

the Christian religion."<sup>91</sup> It still gave freedom only to "those professing the Christian belief"<sup>92</sup> and all public officials had to be Christian.

Catholics were unanimously appreciative. One priest wrote, "The toleration here granted by the Bill of Rights has put all on the same footing and has been a great service to us." Bishop John Carroll said, "If we have the wisdom and temper to preserve [freedom of religion], America may come to exhibit a proof to the world, that general and equal toleration, by giving a free circulation to fair argument, is the most effectual method to bring all denomination of Christians to a unity of faith."<sup>93</sup>

Nevertheless, Quakers, Dunkers and Mennonites were denied the right to appear as witnesses in capital criminal cases,<sup>94</sup> and not until 1826 would Jews be permitted to hold public office.<sup>95</sup> Certain influential clergymen of the day viewed requests to the legislature to enact laws aiding Christian teachers as the first steps to a return of Establishment.<sup>96</sup> The danger of *de facto* establishment was expressed strongly by Reverend Patrick Allison, the first pastor of the First Presbyterian Church in Baltimore, who stated, "All possible descrip-

tions of Christians are equally entitled to the countenance and favour of government." The legislature could not confer on one church "the smallest preference or distinction, which was withheld from, or denied to, any of the rest."<sup>97</sup>

Moreover, Reverend Allison was an outspoken opponent of legislation for public support-of-religion laws, which he viewed as intended to finance the Episcopal Church alone. Although there was no general aid to religion in Maryland during the immediate post-Revolutionary period, the State did finance isolated churches and church-related schools.<sup>98</sup> (During the 1776-1789 period many states thought it proper to aid the cause of religion and religious education by authorizing churches to conduct lotteries; since this practice was not available to citizens, such legislative favor also constituted a form of government aid to religion and church-related education.)<sup>99</sup>

<sup>97</sup> ANTIEAU, DOWNEY & ROBERTS, *supra*, 36.

<sup>98</sup> *Id.* at 67-68. Thus in 1784 the State gave Washington College—an Episcopal institution—£1250 and other financial aid, and in 1788 the legislature appropriated £742 for the building of a church in Annapolis. There is further evidence of grants to other institutions of learning which had strongly religious orientations, if not denominationally controlled. *Id.* at 68. Also, in 1791 the legislature advanced £200 for a church building in St. Anne's Parish in Annapolis. *Journal of the House*, Dec. 27, 1791. See also, MARNELL, *supra* note 96 at 110.

For the most recent case dealing with the church-state problem and summarizing the differing views, see *Horace Mann League v. Bd. of Pub. Works*, 242 Md. 645, 220 A.2d 51 (1966), in which the Court of Appeals of Maryland held that state grants to three of four local colleges were unconstitutional.

<sup>99</sup> *Id.* at 74.

<sup>91</sup> Article 33.

<sup>92</sup> *Ibid.* Of the first thirteen state constitutions, only two (Virginia and Rhode Island) granted full religious freedom. Maryland was one of two (the other, Delaware) to insist on Christianity and one of three (the others, New York and South Carolina) to exclude ministers from public office. COBB, *supra* note 78 at 501.

<sup>93</sup> Quoted in ANTIEAU, DOWNEY & ROBERTS, *supra* note 77 at 58-59.

<sup>94</sup> WERLINE, *supra* note 52 at 157.

<sup>95</sup> M. ANDREWS, *HISTORY OF MARYLAND* 450 (1926).

<sup>96</sup> ANTIEAU, DOWNEY & ROBERTS, *supra* note 77 at 173. See W. MARNELL, *THE FIRST AMENDMENT* 139-41 (1964).