

but until now I had supposed that no liberal minded, enlightened Marylander can read it without a deep sense of regret that such an enactment was to be found on our statute book. The first section of the act of 1723, chapter sixteen, the act alluded to, (and of which I am apprehensive my friend approves or he would not have referred to it, as sustaining the propriety of our adopting his religious test,) subjects any person, convicted by verdict or confession, of denying "our Saviour Jesus Christ, to be the Son of God;" or "the Holy Trinity, the Father, Son, and Holy Ghost, or the Godhead of any of the three persons; or the unity of the Godhead," shall for the first offence be bored through the tongue and be fined twenty pounds sterling, and if unable to pay the fine, suffer six months imprisonment without bail or mainprize; and for the second offence "be stigmatized by burning in the forehead by the letter B, and fined forty pounds sterling; and if unable to pay the fine suffer in like manner twelve months imprisonment;" and "for the third offence, the offender being convicted as aforesaid, shall suffer death, without the benefit of the clergy."

He, (Mr. D.,) said, that from my earliest recollections on such subjects, he had always had a kind of instinctive horror of profane legislation in matters of religion where Church and State are united. It is an unnatural and unholy alliance from which no holy or pure issue can spring. And if he could efface from his memory all the massacres and cruelties inflicted under color of religion and by authority of law in England and other European nations where the union of Church and State prevails, the reading of the acts of Assembly of this State, of 1723, chapter 16—which his friend from Kent referred to to sustain a religious test, would have induced him, (if influenced by no other motive,) to vote against it. Could I vote for the amendment of my friend from Kent, if our true Catholic Church were the more numerous predominating religion of Maryland, he should feel himself justified in denying office to all persons who should refuse to subscribe the doctrines of that church. Indeed he should feel that he had sanctioned a principle, which left him but little ground to complain of the injustice and cruelty inflicted on christians, for religion's sake, by the barbarous and infidel nations of the earth.

The thirty-third article in the old Constitution was but the first and an imperfect effort to shake off the principles resulting from the union of Church and State, which till then, prevailed in Maryland. It declared that christians only ought to be protected. It had, as he before remarked, accomplished nothing.

[The hammer here fell—the gentleman's five minutes having expired.]

Mr. RIDGELY remarked:

That he would say a few words in addition to what had fallen from the gentleman from Anne Arundel. If he (Mr. R.) understood the gentleman from Kent, the very ground upon which he asked the House to adopt this qualification for office was that its absence from the Constitution

would constructively be a repudiation on the part of the House, of the Christian religion, it having formed a part of the original Constitution, and any attempt on the part of the House, now to strike it out from that Constitution, would be qualifiedly or constructively a repudiation of the Christian religion, and as the gentleman remarked on a former occasion, would be un-christianizing the good old Christian State of Maryland. He proposed to call the attention of the House to the fact that he had examined with care every constitution in the United States, including that of the United States Government, and he had not been able to find in any single State, except in North Carolina, (that State went so far as to disqualify every body, except Protestants, and it was only a few years ago that one of the brightest jurispudont of that State, Judge Gaston, he being a Roman Catholic, was able to hold office by the modification of the Constitution,) a provision disqualifying persons for opinions' sake. He would ask, were the citizens of the United States less Christians than the citizens of Maryland? Were the citizens in other States less Christians than the citizens of this State? Was there less security for the protection of right and liberty in any other State than in Maryland? The adoption of a religious test is constructively the declaration of a government creed! It is constructively a declaration in the fundamental law, by the State in its political capacity, of a government creed. Every State in the United States (including the New England States, where they were more staid in this respect) had repudiated all these qualifications. In furtherance of the argument of the gentleman from Anne Arundel, in relation to hypocrisy, and the various practices which it superinduced, Mr. R. read the third clause of the first article of the Constitution of Rhode Island on this subject. The qualification that a man must believe in the Christian religion was no security that the party who made the declaration believed in the Christian religion. In all human probability, his whole life might falsify the declaration he had made. Why should they put themselves in a condition to adopt a feature of government which was against the theory of the liberty and unrestrained freedom of religious opinion in all republican forms of government? The theory of our government was to allow every man to form religious opinions according to the dictates of his conscience, and to be entitled to the privileges and advantages of government, until that freedom became licentiousness, against which they had already guarded by a provision in the Constitution.

Mr. HOWARD was very glad to coincide with the opinions of his colleague on this subject. He [Mr. H.] had three objections to the proposition of the gentleman from Kent—the first of which was that it admitted a Jew to hold office, while it did not admit other men who were not Jews, but who thought the same thing. Take, for instance, the case of a man not a Jew. He might entertain the same religious doctrines precisely.

Mr. CHAMBERS. The Jews believe in the old testament.