the religious liberty clauses in both the federal and state constitutions have been decided in recent years by the Court of Appeals of Maryland and by the Supreme Court of the United States. A brief catalogue of the more important holdings is presented here.

In *McGowan v. Maryland,*[132] the State's Sunday closing laws,[133] which generally prohibit the sale on Sunday of all merchandise other than food, medicine, gasoline and other necessaries, were attacked as violations of the prohibition against establishment of religion, as infringements upon religious liberty, and as denials of equal protection of the laws. The Supreme Court affirmed the Maryland Court of Appeals in overruling all three of the above-noted contentions. The Sunday laws were held to be, not religious, but social welfare legislation, designed to set aside a day for rest, relaxation, and family togetherness—although the original purpose of the statutes was admittedly in preference of one religion, said the Court, such is no longer the case. Moreover, the Court would not concern itself with questioning the wisdom of the legislature in enacting seemingly arbitrary laws, so long as their primary purpose was social welfare. (On the other hand, if the object was to use the State's coercive power to aid religion, the Establishment Clause would be violated.)

Torcaso v. Watkins involved a notary public, duly appointed by the governor, who was denied his commission because he refused to declare a "belief in the existence of God," as required by Article 37 of the Maryland Declaration of Rights, *supra.* The Court of Appeals upheld the requirement:

> ". . .[W]e find it difficult to believe that the Supreme Court will hold that a declaration of belief in the existence of God, required by Article 37 . . . is discriminatory and invalid . . . . As Mr. Justice Douglas, speaking for a majority of the Court in *Zorach v. Clauson,* 343 U.S. 306, 313, said: 'We are a religious people whose institutions presuppose a Supreme Being."[134]

However great the disbelief of the Court of Appeals, the Supreme Court did find the test to be an unconstitutional violation of the First and Fourteenth Amendments, and reversed.[135] Said the High Court:

> "Nothing decided or written in *Zorach* lends support to the idea that the Court there intended to open up the way for government, state or federal, to restore the historically and constitutionally discredited policy of probing religious beliefs by test oaths or limiting public offices to persons who have, or perhaps more properly profess to have, a belief in some particular kind of religious concept".[136]

Torcaso's denial of the constitutionality of the requirement that an office-seeker declare his belief in a deity would likewise seem to invalidate the use of the language in Article 39, "attestation of the Divine Being."

The issue before the courts in *Murray v. Curlett* was whether daily bible reading pursuant to a rule of Baltimore

[132] 366 U.S. 420 (1961); *see also* STOKES & PFEFFER, *supra* note 123 at 137-41.

[133] MD. CODE ANN. art. 27, §521 (1967).

[134] 223 Md. 49, 58 (1959).

[135] 367 U.S. 488 (1961).

[136] 367 U.S. 488 at 494. *See also* P. KURLAND, RELIGION AND THE LAW, 107-08 (1961).