

statute penalizing intermarriage was enacted.⁸⁰

Maryland now had a state church which alone could hold public worship and evangelize, and which alone could perform valid marriages and burials. By 1749 Protestant worship was placed strictly on a sufferance basis, and to celebrate the Mass publicly was forbidden.⁸¹ The assembly repeatedly denied incorporation rights to dissenting churches, despite the well-known difficulties of the trustee system.⁸²

In 1746 Governor Bladin ordered a proclamation imprisoning any priest found converting Catholics.⁸³ So keen was the persecution in Maryland that, six years later, the Catholic community authorized Charles Carroll, father of the Signer of the Declaration of Independence, to apply for a tract of land in Louisiana.⁸⁴ In 1756 a double tax was levied upon Catholics for the support of the colony's militia.⁸⁵

Said the Reverend Thomas Bacon, "Religion among us seems to wear the face of the country; part moderately cultivated, the greater part wild and savage."⁸⁶

⁸⁰ Bacon's Laws ch. 24, §12 (1729).

⁸¹ COBB, *supra* note 78 at 376-77. In 1700 the Book of Common Prayers had been made standard in the English Church, and the Act of 1704 had permitted Mass to be held only within a private family setting. *Id.* at 388-89, 397.

⁸² P. DIGNAN, HISTORY OF THE LEGAL INCORPORATION OF CATHOLIC CHURCH PROPERTY IN THE UNITED STATES, 1784-1932, at 27-28 and 38-39 (1935).

⁸³ Maryland Gazette, July 22, 1746.

⁸⁴ RUSSELL, *supra* note 71 at 414.

⁸⁵ 1 ARCHIVES 419 (1883).

⁸⁶ Quoted in RUSSELL, *supra* note 71 at 458.

**INDEPENDENCE TO THE FIRST
AMENDMENT IN MARYLAND
1776-1791**

A leading historian of Maryland suggests that one of the major causes behind this State's participation in the American Revolution was the proprietary's intolerance toward Catholics and other dissenters.⁸⁷ This theory is undoubtedly valid. Maryland led her sister colonies in the struggle to be free from taxes for the support of a particular religion to which the taxpayer did not belong; the struggle to be free from laws compelling dissenters to attend services of the Established Church; and the struggle for equal economic opportunities for dissenters and an end to all preferences held by members of the dominant faith.

By its Declaration of Rights (1776) Maryland became the first of the original thirteen colonies to extend toleration of all Christian sects.⁸⁸ In short, no person was to be compelled to frequent any particular place of worship.⁸⁹ This was but a step; after almost a century of Protestant domination, change could not be overly abrupt.⁹⁰ The first Constitution still empowered the legislature to "lay a general and equal tax, for the support of

⁸⁷ When in 1763 a tax for the support of the Established Church was revived, "a war of essays, as fierce as the war of words that preceded it," began in the press. It ultimately sparked the debate between Daniel Dulaney, the provincial secretary, and Charles Carroll of Carrollton, who spearheaded Maryland's fight for religious freedom and entry into the united Revolution. 2 J. SCHARF, HISTORY OF MARYLAND 125ff. (1879).

⁸⁸ WERLINE, *supra* note 52 at 196.

⁸⁹ Md. Const., Dec. of Rights, art. 33 (1776).

⁹⁰ See A. NILES, MARYLAND CONSTITUTIONAL LAW 54-56 (1915) (Articles XXXVI, XXXVII, XXXVIII).