

TOLERATION IN MARYLAND

BRENDAN SULLIVAN, O.P.



HE year 1934 will commemorate few events so worthy of honor as the Tercentenary of Maryland. The world in general, and the United States in particular, owes a debt of gratitude to Maryland "the first in the annals of mankind to make religious freedom the basis of the state."¹ From the reign of Constantine to the founding of Maryland no serious effort was attempted to establish the doctrine of toleration as a political principle. During this time all governments regarded freedom of conscience not only as an evil to the Church, but also to the State. Thousands upon thousands had been sacrificed on the altar of intolerance, and what is worse a far greater number professed faith in doctrines which were contrary to the dictates of their conscience.

Maryland's historians may justly proclaim her as the "cradle of religious liberty." They may proudly cite the praises of George Calvert, the first Lord Baltimore, who requested and obtained from Charles I the Charter for Maryland, and of Cecil Calvert, the second Lord Baltimore, to whom, on account of the death of his father, the Charter was issued. They may likewise glory in the administration of Leonard Calvert, the first governor, and his council for their vigilant enforcement of the doctrine of toleration. They worthily honor the Assembly of 1649 for passing the Toleration Act, embodying all the laws and customs pertaining to matters of religion which were observed in the Colony during the first fifteen years of its existence.

The Tercentenary of Maryland offers Catholics an opportunity to pay their respects to the many Catholics who played a leading rôle in the founding of the Colony in which the doctrine of freedom of conscience was planted and nurtured. It was a Catholic; George Calvert, who, having been converted to the Catholic Church, resolved and made an unsuccessful attempt to found a colony at Avalon, Newfoundland, where his coreligionists, as well as other Christians, would be able to practice their religions untroubled by the sword of intolerance. Far from being discouraged at the failure of his experiment, Calvert returned to England and laid plans to establish another

¹ Bancroft as quoted by Purcell.

colony in a more favorable climate, but where the same broad principles of toleration would be enforced. George Calvert died before the Charter passed the great seal, and so the Charter was issued to his son, Cecil Calvert, another Catholic, who inherited not only the land grant but also the broad and wise policy of his father. It was a Catholic governor, Leonard Calvert, who governed the Colony from its birth in 1634 until 1647; it was an Assembly constituted of a considerable number of Catholics that ratified the Toleration Act in 1649.

When we say that Cecil Calvert is to be honored for securing a Charter that established the principle of toleration for all Christian religions we do not mean that the Charter taken in its literal sense prescribed freedom of conscience as a basic principle of Maryland's government. The Charter commanded the proprietary to protect the Holy Church, and the Holy Church meant the Church of England. Yet, it must be remembered that Cecil Calvert's main purpose in colonization was to establish a place of refuge for his coreligionists of England. The King knew Calvert too well not to be aware of his plan to permit the existence of all Christian Churches in his colony. So the Charter was worded in terms that allowed for the establishment of Churches other than that of the Anglican. At least Cecil Calvert placed such an interpretation upon the words. It matters not whether his interpretation, as some would like to have us believe, was made more from worldly wisdom than from a firm belief in the doctrine of toleration. The fact remains that the Maryland colonists acting upon Calvert's instructions planted the acorn of toleration, which was to grow into the oak whose roots would spread themselves over the entire country.

Indifference to religion cannot be ascribed as the reason for Calvert's tolerant view. Few families have been called upon to make such material sacrifices for the Catholic Faith as the Calverts. In the first place, George Calvert was a statesman of no little power—holding membership in the Privy Council and Parliament, as well as the office of a Secretary of State—at the time of his conversion. Such a step cost him not only his high political standing, but also the respect and honor of his friends. Cecil Calvert on account of his Faith was obliged to suffer the same material disadvantages as his father. As a reputable historian has said, "It was to that fact, i. e., his Catholicity, that he owed the continuous hostility he had to meet with, he had only to declare himself a protestant and all the hostility would have ceased. This he did not do." His motive for colonization was primarily religious as his own words testify:

"The first and most important design of the Most Illustrious Baron which ought also to be the aim of the rest, who go in ship, is, not to think so much of planting fruits and trees in a land so fertile, as of sowing the seeds of religion and piety."²

It was not because he feared the Anglicans or the Puritans nor because he thought that such a principle was necessary for the success of his colony that Calvert demanded the law of toleration, as is evident from the above words. We are not justified in assigning to Cecil Calvert cowardly or vicious motives for his tolerant views. To do so when all historical evidence bears out the sincerity of his statement would be to assert that man performs no good without a bad motive.

Certainly, if the Calverts were intensely and exclusively interested in increasing their wealth they could have found other means which did not entail such a perilous risk. That the colony prospered during the rule of the first and second Proprietary cannot be advanced as an argument to prove that economical factors were the primary motive for the establishment of tolerance in the Colony. Simply because prosperity accompanied Calvert's liberal policy, it does not follow that his liberal policy was enforced to ensure prosperity.

Cases of individual intolerance did come up from time to time, but these were exceptions to the general rule, and precisely because they were exceptions they attracted a great deal of attention. Yet, more than sufficient evidence can be produced to convince the unprejudiced that freedom of conscience was not only contained in the legislation, but also in the hearts of the colonists themselves.

Cecil Calvert did not come to Maryland. He appointed his brother, Leonard Calvert, the first governor of the Colony. The governor and his Council were obliged to take the oath in which was included the pledge, "'directly or indirectly' to 'trouble, molest, or discountenance,' no 'person whatever' in the province 'professing to believe in Jesus Christ.'"³ Leonard Calvert held the post of governor for thirteen years. His policy has been summed up as peace to all—proscription to none. Religious liberty was a vital part of the earliest common law of the province. To Maryland came the Anglicans of New England who were restricted in the practice of their religion; to Maryland came the Puritans and Catholics who were enduring persecution in England; all were free to worship their Creator according to the dictates of their conscience. Leonard Calvert and the Council kept their pledge. The records show of no case of per-

² Purcell.

³ Davis, *The Day Star of American Freedom*.

secution during their administration. Certainly, an admirable achievement when we consider that in the seventeenth century a religious but tolerant man was regarded as a paradox.

Cecil Calvert by his interpretation of the Charter had demanded toleration for Christian religions in Maryland. The early practice of the first government had successfully enforced his instructions. In 1649 Lord Baltimore II presented to the Assembly an Act embracing the laws and customs which had for the first fifteen years of the Colony's existence regulated matters pertaining to religion. By this proposed statute freedom of conscience was guaranteed to all and punishments were prescribed for those who violated not only the rights and privileges but even the feelings of others in religious affairs. Thus placing the matter before the Assembly, he gave the people of Maryland an opportunity to express approval or disapproval of the new-born doctrine of religious toleration. It was the Colonists' turn to officiate at the altar of religious freedom. The Assembly ratified the Bill which is commonly known to us as the Toleration Act. The people had played their part in Maryland's unique and glorious contribution to the political economy of the world.

Freedom to practice Christian religions according to the dictates of one's conscience lasted for nearly sixty years in Maryland. When William and Mary ascended the throne Maryland's Charter was annulled. The penal laws were enforced. No longer could it be said of Maryland that: "It exhibits to us the foundations of government, laid broad and deep in the principles of religious and civil liberty. At a period when religious bigotry and intolerance seemed to be the badges of every Christian sect and those who had dwelt under their oppressions, instead of learning tolerance from their experience, had but imbibed the spirit of their oppressors; and when the howlings of religious persecutions were heard everywhere around them, the Catholics and Protestants of Maryland, were seen mingling in harmony, in discharge of all their public and private duties, under a free government, which assured the rights of conscience to all."⁴

What a glorious tribute to the founders and early colonists of Maryland! Catholics should join in the commemoration of Maryland's Tercentenary with the spirit of justifiable pride. On the walls of the hall of progress the deeds of our Catholic forefathers of Maryland are engraved. In an age of intolerance and religious bigotry, they took up the banner of tolerance and religious liberty, and won the first battle for their cause.

⁴ Purcell, *History of a Nation*.