

**EARLY RELIGIOUS HISTORY  
OF MARYLAND:  
MARYLAND NOT A ROMAN  
CATHOLIC COLONY**

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Early Religious History of Maryland: Maryland Not a Roman Catholic Colony by B. F. Brown

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# Early Religious History of Maryland.

MARYLAND NOT A ROMAN CATHOLIC COLONY,

RELIGIOUS TOLERATION NOT AN ACT OF ROMAN CATHOLIC  
LEGISLATION.

BEING

THE SUBSTANCE OF A LECTURE DELIVERED BEFORE THE GUILD OF  
"ALL SAINTS CHURCH," BALTIMORE,

BY THE

REV. B. F. BROWN,

*And Published by Request.*



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1876.

## Maryland Never a Roman Catholic Colony.

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The perversions of history which come before us with all the assurance of truth, are both hurtful and difficult of correction. They mislead successive generations, deceiving their judgment and shaping their action. Tradition and myth form a large part of what men call history; and human selfishness, credulity, and prejudice, transmute them into the solidity of well-accredited facts.

No sphere of human thought is so prolific of such misleading as the religious history of individuals and nations. Often the opinion of many generations respecting some historical character or action is utterly away from the truth; because ignorance or prejudice has misstated the facts of the case; and most persons are content to accept the current view, without questioning its accuracy. In this way history is manufactured from falsehood or fancy, while frequent and confident repetition of the same lie will often silence the timid remonstrant, and confirm in error the doubtful questioner.

The good people of Maryland, in common with a large part of our whole nation, and thinking people everywhere, have been accustomed to receive, as an unquestionable fact, an assertion respecting the early history of Maryland, its settlement and government, which has no foundation in point of fact; yet has been used to mislead the ignorant, and silence the honest inquirer after truth. The error in question has been incorporated into our school-books, asserted in our newspapers, reiterated by politicians, in the interest of partisan discussion, and preached from pulpit and rostrum, until nearly our whole people give it credence, and regard the man who would call it in question as either wanting in knowledge, or blinded by prejudice. Every intelligent person who has passed the age of childhood has, in some form, met the statement that our good old State of Maryland was first settled by Roman Catholics, and that on her soil, under the government of a Roman Catholic Proprietor, and by the free act of a Roman Catholic Legislature, the grand principle of

freedom to religious opinion and worship was first enunciated. In different forms of statement, embellished by all the arts of the rhetorician, and enforced by the cunning of the politician and the zeal of the propagandist, this dream of the imagination has been put forth as fact, to refute the charge of intolerance which all history sustains against the Roman religion, and to show that intolerance and persecution are not *essential* attributes of a government loyal to the Papacy. My present purpose is to present the facts of our colonial history, and elucidate their bearing upon this great question.

There is just enough of the semblance of truth in the popular idea of our colonial origin to make the deception of those who will not, or cannot, study the real facts in the case, complete. We propose to develop these facts, in such forms as will show that there is not the first element of truth in the claim, that a Roman Catholic Proprietor, and a Roman Catholic Legislature, of their own will and generosity, made a law giving *liberty* and *equality* to all, for the exercise of their religious opinions and worship, and protecting them in the same. This is the substance of the popular statement of the matter; otherwise it would have no force as an argument and illustration in the discussion between Romanists and Protestants; and on the question of the safety of religious liberty in our country, in the event of a Roman Catholic majority, throwing the control of the Government into their hands.

To make good the popular view relative to the policy of religious toleration which characterized Lord Baltimore's administration, it must be proven, *first*, that he had the legal right under his charter, and under the laws of England, to restrict or exclude the Protestant religion and worship, and make his own faith and church—the Roman Catholic—the sole religion of the colony. Unless Lord Baltimore had this power, both under the general laws of England and by the privileges of his charter, the whole claim of a broad and tolerant policy for Baltimore and his Catholic Legislature falls to the ground.

I assert that Lord Baltimore had no such power conferred by his charter; nor had the King of England, who gave him the charter, any right or power to vest him with such a prerogative, even had he designed to do so. Lord Baltimore did not exclude Protestants from his Maryland colony, restrict them in the exercise of their re-

ligion, nor set up a Roman Catholic establishment. He did neither one nor the other, because he had neither the right nor the power to do so. If I can make good this position, then the boasted Toleration Act proves nothing for the purpose to which it is continually alleged, and the claim appears as an unfounded assumption. No one, I presume, will question that England was, at the time, a Protestant nation, and that the Protestant religion was established by law, to the entire exclusion of the Roman worship. We are to look at the constitution and laws of England to enable us to interpret Lord Baltimore's charter correctly. Here we shall find what this charter, from an English king sworn to support the laws and institutions of the nation, gave Baltimore authority to do, and also what, under the English law, he had no authority to do.

When an English King or an English Parliament, in legal acts or language, speaks of Holy Church and of the True Christian Religion, the sense is clear, as meaning the church and religion established and protected by the law of the land. Such allusions mean neither Romanism on the one side; nor Protestant Dissent on the other. At the very time when Lord Baltimore obtained his Maryland charter, the law of England opposed, and sought to repress, both Roman and Protestant dissent; while it protected and sought to extend the faith and worship of the Established Church through all the English dominion at home and abroad. Holy Church and the True Christian Religion could not mean the Roman Catholic Church: for against it the law and government protested. The great mass of the English nation rejected the Roman religion; and so keenly alive were both Parliament and people to the memory of the Smithfield fires of the Bloody Mary and the Papal Bishops, that they sought to guard against the recurrence of such a danger, by a rigorous exclusion of all Roman clergy from the kingdom of England. The English people had not forgotten that only seventy-three years before, Pope Paul the Fourth forbade Elizabeth to ascend the throne of England until she submitted her pretensions to him, and declared England to be a fief of the Apostolic See. They still remembered that Pius the Fifth, eleven years later, issued a bull against Elizabeth when she had been eleven years England's glorious Queen, declaring her a "pretended Queen of England," absolving all her subjects from allegiance to her, and cursing all who adhered to her as excommunicate heretics. Only fifty years



before, the "invincible" Armada of Spain, with the blessing of the Pope, hovered around the shores of England, commissioned by the *Pastor Pastorum* to convert by the gentle appliances of rack and stake the heretic English to the true faith, and win them back to the loving embrace of the Holy Father. Only thirty years before, the Gunpowder Plot sought to destroy the government by blowing up King, Lords and Commons, when assembled in Parliament. These events all conspired to beget in the English nation such an intense hatred to Roman Catholicism, as dangerous to the peace and liberty of the realm, that Parliament, under Elizabeth and James, passed severe repressive laws against the public exercise of the Roman Catholic religion, forbade the entrance of Romish priests within the kingdom, and compelled the English Romanist to attend the public worship of the English Church, under the penalty of twenty pounds per month. Such was the state of the public mind of the nation, and such were the laws of England, at the time Lord Baltimore obtained his charter for the territory of Maryland from King Charles. We mention these things not to approve them, but as showing the state of the English mind, and the laws of the realm, relative to the Roman Catholic Church; and as proving beyond question our assertion, that under the English law, and by the terms of his charter, Lord Baltimore had neither right nor power to restrict the full liberty of the Protestant faith and worship of the realm of England, or to set up a Roman Catholic establishment, as the religion of his colony.

We will now review the terms of the charter, and see how they accord with the position we have taken. The terms Catholic or Protestant do not occur in the charter; nor anything equivalent to the narrower and more technical sense in which they are commonly used. But there are terms in the charter which, interpreted as they must be, in the sense of the constitution and laws of the realm, put the legal meaning of the charter, in all that pertains to ecclesiastical matters, beyond question. The fourth section of the charter provided that —

"the patronages and advowsons of all churches which (with the increasing worship and religion of Christ) within the said region, islands, islets and limits aforesaid hereafter shall happen to be built; together with license and faculty of erecting and founding churches, chapels and places of worship in convenient and suitable places within the premises, and of causing the same to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England."

Now, the ecclesiastical laws of the kingdom of England made no provisions for the consecration of Romish or dissenting churches or chapels; and when the charter speaks of churches and chapels to arise within the Maryland colony which are to be consecrated "according to the ecclesiastical laws of the kingdom of England," it is speaking in the sense of English law, and plainly means such churches and chapels as were provided for by the laws of the kingdom. We must not imagine so absurd a thing, as that the King of England would grant to a subject a charter investing him with the right to set up, in a distant province of the empire, a hostile religion, with exclusive power, whose very existence and worship were forbidden by the laws of England. The presentation to the churches of the Province was in the Proprietor; but with the restriction that every church within the province, if consecrated at all, was consecrated by the Bishop of London or his Commissary, according to the laws of the English Church.

The tenth section of the charter provides and commands that the Province of Maryland, while given to Lord Baltimore, with unusually large and full proprietary rights, shall yet be ever regarded as a part of the empire, owing allegiance to and under its protection. We quote in full the explicit language of this section :

" We will also, out of our abundant grace, for us, our heirs and successors, do firmly charge, constitute, ordain and command, that the said province be of our allegiance; and that all and singular the subjects and liege-men of us, our heirs and successors, transplanted or hereafter to be transplanted, into the province aforesaid, and the children of them, and of others their descendants, whether already born there or hereafter to be born, be and shall be liege-men of us, our heirs and successors of our Kingdom of England and Ireland; and in all things shall be held, treated, reputed and esteemed as the faithful liege-men of us, and our heirs and successors, born within our Kingdom of England; also lands, tenements, revenues, services, and other hereditaments whatsoever, within our Kingdom of England, and other our dominions, to inherit, or otherwise purchase, receive, take, have, hold, buy and possess, and the same to use and enjoy, and the same to give, sell, alien and bequeath; and likewise all privileges, franchises, and liberties of this our Kingdom of England, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same manner as our liege-men born, or to be born, within our said Kingdom of England, without impediment, molestation, vexation, impeachment, or grievance of us, or any of our heirs or successors; any statute, ordinance, or provision to the contrary thereof, notwithstanding."

The "privileges," "franchises" and "liberties" of Englishmen were just such as the law gave them, no more, and no less. These

"franchises" were ecclesiastical as well as civil, the former defined by the ecclesiastical laws of the kingdom, as were the civil rights of Englishmen by their civil laws. They were to be the same in the Province as in England. Even had the King designed to give special privileges and powers to Lord Baltimore, in favor of the Roman Catholics of the Province, and to the limitation of the "privileges" and "liberties" of the Protestant members of the English Church, such design was rendered null and void by the very language of the charter. For this tenth section says: All privileges, franchises and liberties were to be the same in the Province as to those subjects of the Crown in England, "*any statute, act, ordinance, or provision to the contrary thereof notwithstanding.*"

The seventh section gives to Lord Baltimore very large powers of making and administering laws in and for the Province, but at the close of the section throws a restriction around his power, in these respects, which limits it within the constitution and laws of the kingdom of England. This limitation is expressed in the words —

"so nevertheless that the laws aforesaid be consonant to reason, and be not repugnant or contrary, but (so far as reasonably may be) agreeable to the laws, statutes, customs and rights of this our Kingdom of England."

There is one more clause of the charter to which we would call attention as sustaining all we have said respecting its meaning. The government of Charles the First was perhaps as thoroughly personal as a constitutional government could be. He loved his favorites, and stuck to them, even to desperate extremities; and Lord Baltimore stood high in the personal affection of Charles. That affection influenced the King in the grant of a charter, whose requirements, *under* the English law, Lord Baltimore, as a conscientious Roman Catholic, could never fully carry out. Henrietta Maria, the daughter of the King of France and wife of King Charles, was a Roman Catholic, and Lord Baltimore was a convert to that faith. These intimate relations blinded the judgment of the King, as to the full extent of the difficulty and contradiction which the grant of such a charter to such a man involved. To the mind of the King, who, with all his imperfections of character, was loyal at heart to the Reformed Church of England; in the sense of the English law, the "true Christian religion" was that