

**RELIGIOUS LIBERTY IN
MARYLAND AND RHODE
ISLAND. PP. 3 - 53**

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RELIGIOUS LIBERTY

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IN

MARYLAND AND RHODE ISLAND

By

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Brooklyn, N. Y.

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Religious Liberty in Maryland and Rhode Island.

THE volume and intensity of the discussion about Maryland and Rhode Island in their relation to religious liberty are somewhat out of proportion to their importance. Neither Lord Baltimore nor Roger Williams was the first in the history of Christianity to either enunciate the theory of religious liberty from civil interference or to put it into practice in a government. As far back as the fourth century, Constantine's "Edict of Milan" and "Proclamation to the Peoples of the East" enunciated as complete a theory of religious liberty as Williams' "Bloody Tenent of Persecution" in A. D. 1644 (Cobb, pp. 25-27). At all times, and even by the persecutors themselves, toleration of some form or other was taught. With the beginning of the awful wars and mutual persecutions of the Reformation, the minds of men began to be more and more attracted to leniency. The tide was swelling fast in favor of religious liberty. The half-witted Anabaptists in 1524 taught absolute separation of Church and State. Luther himself and William of Orange partially advocated it in principle, though denying it in practice. Similarly also Sir Thomas More. By the opening of the seventeenth century, the movement has still further spread. John Locke, Sir Henry Vane (younger), Cromwell joined it in theory, though as we shall see, retaining the traditional hatred of Papists. Lord Baltimore and Roger Williams, therefore, simply were part and parcel of the movement. They originated nothing absolutely new.

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Their influence upon succeeding generations has been equally exaggerated. That they did contribute powerfully towards the complete adoption of religious liberty in the United States is certainly true. It is also true that both are singular in having been the first to found *modern* governments with religious liberty as their foundation, as such being the *historical* founders of the American principle of separation of Church and State. But no one well acquainted with the general history of religious liberty in the United States can avoid being impressed by the fact that the same results would have come anyhow even if Baltimore and Williams had never lived. Their own work was undone long before the adoption of the Constitution, in 1789—completely in Maryland, partially in Rhode Island; whereas in other colonies which started out with intolerance, toleration had so far progressed that these colonies were fully on a footing with them and contributed equally to the adoption of the full liberty guaranteed by the Constitution. Otherwise it could not have been. The very diversity of State constitutions, the lassitude and religious indifference characteristic of the eighteenth century, chiefly in America, where petty persecution had run its inglorious and unsuccessful course, the widespread opposition of all dissenters to an established Church of England—all would have rendered a union of Church and State in the general government a sheer impossibility. All this leaves the irresistible conviction that Williams and Lord Baltimore were but pioneers in a great mental and political revolution which, be it said to their credit, they powerfully aided, but which they neither created nor could have retarded had they so desired.

Lastly, it is somewhat idle to attempt a comparison of priority between Williams and Baltimore. Their political foundations were practically simultaneous—only a difference of two years. Both intended toleration, but put it into practice in different manner, ac-

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ording to their individual differences of character and the difference of political circumstances in which each found himself.

However, there is unfortunately considerable controversy, bitter at times, over their respective merits. This controversy is due chiefly to a confusion by the popular mind of the points in discussion, a confusion caused very largely by the inexact phrasing of historians. This being the case, it is not idle to attempt a clear statement of the points at issue. The present writer does not boast freedom from bias; hence his conclusions are to be accepted with this in mind. However, it is equally fair to state that in the preparation of this paper he has consulted only non-Catholic authorities with one exception—the able essay in the *American Catholic Quarterly Review*. The other Catholic work (Hergeroether) is added for the reader's convenience, in case he desires to study the Catholic conservative opinion on the subject of liberty of conscience and relations between Church and State. Besides the bibliography, there is also added a short summary of dates, which will be found useful for quick reference in the reading of this paper.

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I.

LORD BALTIMORE AND MARYLAND.

The investigator into this matter is struck immediately by the contradiction in the phrasing of historians, noted above. Mr. William T. Brantley, in his sketch of Maryland, calls it the "first government which proclaimed and practised religious toleration" (p. 517). Cobb, in various places, seems to both deny and assert it: thus (p. 13) apparently giving the priority to Williams, yet on pages 244, 366, denying it by crediting Maryland with the establishment of "full liberty," "complete freedom." These are but instances of the curious contradictions meeting the reader at every turn. No wonder he is confused. The only remedy is a careful study of each point by itself, leaving aside the misleading general statements of historians. Now, the whole question of priority between Maryland and Rhode Island revolves around the following points: (a) Did religious liberty exist in Maryland before the founding of Rhode Island? The advocates of the latter grant that religious liberty was *practised* in Maryland, but that it was not the law of the land as laid down in its original charter; whereas Rhode Island was the first to make religious liberty a *law*, a fundamental principle of its constitution. That moreover Maryland never granted *full* liberty but only toleration to all Christians, whereas Rhode Island made no exceptions. Hence, they claim a priority of *law* and of *completeness*. (b) Secondly, did Rhode Island ever practise or legislate intolerance? Its advocates claim that she did not; hence, they claim an additional and third priority of *consistency*. The reader can judge for himself how far these claims hold. This paper maintains that full religious liberty was the practice and law of Maryland

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before the founding of Rhode Island, that Rhode Island certainly did on several occasions act and legislate intolerantly, that it is a debatable question whether or not absolute religious liberty ever had been intended by its founders.

LIBERALITY OF LORD BALTIMORE'S
CHARACTER.

Our reasons for maintaining the priority of Maryland are these—namely, that Lord Baltimore's words and actions prove unmistakably the absence of the slightest intolerance in his character and his intention of founding a colony where all without exception should have religious liberty, that the original charter carried with it religious liberty though Baltimore was in such circumstances that an express declaration to that effect was impossible, and, finally, that there is no instance of any intolerance in Maryland up to the founding of Rhode Island, nor afterwards—in fact, so long as Maryland remained in Catholic hands.

Baltimore's mind as to religious liberty in Maryland had long ago been forecast in his abortive colony in Newfoundland. Even before his conversion to Catholicity (1624), he had been interested in colonization schemes, so that he had obtained a patent for the above settlement as early as April, 1623. His later Maryland Charter was the logical and historical outcome of this Avalon patent, along the lines of which it was modelled. Now, from the very first, Baltimore showed his liberality. In 1627, he visited the Avalon Colony for the first time. Though he was then a Catholic, and now interested in establishing a home in the new world for his persecuted brethren, he not only did not persecute the Protestants, nor merely tolerated them, but actually provided for them a place of worship and a clergyman, an act of liberality which was repaid

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by the same clergyman preferring charges against him in England, that he "allowed mass to be said in Avalon" (A. C. Q. R., 299). Thus we see Lord Baltimore, in his first attempt at a colony, not only tolerating but giving full, complete religious liberty; nay, even favor, to the adherents of an opposing religion, and that even when the very recipients of his liberality were proving ungrateful. As above said, this has a direct bearing upon the Maryland question, because it was due to the failure of the Avalon Colony that Maryland was started, and the Maryland Charter was closely modelled by the Avalon Patent, so that, logically, Maryland and Avalon were part and parcel of the same scheme, and Baltimore's claim as the pioneer of religious liberty can justly extend as far back as 1627, and not merely to 1632. (Cf. Winsor, pp. 519-520.)

CHARTER OF MARYLAND, 1632: ITS MEANING.

We now come to the much-discussed Maryland Charter of June 20, 1632. Did it confer religious liberty? On this point the most opposing views have been held: some saying that it allowed toleration, others that it enforced toleration; still a few that it denied toleration and established the Church of England. All these views are extreme and not now accepted by the generality and the best of historians. The most commonly accepted and reasonable explanation is that its wording was purposely made so vague as to allow the Proprietary to do pretty much as he pleased. (Winsor, 523-524; Brown, p. 69.) This method of drawing up charters seems to have been rather the vogue in those days. Thus, for instance, the Charter of Massachusetts said nothing about ecclesiastical affairs, nor about religious liberty, for a twofold reason: "the crown would not have granted it, and it was not what the grantees