and the court then determined that that was the law of the land, and should be the law of all civilized nations. Then that is now the law of the State of Maryland—the recognized law of the State of Maryland. That is enough for all purposes; and I do not see the use of legislating further upon this subject. I shall oppose all further legislation upon the subject, as having a tendency to break down the fixed rules of law upon the subject. The adjudicated law upon the subject would again become unsettled; and it would be necessary to go into the courts of law of the State in order to have a judicial interpretation of the law.

Mr. DUVALL demanded the yeas and nays, and they were ordered.

The question being taken the result was—yeas 11, nays 58—as follows:

Yeas—Messrs. Abbott, Annan, Carter, Duvall, Hatch, Lansdale, Marbury, Nyman, Parker, Peter, Ridgely—11.

Nays—Messrs. Goldsborough, President; Audoun, Barron, Berry, of Prince George's,