

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 the world to come.

A plea in abatement alleging that one of the grand jurors who indicted the traverser did not believe in the truths of the Holy Scriptures, is bad; this article does not so require. The provision that no one should be deemed incompetent by reason of his religious belief provided he believes in the existence of God and His dispensation of rewards and punishments, means that no one is competent as a juror who does not so believe. If a grand juror is incompetent, the indictment is void. *State v. Mercer*, 101 Md. 537.

This article and art. 37 referred to in holding that the act of congress of February 26, 1885, prohibiting the immigration of aliens under contract, etc., had no application to a minister of the gospel. *Church, etc., v. United States*, 143 U. S. 457.

An ordinance of the City of Baltimore of 1827, in so far as it prohibits the playing of baseball on Sunday in said city, held not to violate this article. *Hiller v. State*, 124 Md. 388.

This article referred to in discussing the jurisdiction of the chancellor over infants. *Corrie's case*, 2 Bl. 503.

Art. 27, sec. 483 (prohibiting work on Sunday), held not to violate this article. *Judefind v. State*, 78 Md. 511.

Art. 37. That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

History of this article. See notes to art. 1, sec. 6. *Davidson v. Brice*, 91 Md. 688. See art. 70 and notes to art. 36 of the An. Code.

Art. 38. That every gift, sale or devise of land to any Minister, Public Teacher or Preacher of the Gospel, as such, or to any Religious Sect, Order or Denomination, or to, or for the support, use or benefit of, or in trust for, any Minister, Public Teacher, or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination; and every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the Seller or Donor, to or for such support, use or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination, without the prior or subsequent sanction of the Legislature, shall be void; except always, any sale, gift, lease or devise of any quantity of land, not exceeding five acres, for a church, meeting-house, or other house of worship, or parsonage, or for a burying-ground, which shall be improved, enjoyed or used only for such purpose; or such sale, gift, lease or devise shall be void.

**Article not applicable.**

This article has no application to personal property passing to foreign corporations or individuals living abroad; it is no concern of our state whether personal property accumulates in the hands of foreign corporations. This article is analogous to the