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GEORGE PETRIE

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History is past Politics and Politics present History.—*Freeman*

TENTH SERIES

IV

CHURCH AND STATE
IN
EARLY MARYLAND.

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CHURCH AND STATE IN EARLY MARYLAND.

The purpose of this monograph is to trace the relation of State to Church in Maryland from the foundation of the colony in 1634 down to the establishment of the Church of England in 1692. The subject will be treated under the following heads:

1. The Provisions of the Charter with regard to Religion.
2. The Period from the Founding of the Colony to the Act of Toleration in 1649. Here the object will be to trace the development of religious freedom.
3. The Period from the Act of Toleration in 1649 to the Protestant Revolution of 1689. During this period the object will be to trace the history of the religious toleration already established.
4. The Protestant Revolution and the Establishment of the Church of England in 1692.

The subject will be examined under these four heads in the order in which they are given above. At the end of each will be stated our conclusions on that division. A brief summary at the close of the paper will give the conclusions that we believe may be drawn from the whole inquiry.

1.—THE PROVISIONS OF THE CHARTER WITH REGARD TO RELIGION.

The following extracts give the parts that bear directly on the question:

(a) "*Whereas* our well beloved and right trusty subject *Cecilius Calvert*, Baron of *Baltimore*, in our kingdom of Ire-

land, son and heir of *George Calvert*, knight, late Baron of *Baltimore*, in our said kingdom of Ireland, treading in the steps of his father, being animated with a laudable and pious zeal for extending the Christian religion, and also the territories of our empire, hath humbly besought leave of us, that he may transport, by his own industry and expense, a numerous colony of the English nation, to a certain region, herein-after described, in a country hitherto uncultivated, in the parts of America, and partly occupied by savages, having no knowledge of the Divine Being, and that all that region, with some certain privileges and jurisdictions appertaining unto the wholesome government and state of his colony and region aforesaid, may by our royal highness be given, granted, and confirmed unto him, and his heirs. *Know ye, therefore,*" etc.¹

(b) "Also, we do *grant*, and likewise *confirm* unto the said Baron of *Baltimore*, his heirs and assigns, all islands and islets, &c. And furthermore, 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*."

(c) "And if, peradventure, hereafter it may happen that any doubts or questions should arise concerning the true sense and meaning of any word, clause, or sentence contained in this our present *charter*, we will charge and command *That* interpretation to be applied always, and in all things, and in all our courts and judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable, and favorable to the aforesaid now Baron of *Baltimore*, his heirs and assigns; provided always, that no interpretation

¹ These extracts are taken from the translation of the charter given in Scharf, I., p. 53 *seq.*

thereof be made, whereby *God's* holy and true Christian religion, or the allegiance due to us our heirs and successors, may in any wise suffer by change, prejudice or diminution."

The *first* extract is plainly nothing more than a formal introduction, such as frequently occurs in the charters of the time. As to the precise meaning of the *second* extract there has been a wide difference of opinion. The grant of the "license and faculty" of erecting and consecrating churches "according to the ecclesiastical laws of our kingdom of England" may imply :

1. That churches *must* be thus and only thus erected and consecrated.

2. That *if* churches be erected and consecrated it *must* be according to the ecclesiastical laws of England.

3. That *if* churches be erected and consecrated it *may* be according to the ecclesiastical laws of England.

The first interpretation would practically establish the Church of England. The second would almost necessarily prevent the establishment of any other church. The third would grant permission for the establishment of the Church of England, but would not exclude other churches from being established.

The point of the *third* extract is in its last clause—"provided always, that no interpretation thereof be made, whereby *God's* holy and true Christian religion, or the allegiance due to us, our heirs and successors, may in any wise suffer by change, prejudice or diminution."

What is meant by "God's holy and true Christian religion" ("Sacro sancta dei et vera Christiana religio")? Does this include all decent forms of Christianity? Or is the king, being head of the Church of England, supposed to consider *it* as the "holy and true Christian religion," and does he by this phrase in the charter refer only to the Church of England? Some light may be thrown on these extracts by other charters of the time.

With the *second* extract it is interesting to compare the

charter of Avalon,¹ granted to Baltimore, April 7, 1623, and the grant of New Albion,² given to Plowden, June 21, 1634. All these are very much alike, and each was probably modeled on its predecessor. All three contain the clause granting "the *Patronages* and *Advowsons* of all churches which (with the increasing worship and religion of *Christ*), within the said regions, islands, islets and limits aforesaid, hereafter shall happen to be built." But only the Maryland charter has the rest of the clause concerning the dedication according to the ecclesiastical laws of England. In 1624 Baltimore joined the Roman Catholic Church. Now, since the charter of Avalon, granted him before that event, omits the dedication clause, the Maryland charter granted him when he was a Catholic inserts it, and two years later Plowden's charter, closely resembling it in other respects, omits this clause; it therefore seems probable that the clause was inserted as a precaution of some sort against Roman Catholicism, but its effectiveness in this sense would vanish unless it excluded dedication and consecration other than by the laws of England. Therefore we may eliminate, as *probably* not intended, the third of the interpretations given above. And as the first interpretation seems scarcely a legitimate construction of the phraseology, the second is left as the probable meaning of the clause, namely, that if churches be erected and consecrated, it *must* be according to the ecclesiastical laws of England.

With the *third extract* we may compare :

1. A clause in the letters patent granted by Queen Elizabeth to Sir Walter Raleigh in 1584: "So always as said statutes, laws, and ordinances may be, as neere as conveniently may be, agreeable to the laws, statutes, government, or pollicie of England, and also, so as they be not against the Christian faith, nowe professed in the Church of

¹ Given in Scharf, I., 35. (Copies in Latin and English are in the Calvert Papers.)

² Given in the Latin in Penn. Mag. of Hist. and Biog., Vol. VII., 55.

England, nor in any wise to withdraw any of the people of those lands from the allegiance of us, our heirs," etc.¹

2. A clause in the Instructions for the Government of the Colonies, given in 1606: "and wee doe specially ordaine, charge, and require, the said president and councells, and the ministers of the said several colonies respectively, within their several limits and precincts, that they, with all diligence, care and respect, doe provide, that the true word and service of God and Christian faith be preached, planted, and used, not only within every of the said several colonies, and plantations, but alsoe as much as they may amongst the salvage people which doe or shall adjoine unto them, or border upon them, according to the doctrine, rights, and religion now professed and established within our realme of England," etc.²

3. A part of the Virginia charter of 1609: "And lastly because the principal effect which we can desire or expect of this action, is the conversion and reduction of the people in those parts unto the true worship of God and Christian religion in which respect we should be loath, that any person should be permitted to pass, that we suspected to effect the superstitions of Rome: we do hereby declare," etc.³

4. A clause in the grant of Maine to Gorges, April 3, 1639: "No interpretation being made of any word or sentence whereby God's holy and true Christian religion now taught, professed and maintained the fundamental lawes of this realm or our allegiance to us our heirs and successors may suffer prejudice or diminucon."⁴

¹ Given in Streeter: *Maryland 200 Years Ago*. Appendix.

² Given in Brown: *The Genesis of the United States*. Vol. I., 67-8.

³ Given in Lucas: *Charters of the Old English Colonies in America*, p. 18.

⁴ This is taken from Hazard, Vol. I., 455. He has it "whereby God's word, true Christian religion," etc.; but as in his version of Plowden's charter for New Albion he translates the Latin "sacro sancta dei et vera Christiana religio" by "the word of God and true Christian religion," I have concluded that he is here translating the same Latin, and have given it the usual rendering.