

PUBLICATIONS  
OF THE  
AMERICAN  
JEWISH HISTORICAL SOCIETY  
NUMBER 25



PUBLISHED BY THE SOCIETY  
1917

6.

## UNEQUAL RELIGIOUS RIGHTS IN MARYLAND SINCE 1776.

BY BENJAMIN H. HARTOGENSIS, A. B.

The story of the early Jewish settlers of Maryland, and of their progress in achieving some civil and religious rights, has been written by Prof. J. H. Hollander.<sup>1</sup> However, his account only goes up to the year of the Declaration of Independence of the United States.

The present treatment of the struggle for equal civil and religious rights in Maryland begins where Prof. Hollander's ends. In 1776 all persons who professed Christianity, except Quakers, were entitled to the equal protection of the laws of Maryland; others were not. The latter have not to this day been fully emancipated. Nevertheless, progress toward equal rights before the law has surely been made.

The Declaration of Independence proclaimed as a self-evident truth that all men are created equal, and Article VI of the Federal Constitution prescribes that

No religious test shall ever be required as a qualification to any public office or public trust under the United States.

The first amendment thereto adds that

Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

---

<sup>1</sup> "Some Unpublished Material relating to Dr. Jacob Lumbroso, of Maryland," in *Publications of the American Jewish Historical Society*, No. 1, p. 25 *et seq.*; "The Civil Status of the Jews in Maryland, 1634-1776," *ibid.*, No. 2, p. 33 *et seq.* See, also, "Some Unpublished Material relating to the Civil Disabilities of the Jews in Maryland," read by Prof. Hollander at the fourth annual meeting of the American Jewish Historical Society, Philadelphia, 1896, *ibid.*, No. 5, p. v, which remains unpublished. I have omitted herein the history of the fight for the passage of the Jew Bill because of these earlier papers.

These organic laws were confirmed in the preamble called the Declaration of Rights of the Maryland constitution, and in the body of the several constitutions adopted in Maryland since the Revolution.<sup>2</sup> The Constitution of the United States "and the Laws made or which shall be made in pursuance thereof" were in apt terms enacted as the supreme law of the State of Maryland, but the spirit has yet to dominate the local law. Despite a very liberal Declaration of Rights, preceding Maryland's first constitution (1776),<sup>3</sup> the following unequal civil and religious rights then affected Jews:

1. The legislature might lay a tax to support the Christian religion.
2. The oath of office was to be administered only after the applicant had subscribed to a declaration of his belief in the Christian religion.
3. For expressing disbelief in the Trinity, capital punishment, branding of the forehead and boring of the tongue of the offender were penalties.
4. For labor on the Lord's day founded in honor of Christ, and commonly called Sunday, penalties were prescribed.
5. Jews were under marked disabilities as jurors and as witnesses.
6. Marriage by a rabbi was not clearly licensed in fitting terms.

<sup>2</sup> Maryland did not enter the Confederation until 1781, but ratified the Federal Constitution, April 28, 1788, and thus entered the Federal Union at an early date.

<sup>3</sup> "We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty," etc. Preamble to first Declaration of Rights, 1776. Article II of the Declaration of Rights, cited and approved in many decisions of the Maryland Court of Appeals reads: "The Constitution of the United States and the laws made or which shall be made in pursuance thereof and all treaties made . . . are and shall be the supreme law of the state and the judges of this state and all the people of this state are and shall be bound thereby, anything in the constitution or the law of this state to the contrary notwithstanding."



THE FIGHT FOR RIGHT TO HOLD PUBLIC OFFICE.

In 1797 a determined effort was begun by Solomon Etting,<sup>4</sup> and his father-in-law, Barnard Gratz, late of Philadelphia, to make it possible for the Jews of Maryland to hold public office under the state law without first declaring a belief in the Christian religion. A bill drafted originally for that purpose by William Pinkney,<sup>5</sup> and called the Jew Bill, was championed, session after session at great sacrifice and even at the cost of defeat for office, by Thomas Kennedy of Washington County. The fight for Jewish civil rights began in earnest in 1818.<sup>6</sup>

<sup>4</sup>The Etting family had been conspicuous in local history and communal activity. Reuben Etting in 1798 had been Captain of the Monumental Blues, and he and other Jews had fought with distinction in the defense of Baltimore City, September 12, 1814. Of Solomon Etting it is written: "His interest in public affairs was keen and sustained; his intercourse and friendship with persons engaged in public life large and intimate, and his concern for the full emancipation of the Jews of Maryland intense. He was the author of the successive petitions for relief and the proposed constitutional amendments that besieged every session of the General Assembly from 1816 to 1826. He was the moving spirit of the sharp legislative struggle that followed each effort and it was his personal friends, largely out of respect for him who led the successive contests." J. H. Hollander, "Maryland," in "The Jewish Encyclopedia," vol. viii, p. 361.

<sup>5</sup>In an address to the General Assembly, January 10, 1823, on "Civil Rights and Religious Privileges," Kennedy ascribed the Jew Bill to William Pinkney, then already dead.

<sup>6</sup>The fight on the Jew Bill began under the leadership of Kennedy at the December session, 1818. Brackenridge read from Madison's Memorial to the Virginia Legislature on the test law of Virginia, from Judge Tucker's "Notes on Blackstone"; and referred to *Niles' Register*, vol. xii, p. 295. Kennedy followed, saying: "The constitution of the United States has guaranteed to every American citizen the right of worshipping God in the manner he deems most acceptable to him, and this right is violated



The bill was finally enacted into law on February 26, 1825, the last day of the session, by a vote in the House of Delegates

---

whenever the citizen is made to feel the consequence of his opinion, either by direct bodily inflictions or by disqualifications.

"The test . . . holds out the reward of office and dignities for conversion or denounces the punishments of partial degradation in the common belief of citizenship, while they persist in their unbelief. Can it be possible that in this enlightened age and country, we have not renounced the impious practice of propagating religion by the sword? Let us substitute the only real test of the qualifications for public office; that of public and private worth, character and reputation. For my own part, I would rather have my name recorded among the supporters of this bill, than be raised to the highest office in the state.

"In Baltimore city there are Jewish families who in point of respectability and worth are inferior to none; who are known only as different from the Christians in their religious tenets; who are educated in the same schools with our youth and like them glory in being Americans and freemen." This referred apparently to the Ettings and the Cohens. He mentioned the "American Orator," a school text-book, containing speeches by champions of universal toleration, and gave instances of Jews in the military schools. He may have referred to Simon M. Levy, the hero of Maumee Rapids, who was one of two in the first class sent by Maryland to the Military Academy at West Point. Appended to the published report of the speeches are strong and informing editorial utterances, denouncing such intolerance as had up till then been shown by Maryland, taken from the following newspapers: *Independent Press*, Natchez, Miss.; *Virginia Republican*, Danville, Va.; *Southern Patriot*, Charleston, S. C.; *Genius of Liberty*, Winchester, Va.; *Freeman's Journal*, Aurora, and *Franklin Gazette*, Philadelphia, Pa.; *Eagle*, Shepherdstown, Va.; and *Maryland Censor*. In addition, there are extracts from letters of Thomas Jefferson, dated May 27, John Adams, July 31, and James Madison, May 15, 1818. See "Sketch of the Proceedings in the Legislature of Maryland, December Session, of what is commonly called the Jew Bill, containing the report of the Committee appointed by the House of Delegates to consider the justice and expediency of extending to those persons professing the Jewish religion the same privileges that are enjoyed by the Christians, together with the bills reported to the Committee and the speeches of

of 26 to 25, the remainder of the 80 members being absent; at the next session, on January 5, 1826, "the Act for the

---

Thomas Kennedy, Esq., of Washington County, and H. M. Brackenridge, Esq., of Baltimore City," Baltimore, 1819, a copy of which is in the collections of the American Jewish Historical Society; Governor Worthington's speech on the Maryland Test Act of 1824, and the speech of Thomas Kennedy in the Legislature of Maryland, January 10, 1823, "Civil Rights and Religious Privileges," on an act to extend to all citizens of Maryland the same civil and religious privileges that are enjoyed under the constitution of the United States. Kennedy closed with the words: "Even on a dying pillow, it will comfort us to think that we have done at least one good act in our lives, that we have been instrumental in establishing religious freedom in Maryland, that we have broken the yoke of superstition and prejudice, and let the oppressed go free, and that we have caused happiness to many an anxious heart." Among other notable speeches on the Jew Bill is one by John S. Tyson. Other champions of equal civil rights were John V. L. MacMahon, E. S. Thomas, General Winder, and Colonel W. G. D. Worthington. Scharf, "History of Maryland," Baltimore, 1879, vol. iii, p. 152. A notable unsigned memorial was presented by some citizens to the Assembly of 1825, praying for the passage of the bill of 1823. It makes no mention of the Jews. "Their voice is not raised in favor, but in opposition to exclusive privilege; they ask an equality of rights with their fellow citizens. If the disqualifications under which they live were imposed as the penalty of law for civil delinquencies, of social intemperance or a disregard of the obligations of religion, they would blush to murmur; but it is, they humbly apprehend, the retribution of a too honest perseverance in conscientious faith, unmindful of political disqualifications, of social inconvenience and of individual contumely, and this same manly and virtuous constancy, which exerted in the cause of their country, would entitle them to be honored as patriots, exposes them to proscription, when exercised in the service of the acknowledged God." Kennedy was roundly denounced on his return home from the legislature of 1818 and called Judas Iscariot, and "one-half Jew and the other half, not Christian." However, he was reelected to the two succeeding sessions of the General Assembly, but in 1821 he was defeated largely because of his continuing his ardent fight for religious liberty and because of Kennedy's "Jew Baby" and "Jew Bantling." Of the 40 members of the General Assembly



Relief of the Jews of Maryland being the Act passed at the December session of the Assembly of 1824," was finally confirmed.' It was not as broad, liberal and just a measure as Kennedy's plan looking to the abolition of all sectarian tests for office-holding, but a compromise bill.

Thereafter, and even now, every Jew elected to or appointed to office, was compelled to subscribe to a belief in a future state of rewards and punishment.\* Citizens unwilling to avow a belief in Christianity, or being Jews, were unwilling to subscribe to a belief in a hereafter; non-conforming Christians

---

of 1822, who voted for the Jew Bill, 16 were defeated. Kennedy was again defeated at the election of 1823. For a sketch of Kennedy see *Jewish Comment*, January 9, 1914. This was written by Clara Riley, who won the prize offered by I. S. Kahn of Hagerstown, Md., through the Washington County Historical Society.

\* Act of 29th January, 1823 entitled "A bill to extend to all citizens of Maryland, the same civil and religious rights and religious privileges that are enjoyed under the constitution of the United States."

\* The Declaration of Rights preceding the present constitution of 1867 of Maryland prescribed: "That no religious test ought ever be required as a qualification for any office of profit or trust in this State other than a declaration in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution." Nevertheless it will be noted that until the present day the Code of Maryland, Public General Laws, Article LXX, §9, prescribes that the oath of office must be preceded by a declaration of belief in the Christian religion, and if the officer professes to be a Jew, he must declare his belief in a future state of rewards and punishments. True liberty requires that there be recognition of no religion. In the District of Columbia, which until 1791 was largely a part of the State of Maryland, the oath of office as used on printed forms is on the "Holy Evangely of Almighty God," although Jews are not prejudiced thereby or disqualified from taking an oath binding on their consciences. Forms of affidavits with Christological references, *e. g.*, "Upon the Holy Evangel," continue in general use in Maryland and were, likewise until recently, generally used in the District. The words could be deleted by Jews and other dissenters, however.

and Jews, unwilling to submit or subscribe to the test, deists (like Thomas Jefferson), atheists, Pantheists, Moslems, Buddhists, and Brahmins were excluded from office. This is still the law of Maryland.

Immediately after the enactment of the Jew Bill into law, Solomon Etting and Jacob I. Cohen were elected members of the City Council of Baltimore, and subsequently the latter was elected president of the First Branch thereof. The change in public opinion was largely due to the influence of Cohen, the Ettings and their families.

The trend of public opinion and the breadth of view of the members of the legislature may be gauged by the defeat in one house of the charter for the Baltimore Hebrew Congregation in 1829. A bill had been introduced by Delegate H. Hunt to grant a special charter to Nidche Israel (Scattered of Israel) Congregation, *i. e.*, to incorporate the Baltimore Hebrew Congregation. On its second reading, February 6, 1830, the bill was rejected. However, the vote was reconsidered, and the bill, after this narrow escape from defeat, finally passed both houses. No debate on the bill, either at the time of its defeat or at the reconsideration of the vote killing the bill has been reported.\* The Jewish population of Baltimore City was only 150 at this time.<sup>30</sup>

#### PENALTIES FOR DENYING CHRIST.

It will be remembered that the mere denial of the divinity of Jesus brought on the trial for blasphemy of "ye Jew Doctor" Lumbrozo in the newly-founded colony of Maryland. His

\* In December, 1827, Hunt presented to the House of Representatives a Memorial of "sundry citizens of the City of Baltimore praying that they may incorporate under the name and style of the scattered Israelites for the purpose of building a Synagogue," "History of the Baltimore Hebrew Congregation," by Rev. Dr. A. Guttmacher, Baltimore, 1905.

<sup>30</sup> In 1825 Solomon Etting computed the number of Jews in Baltimore at 150, *ibid.*, p. 21. In the state he estimated there were 150 more; see Scharf, *supra*, p. 153.

trial in 1658 followed hard on the Edict of Toleration of 1649 by which Lord Baltimore made himself famous for all time; but that instrument expressly excluded Quakers, while Jews were not to share in its benefits. However, Lumbrozo was freed from a possible hanging only by the general amnesty proclaimed in honor of the succession to the Lord Protectorship of Richard Cromwell.<sup>22</sup>

In 1776 the statute against blasphemy of 1715, reënacted in 1723, was in force, and it remained unchanged until 1819. At this time two of the penalties, boring of the tongue and branding of the forehead, were stricken out by legislative enactment, Kennedy having called attention to them in his great speech on the Jew Bill at the session of 1818. Hanging, the extreme penalty, was never expressly abolished by statute.<sup>23</sup> Under the present statute

to blaspheme or curse God, or to utter profane words of or concerning our Saviour, Jesus or the Trinity

is an offense against the dignity and majesty of the law of Maryland, the penalty for this crime being \$100. It may be noted that the law of 1723 governing blasphemy established

<sup>22</sup> See the Edict of Toleration of Maryland; note 1, *supra*; "The Jewish Encyclopedia," *supra*.

<sup>23</sup> By the Act of 1723 of the General Assembly of Maryland it is prescribed: "That if any person shall hereafter, by writing or speaking, blaspheme God or deny our Saviour to be the Son of God or shall deny the Holy Trinity . . . or the Godhead of any of the Three persons . . . or shall utter any profane words concerning the Holy Trinity or any persons thereof . . . [he] shall, for the first offense, be bored through the Tongue; on second offense stigmatized by burning in the forehead with the letter B . . . for the third offense, shall suffer death without benefit of the Clergy." The original Act of 1715 on which this was founded refers to adultery and fornication, to blasphemers, and to abjuration on the oath of a Christian. The Act of 1723 was repealed by Act of Assembly passed January 11, 1820. By the Codes of 1859 and 1860 this definition appears: "Blasphemy of or uttering any profane words of and concerning our Saviour Jesus Christ or of

as its corollary the equally obsolete Sunday law of to-day, so that, according to Judge Chambers of the Maryland Court of Appeals, by failing to observe its provisions as to the observance of the Lord's day, one actually blasphemes the head of the Christian Church, in whose honor the Lord's day is set apart."

#### DISABILITY OF JEWS AS WITNESSES AND JURORS.

By the Act of 1717, in force at the time of the Revolutionary War, the testimony of a negro was not admissible in evidence in any cause before a court or magistrate wherein a "Christian" white person was concerned. This clearly militated against Jews. Through the efforts of John P. Kennedy, at the instance of Dr. Joshua I. Cohen,<sup>44</sup> the Assembly by Act of January 23, 1847, remedied the discrimination by omitting the word "Christian" from the text. The rules of evidence in the codes of law subsequently adopted omit all reference to the disqualification.

---

and concerning the Trinity . . . to be fined \$100 or jailed 6 months." See present statute in substantially same words, Annotated Code of Maryland, 1914, Article XXVII, §21. The Declaration of Rights in the French Revolution provided: "No one shall be disquieted on account of his opinions religious or otherwise, provided their manifestation does not disturb the public order established by law."

<sup>44</sup> A proper statute would allow equal rights to all creeds, with special privileges and exception to none, even the creedless, and in order not to have special legislation in the interest of any church and yet to prevent breaches of the peace for using language disrespectful to any person or thing sanctified by any church or religious organization in a manner calculated to arouse any of its communicants, would reenact the Third Commandment of the Decalogue in modern phraseology.

<sup>45</sup> Dr. Joshua I. Cohen attended the Constitutional Conventions of 1850 and 1867 for the purpose of securing the elimination of all discriminations for religious beliefs and practices from that instrument.

Maryland law-makers have ever deemed it a duty to care solicitously for the religious beliefs of their fellow-citizens but only in grandiloquent terms. Beginning with the Declaration of Rights in the state constitution of 1776,<sup>14</sup> and in each succeeding one, the people of Maryland are enjoined to worship God. At first the legislature had the power in their discretion to lay a general and equal tax for the support of the Christian religion, but this provision soon disappeared. How-

<sup>14</sup> The Declaration of Rights of 1776 prescribed, §33: "That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him; all persons professing the Christian religion are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession or for his religious practice; yet the legislature may in their discretion lay a general and equal tax for the support of the Christian religion." By §35 it is provided that no other test or qualification ought to be required on admission to any office of trust or profit than such oath of support and fidelity to this State, and such oath of office as shall be directed by this Convention or the Legislature of this State and a declaration of a belief in the Christian religion. In §36 exception is made as to administering an oath by attestation of the Divine Being, and Quakers, Dunkers and Mennonites " . . . ought to be allowed to make their solemn affirmations." By the Amendment of 1796, Article III, Quakers, Mennonites, Dunkers, Nicolites and New Quakers may, instead of taking an oath of office, make affirmation. By *ibid.*, Article V, §1, Quakers, Nicolites, New Quakers and Dunkers may affirm as witnesses. The Declaration of Rights, 1851, Article XXXIII is the same as present Article XXXVI, touching the qualification of witnesses and jurors. Article XXXIV provided: "That no other test or qualification ought to be required on admission to any office of trust or profit than such oath of office as may be prescribed by the Constitution or the laws of the State and a declaration of belief in the Christian religion, and if the party shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards or punishments." This was modified so that the present Article XXXVII omits the references to the two religions.

ever, each constitution in its turn provided that one must believe in the

existence of God and that under His dispensation such person will be held morally accountable for his acts and be rewarded or punished therefor in this world or in the world to come,

as an indispensable qualification and prerequisite to act as witness or juror. This discriminated against certain non-conformists, atheists and agnostics. Many deists, men of note, are unable to qualify as witnesses or jurors in Maryland to-day. The law also probably operates against such Jews as do not believe in bodily resurrection or in Paradise or Gehenna."

#### MEDIAEVAL SUNDAY LAWS OF THE CHURCH.

The Sunday law of the State of Maryland in its inception, construction and enforcement is distinctly a relic of the mediaeval union of church and state. It was enacted in its present form in 1723 as part of and corollary to the Blasphemy Act of that year. No work is allowed on

the Lord's day commonly called Sunday except works of charity and necessity; . . . . nor shall [it be permissible to] . . . . suffer children or servants to profane the Lord's day by gaming, fishing, fowling, hunting, or unlawful pastime or recreation.

Gaming here is clearly distinguished from fowling and hunting and covers card playing, which with other "recreations and pastimes" is forbidden."

"The Pittsburgh Conference of Reform Rabbis of 1885 adopted as part of its platform that it was no longer essential to believe in Paradise or Gehenna, "The Jewish Encyclopedia," vol. iv, p. 218. Reform Jews, according to Dr. Kaufmann Kohler, have no further belief in bodily resurrection, *ibid.*, p. 359.

"The Code of Baltimore City penalizes "pitching quoits, flying a kite, playing bandy or ball or any other game or sport on the Sabbath Day." The Court of Appeals of Maryland decided that ball-playing is illegal even when it does not disturb Christian worship or rest. See *Hiller v. State, infra*.

As far back as 1834 Judge Chambers for the highest court decided that the Lord's day or "Christian Sunday," the Sabbath set apart as the day of rest, is the day consecrated by the resurrection of the Christian Saviour. He clearly referred to the section of the Act of 1723 governing blasphemy. Judge Boyd, later Chief Justice, speaking for the whole court in 1894, cited and approved this decision in affirming the sentence of a Seventh-Day Baptist farmer, who tilled his field on Sunday after his Saturday rest, and added:

If the Christian religion is incidentally or otherwise benefited or fostered by having this day of rest, as it undoubtedly is, there is all the more reason for the enforcement of laws that help to preserve it . . . to promote the cause of Christianity.<sup>24</sup>

#### ARE RABBIS NOW LICENSED TO MARRY?

There is a manifest omission in the laws of Maryland governing the solemnization of marriage so far as non-conformist Christians, other than Quakers, Jews and other disbelievers in the Gospel are concerned. Marriage for them may be solemnized by the publication of the banns in a house of worship, and

<sup>24</sup> See *Judefnd v. State of Maryland*, 78 Md., 510 (1894); *Kilgour v. Miles et al.*, 6 Gill and Johnson, 274 (1834), given in *Publications, supra*, No. 11, p. 103; *Hiller v. State*, 124 Md., 385 (1914), which affirmed the earlier opinion. In 1912 the writer procured the introduction of an amendment to the Sunday law, exempting from civil prosecution habitual Seventh-Day observers who did not disturb religious worship or Sunday rest; and he campaigned in its interest. Senator William Ogden, of Baltimore City, introduced the bill, which was not reported to the Senate. Rev. Dr. A. Guttmacher, Israel Silberstein, Adolph Kres, Louis Katzner, Morris Selenkow and A. S. Shochet, all of Baltimore City, accompanied him to the hearing on the bill accorded by the Committee. In the legislature of 1914, under similar auspices, Delegate Duke introduced a bill applying only to Baltimore City, and allowing certain rights to storekeepers who religiously and regularly observed the Seventh-Day Sabbath. It was not reported on favorably by the Baltimore City delegation to the House of Delegates.

the language here is broad and unexceptionable. Otherwise, it is an indispensable requirement for a valid marriage in Maryland that there be a license, and, as a condition precedent absolute, a religious ceremony. The license is directed

to any minister of the Gospel or other officer or person authorized by law to solemnize marriage;

but there is nothing to be found in the law of Maryland or in the decisions of its highest court so authorizing any officer or person, and of course a rabbi is not a minister of the Gospel. The law ought to be amended. However, until it is, there is no likelihood that any marriage solemnized under a state license and subsequently consummated will be declared invalid in this state, but it is possible that there will be, as in England, appeals to the courts to settle questions of marital rights easily fixed by timely statutory amendment."

"The writer, several years ago, was called upon for a legal opinion as to the authority of a Hazan of a Reform synagogue of Baltimore to solemnize the marriage of two members of the congregation on Tish'a b'Ab, on which day, according to the laws of orthodox Jews, marriages are not celebrated, and which is not observed as a fast day by Reform Jews. Two questions arose; first, as to the authority under the laws of Maryland of this Cantor to perform a marriage in the absence of the rabbi of the congregation from the city, and second, presuming such authority, then as to the marriage on the day stated. All the other Reform ministers were absent from the city. The writer gave it as his opinion that the Cantor ordinarily could rely upon having sufficient authority to solemnize such a marriage, especially if he had credentials from his congregation, since the performance of a formal religious ceremony, which the parties considered binding, would undoubtedly be held by the courts of Maryland as a religious ceremony sufficient for all purposes. As to his officiating on the day mentioned, the opinion was ventured that no Jew would be justified in the eyes of the synagogue in performing such a marriage unless he was a member of the Central Conference of American Rabbis, which had abrogated the Talmudic authority on the subject. The advice was given to postpone the ceremony until

It is clear that Maryland will have to change its Declaration of Rights<sup>2</sup> and its Constitution, as well as many of its laws, before it can stand forth as a state where equal rights for all prevail, or approach the standard set for it by Thomas Kennedy a century ago, to the effect that disbelievers in the Gospel be not content to come before the law under toleration

nightfall when the question could not arise. However, for the reason stated above, even if performed, the ceremony would probably be considered binding and legal by Maryland tribunals, although open to possible attack by the parties themselves. Subsequently the Baltimore Jewish Committee was formed by Reform and Orthodox Rabbis at the residence of Rev. Dr. William Rosenau, with the writer as chairman, to consider just such questions, and to appear in public as a local authority to speak for the Jewish community on questions of ritual ceremonies and the religious rights of Jews. At the 1916 session of the Maryland legislature a bill to amend the marriage laws was introduced. This committee sought, thereupon, to amend the provisions affecting the license, so as to give ordained rabbis and others, holding credentials from Jewish congregations, equal rights with ministers of the Gospel. The bill failed to pass the house.

<sup>2</sup> The Declaration of Rights of the present Constitution of Maryland (1867) in Article XXXVI says: "That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain or contribute unless on contract, to maintain any place of worship or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief, provided he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or in the world to come."



and patronage. The Jews of to-day must follow the Cohens and Ettings in their efforts of an earlier time to eliminate references to Christianity or the Gospel, and to remove all discriminations against those who do not believe therein from the law; provided, always, that no man be allowed to disturb the worship of his neighbor or to interfere with his rest or rights. Equality of all religionists and others before the law, not a mere toleration of dissenters from the accepted form of Christianity, can alone satisfy the demand of all true liberals.

