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Historical Papers.

EDITED BY THE REV. JOHN MORRIS, S.J.

No. X.

THE FIRST EXPERIMENT
IN CIVIL AND RELIGIOUS LIBERTY.

BY JAMES CARMONT.



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The First Experiment in Civil and Religious Liberty.

BY JAMES CARMONT.

AMONG the many benefits which Protestantism claims to have conferred upon the world is that of having procured for mankind its first experience of civil and religious liberty, as practised in this nineteenth century. Protestants have repeated this fiction to themselves and to their neighbours so often and so confidently, that it is little matter for surprise that they should, by mere force of repetition, have acquired a firm conviction of its truth. George IV. is said to have asserted so frequently that he was present at the Battle of Waterloo, and in command of a brigade there, that he ended in believing his own story, and so thoroughly that he, on one occasion at least, even ventured to appeal to the Duke of Wellington for confirmation of its accuracy. In like manner, Protestants do not hesitate to appeal even to Catholics, who have had, in times past, such hard experience of Protestant toleration, and they are hurt at our ingratitude, and surprised at our prejudice, if we venture to call in question the truth of their allegation. Too frequently, indeed, through want of definite information on the subject, Catholics allow the claim to pass unchallenged; they content themselves with

imitating the courtier-like reply of the Iron Duke to the appeal of His Majesty as to whether he was not present at the famous battle, "Sire, I have often heard you say so." With similar evasions Catholics not unfrequently allow the claim to hold the field, and suffer their Protestant friends to remain undisturbed in their delusion.

The assertion goes, of course, much further than we have stated. Not only do Protestants pose as the friends—the original, steady, and consistent friends—of civil and religious liberty, but they maintain with cool assurance that we Catholics have always been, and are, under all circumstances and conditions of society, its enemies. George IV. was content to assert his own presence at Waterloo, and his right to a share in the glory of the world-famous battle. He never ventured to call in question the Duke's position as leader in the field. By their opponents, Catholics are not merely refused the credit of being participators in the struggle for civil and religious liberty, but they are represented as fighting under the enemy's flag—nay, more, they are the enemy themselves. To support this charge on Catholics and their religion, every field of attack has been explored, and only too frequently the sources of information have been poisoned. In the field of history, for example, the foolish, rash, or criminal acts of Catholics, or professing Catholics—no matter how repugnant to other Catholics, better and wiser than they—are skilfully represented as necessary and inevitable consequences of their religious belief. In particular, no pains have been spared to strengthen the chain of evidence by which Catholics are to be convicted of being, under

all circumstances, the enemies, and Protestants exhibited as the friends, of civil and religious liberty. In this paper we propose to show, and that chiefly on the testimony of Protestant or non-Catholic writers of acknowledged competence and impartiality, that the popular verdict ought to be reversed—that when the altered circumstances of the world seemed to render a change necessary, the first application of the principle in question was made, not among the Protestants of Germany, the Covenanters of Scotland, or the Puritans of England or America, all of whom have been praised in turn as its authors in their respective countries, but in a humble settlement projected and organized by a handful of poor despised English Catholics in the reign of Charles I.—and that the experiment was successfully carried out among them as long as they were permitted to conduct it.

The man to whom the credit of the undertaking is due, is George Calvert, Lord Baltimore, the founder of what has not unfairly been called the Catholic State of Maryland, from the prominence which Catholics enjoyed in it. It is matter for regret that the public has hitherto remained too little acquainted with the interesting work to which he and his sons, Cecil and Leonard, devoted their lives. George Calvert was born at Ripley in Yorkshire in the year 1582, as the long reign of the last of the Tudors was drawing to its gloomy close. He was educated at Oxford, and, after taking his degree, spent a considerable time in foreign travel. On his return to England he entered political life; sat in Parliament for his native county of York, received the honour

of knighthood, and afterwards, under the patronage of Sir Robert Cecil, became one of the two Secretaries of State for the Kingdom, and a member of the Privy Council. His literary ability was considerable, and several of his works in Latin and English, on moral, political, and social subjects have been preserved to our own day to testify to it. His capacity for business and his industry were acknowledged on all hands. Possessed of these advantages, and placed in a position in which they were not likely to miss their reward—enjoying the favour of his Sovereign and the good opinion of the world—who can say to what heights of prosperity Calvert might not have risen, but for one fatal barrier to his success? In the early part of the seventeenth century, the suppression of the Catholic Church in England—a work of force and fraud—was only a recently accomplished fact. The numerous conversions to the Catholic Church which took place under Elizabeth, show that under an exterior of ashes the embers of the old faith still glowed with life and heat, and that but slight exertion was needed to kindle them into flame. Calvert had travelled much, had seen the Catholic religion in its centre of unity, and had associated with its adherents. He had been dismayed at the proteus-like aspects of Protestantism, and the numberless divisions into which it had already split, made him doubt the purity of its origin, and despair of its future. Once convinced, he suffered no worldly obstacles to bar his path of duty, but returned to the faith of his fathers, abandoning in the prime of life the brilliant career which had just opened before him. Though by doing so he did not altogether

forfeit the favour of his Sovereign, it was clear that from the time Sir George Calvert became a Catholic, his political career, lately so promising, was ended. He still, however, retained his place in the Privy Council, and was advanced to the dignity of an Irish Peerage, under the title of Lord Baltimore, of Baltimore, in County Longford.

While the sunshine of political prosperity still shone upon him, Calvert had taken great part in promoting the movement which impelled so many Englishmen to leave their native land to try their fortunes amid the trackless wilds of America, of which, although more than one hundred years had passed since its discovery, little more was then known than the seaboard, and even that imperfectly. He had been a member of the great Company which colonized Virginia, and while Secretary of State he had obtained a patent, or grant, of Avalon, the southern promontory of Newfoundland. Those who have related the story of his life tell of the generosity with which he lavished his extensive fortune in promoting the interests of the settlement entrusted to him, of his care in selecting emigrants, and of the diligence and kindness with which he endeavoured to instil into them principles of industry, economy, and order. But the climate was found to be colder and the soil less fruitful than his agents had represented them to be—earlier colonists were jealous of the privileges which had been accorded to him—the English possessions were menaced by the French, who held the adjoining territories, and though he appears to have acted with becoming vigour, and to have gallantly repelled by force at arms the



attacks made upon his settlement, he found his hopes of success doomed to disappointment. He thereupon resolved to try whether, in the richer country which lay towards the sunny South, a more successful attempt might not be made to found a settlement in which he might not only employ his great wealth, but establish for himself and his suffering co-religionists a place of refuge from the persecution which had become chronic in England.

He first turned his attention to the vast Province of Virginia, the original charter for which had recently been cancelled by James I., and he visited that State in person in the year 1629, in order to see what prospects it afforded for establishing a settlement. Land there was in abundance, and settlers were few, but with these few, Protestant intolerance had already entered, and Lord Baltimore and his followers were, as a condition of settling, confronted with the oath of allegiance to the King, and of his supremacy in matters temporal and spiritual, couched in terms which no Catholic could accept. It was in vain that Lord Baltimore offered to pledge himself by a form of oath which a Catholic might take with a safe conscience, and in vain, too, he pointed out that in attempting to force the obnoxious oath upon him, the authorities of Virginia were exceeding the powers committed to them by law. The opposition was too strong, and, foiled in his attempt, Lord Baltimore returned to England.

But time and experience had in the meantime enabled him to mature a bolder scheme. The oppression from which Catholics suffered weighed upon his mind, and he conceived the generous idea

of undertaking an enterprise which should relieve their sufferings, and at the same time extend the power and influence of the English nation. Other peoples of Europe had begun to scramble for the rich provinces which lay open to the enterprise of their adventurous subjects, and it was not difficult for a man of the high character of Lord Baltimore, to obtain from King Charles, who had then newly succeeded to the throne of England, a charter of the territory to the north-east of Virginia, which afterwards received the name of Maryland, in compliment, it is understood, to Charles' newly-married Queen, Henrietta Maria, daughter of Henry IV. of France.

By the Charter, the extensive territory was to be held of the Crown, by the tenure of fealty only, for the singular payment of a yearly rent of "two Indian arrows of those parts, every year on Easter Tuesday," and one-fifth part of all the gold and silver ore which might be discovered within the domain.¹ To the emigrants was secured an independent share in the legislation of the province, the statutes of which were to be established by the advice and approbation of its freemen or their deputies. Provision was made for representative government, and it was enacted that the authority of the proprietary should not extend to the life, the freehold, or the estate of the colonists.

Christianity was made the law of Maryland, but to no sect of Christians was given predominance or pre-eminence over another, and to each man was religious freedom secured, as well as civil liberty. The province was exempted for ever from English taxation, and so absolute was the freedom accorded

¹ Hazard, i. 327.

to it, that neither was recourse to the English King necessary for confirmation of the Acts or deeds of the Legislature, nor was it even required that when passed or enacted, these should be intimated to him. Such was the Charter, the like of which had never before passed the Great Seal of England, obtained by the Catholic founder of the settlement of Maryland; such were the provisions which, it is believed, were penned by Lord Baltimore himself. Surely they merit the warmest recognition in our democratic days, as the first successful attempt to introduce a new principle of civil government suited to the altered circumstances of the world.

Let us hear the terms in which it is described by Bancroft, the eminent historian of the United States, and the warm admirer and apologist of the Puritans of New England:

Calvert deserves to be ranked among the most wise and benevolent lawgivers of all ages. He was the first in the history of the Christian world to seek for religious security and peace by the practice of justice, and not by the exercise of power; to plan the establishment of popular institutions with the enjoyment of liberty of conscience. . . . The asylum of Papists was the spot where, in a remote corner of the world, on the banks of rivers which as yet had hardly been explored, the mild forbearance of a proprietary adopted religious freedom as the basis of the State.¹

Testimony such as this is too important to be overlooked, in discussing the claim of Protestantism to have been the first to recognize the altered conditions of society into which the world had entered, and to inaugurate a new departure suited to the times.

The Charter was nearly completed when, on June 20, 1632, Lord Baltimore died, leaving a name

¹ Bancroft, *History of United States*, c. vii. 185.

which the breath of slander had hardly dared to sully. The high regard in which he had been held by the King, rendered it an easy matter for his son Cecil, second Lord of the name, to procure the Charter designed for his father. Cecil was a worthy inheritor of the estimable qualities of his parent, but whether he did not possess the same enterprising disposition, or sufficient physical strength, he does not appear to have ever visited the colony over whose fortunes he never ceased to watch with paternal solicitude. The most probable explanation is, that in those troublous times, when Catholics were exposed to so many risks, it was absolutely necessary for the safety of the settlement, that it should have a protector at home to ward off the dangers to which, as we shall find, its existence was continually exposed. He committed the active management of the enterprise to his younger brother Leonard, whom he appointed Governor of Maryland, and who fully and ably fulfilled the trust committed to him, till his death in 1647.

The Charter being sealed, and all preparations made, the enterprise being favoured by the suspension of the statutes which restrained emigration from England, it may readily be supposed that, harassed and persecuted as Catholics had been during the last two reigns, it could not be a difficult matter to find a sufficient number of them ready to avail themselves of any means of escape from the grinding tyranny which had crushed them to the earth. A company numbering about two hundred, chiefly, but not exclusively, Catholics, was gathered together, and sailed from Cowes, in the Isle of Wight, on

November 22, 1633. Among the party we find the names of Gerard, Winter, Wiseman, Green, Fairfax, Baxter, Hill, and others, so often repeated in the lists of "Popish recusants" under Elizabeth and James. The vessel which bore them from the shores of their native land was named the *Ark and Dove*, a title appropriate to a band of exiles seeking a place of refuge, in which they might forget the troubles that had driven them from their native land. The course which the vessel took would, in our days, be considered a strange one. Instead of boldly steering to the West, they sailed by the Azores, and thence by Barbadoes and St. Christopher's to the shores of Virginia. It is highly illustrative of the persecutions to which Catholics were exposed in those unhappy times, that the emigrants, on touching at Montserrat, found there a colony of Irishmen who had been exiled from Virginia on account of their religion.

The expedition arrived off Point Comfort towards the end of February, 1634, after a prosperous voyage. Entering Chesapeake Bay and the Potomac River in search of a suitable place whereon to found a settlement, they anchored off a small Indian town called Joamaco, on the St. Mary's River. Meeting with a friendly reception from the natives, Calvert soon came to an amicable arrangement with them, obtaining from them at once one-half of their town, and a promise to surrender the other half later in the season, when they had completed their arrangements for withdrawing further inland, which for other reasons they had already resolved to do. Landing with his followers on March 25, 1634, Leonard

Calvert entered upon the territory granted to his brother, and took possession "for our Saviour, and for our Sovereign Lord the King of England."

The following extract from a letter written by Father Andrew White, one of the Jesuit missionaries who accompanied the settlers in their search for a new home, will be read with interest, as showing the dispositions in which the Catholic portion of them commenced their new career.

On the day of the Annunciation of the Most Holy Virgin Mary [writes Father White] we celebrated on this Island [namely, on a small place called St. Clement's Island], the first Mass which had been ever offered up in this part of the world. After we had completed the Sacrifice, we took upon our shoulders a great cross which we had shaped out of a tree, and advancing in order to the appointed place, with the assistance of the Governor and his associates and the other Catholics, we erected a trophy to Christ, the Saviour, humbly reciting on our bended knees the Litanies of the Holy Cross, with great emotion.

The little Indian town was made the seat of the Colonial Assembly, and the name "St. Mary's" given to it, shows the Catholic instinct which animated the settlers, and prompted them to place their enterprise under the patronage of the "Help of Christians." Peace and good fortune smiled upon the rising colony—the emigrants came at a season suited to their enterprise—the rich land yielded them abundant crops of corn, and their new-found Indian friends instructed the wives of the colonists in the art of making Indian bread, while their husbands were taught the Indian ways of trapping game, which swarmed in abundance in the trackless forest. After a few months, it could be said that the prosperity

of Maryland had advanced as much as that of Virginia had done in as many years.

And here we may point out how pleasantly the conduct of the colonists of Maryland contrasts with that of a Puritan band, which about the same time landed at Salem, in Massachusetts. Peace and harmony reigned among the former, in spite of the religious differences which existed among them. Of the two hundred who landed at Salem, all were Protestants without exception, and that moreover of a pronounced type, who had contended zealously for what they called religious freedom. Hardly had they landed to make their thanksgiving for a prosperous voyage, when "religious" strife began. The Book of Common Prayer was then, as now, a rock of offence to the extremists of the party. By some it was unsparingly condemned. Others were strongly attached to its use in forms of worship to which they had been accustomed from their childhood, and they refused to give it up at the bidding of prejudiced fanaticism. The upholders of the Prayer Book were the weaker party. They were censured, denounced, and for the most part terrified into silence. Their leaders, whose conscientious convictions were too strong to be overcome, and who could not be forced into submission, were treated like criminals, seized and shipped back to England, there to consider whether the intolerance of the Church of England, or that of Puritan zealots, was the harder to bear.

But troubles soon disturbed the peace of Maryland. The evil genius of the colony was, undoubtedly, a certain Captain William Clayborne, a highly-placed official of the State of Virginia. There as

in later times, officials enriched themselves not so much by the emoluments of office, as by their perquisites, and the opportunities for trade which their position afforded them. Before the arrival of Leonard Calvert in Maryland, Clayborne had obtained a provincial commission to trade with the Indians, and to explore Chesapeake Bay. He had planted an establishment in the Isle of Kent, in the heart of the province, and in virtue of this irregular settlement he contested the right of Lord Baltimore to that island and to other parts of Maryland. Resting as it did on Royal patent, Lord Baltimore's right was undoubtedly superior to that of Clayborne, whose position was more that of a private adventurer. Still, being a man of great determination of character and apparently conceiving himself to have suffered wrong, he waged determined war against Lord Baltimore's rights, and involved the rising settlement in disorder and bloodshed during a long series of years.

Availing himself of the prejudices which existed in the minds of the natives against the Spaniards, he first attempted to deprive the settlers of the confidence of the Indians, by representing to them that their new friends were of that nation, and would soon practise upon them the cruelties which had made the name of Spaniard hated and feared throughout America. The religion of the colonists gave some colour to the slander, and the simple Indians silently withdrew from their neighbourhood, leaving the settlers perplexed and alarmed at their desertion. It was not long, however, till the natives found that they had been deceived, and the former friendly relations were soon re-established. Clayborne

then had recourse to arms, but the Governor having assembled a superior force, defeated the insurgents, took several prisoners, and denounced their leader as a pirate. Clayborne escaped, and made his way to England, where, having influential friends ready to take up any story to the disadvantage of Catholics, he nearly succeeded in stirring up mischief. King Charles, however, on becoming acquainted with the true circumstances of the case, dismissed the complaints, and for some years Maryland obtained peace, and was blest with prosperity. Here is the testimony which Bancroft bears to the state of Maryland in 1642, eight years after its first settlement :

Maryland in that day was unsurpassed for happiness and liberty. Conscience was without restraint ; a mild and liberal proprietary conceded every measure which the welfare of the colony required : domestic union, a happy concert between all the branches of government, an increasing emigration, a productive commerce, a fertile soil which Heaven had richly favoured with rivers and deep bays, united to perfect the scene of colonial felicity and contentment. Ever intent on advancing the interests of his colony, Lord Baltimore invited the Puritans of Massachusetts to emigrate to Maryland, offering them lands and privileges and free liberty of religion, but Gibbons, to whom he had awarded a commission, was so wholly tutored in the New England discipline, that he would not advance the wishes of the Irish peer.¹

From the first the principle adopted by Lord Baltimore, in the settlement and administration of his province, had been that of strict impartiality towards every sect or denomination of Christians. There was freedom for every law-abiding citizen, and every one was secured in the free exercise of his

¹ Bancroft, c. vii. 191.

religion, as well as in the possession of his freehold. The testimony given on this point by the historian, whose words we have already cited, are so important and emphatic that we need hardly apologize for quoting him again :

But far more memorable was the character of the Maryland institutions. Every other country in the world had persecuting laws. "I will not," such was the oath for the Governor of Maryland, "I will not by myself or any other, directly or indirectly, molest any person professing to believe in Jesus Christ for, or in respect of religion." Under the mild institutions and munificence of Baltimore, the dreary wilderness soon bloomed with the swarming life and activity of prosperous settlements. The Roman Catholics who were oppressed by the laws of England were sure to find a peaceful asylum in the quiet harbours of the Chesapeake ; and there, too, Protestants were sheltered against Protestant intolerance.¹

To promote emigration to his colony, Lord Baltimore offered land-grants on the most extensive scale—for example, to each adventurer who should bring into his province in the year 1633 five men aged between sixteen and fifty, 2,000 acres of land of English measure, for the yearly rent of 400 lbs. of wheat ; to each adventurer bringing ten men in the years 1634 and 1635, the like extent of 2,000 acres of land, for the yearly rent of 600 lbs. of wheat ; and to each adventurer who should bring five men in any year after 1635, 1,000 acres for the yearly rent of 20s., to be paid in the commodities of the country ; while to single adventurers 100 acres per man were offered, with 100 more for his wife, if he brought any, and 50 acres for every child under the age of sixteen, at a rent of 10 lbs. of wheat for every

¹ Bancroft, c. vii. 187.

50 acres.¹ In our times an allotment of three acres with a cow is supposed to have powerful attractions for the agricultural community, and votes have been angled for with the tempting bait. It is clear from the above figures, that whatever might have been thought of the cow in the seventeenth century, the three acres would have been regarded as a ridiculously insignificant offer.

We have mentioned that by the Charter to Lord Baltimore, provision, wonderfully liberal for that age, was made for participation by the people in the government of the country. A scheme of Government so laid down, must necessarily have been to a considerable extent experimental, but it redounds to the credit of the proprietary of the colony that, on cause shown, Lord Baltimore evinced on many occasions, a willingness to place the Government on a more popular basis. There was a House of Assembly, a single Chamber, in which originally every free man of the province had a right to sit, either personally, or by deputy, as he chose. Later on, this single Chamber was divided into an Upper and a Lower House.

In his extreme anxiety for the preservation of religious peace, Lord Baltimore appears to have been exceedingly severe towards Catholics and others, who allowed their tempers to get the better of their judgments, and to use harsh or injurious expressions concerning their neighbours' religion. A very hard case was that of a certain Mr. William Lewis, a zealous, but apparently short-tempered Catholic, who allowed himself to be provoked by one of his servants

¹ Bozman, *History of Maryland*.

reading aloud in his house some choice extracts from a bigoted book, such as, "That the Pope was Anti-christ and the Jesuits were anti-Christian ministers." Lewis flew into a passion, and said that "it was a falsehood, and came from the devil, as all lies did, and he that writ it was an instrument of the devil, and he would prove it." Though the master's irritable temper appears to have been deliberately worked upon, he was tried, convicted and sentenced to pay a fine of 500 lbs. of tobacco, besides having to find security for 3,000 lbs. more to keep the peace for six months. Of the same anxiety on Lord Baltimore's part we may judge from the following provision in section 3 of the "Act concerning religion," passed in 1649:

Persons reproaching any other within the province by the name or denomination of heretick, schismatick, idolater, Puritan, Independent, Presbyterian, Popish priest, Jesuit, Jesuitic Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barronist, Roundhead, Separatist, or any other name or term in a reproachful manner, relating to matters of religion, [shall] forfeit 10s. sterling for each offence; one half to the person reproached, the other half to his lordship, or in default of payment, to be publicly whipped and imprisoned without bail or mainprise until the offender shall satisfy the person reproached by asking him or her respectively forgiveness publicly for such offence, before the chief officer or magistrate of the town or place where the offence shall be given.¹

A pleasing feature in Lord Baltimore's administration is the anxiety shown for the avoidance of hostilities with the Indians, into whose country the settlers had in some measure intruded. Wars with them could not indeed be entirely avoided, for his Government was

¹ Bozman, *History of Maryland*.

bound to protect the friendly Indians who had given the early settlers such a kindly reception, and who had thereby incurred the wrath of their more implacable comrades. Yet the history of Maryland does not appear to have been stained by any of those frightful massacres which occurred in Virginia and New England. Neither were Indians excluded from the exercise of the franchise. By a law passed in 1681 under Charles, third Lord Baltimore, every freeholder, white, negro, or Indian, possessing fifty acres of land—a small holding in Maryland—or personality to the value of £40, was entitled to exercise electoral rights. Curiously enough this franchise lasted in Maryland to the present century, when, in 1803, the poorest white acquired the franchise, and the negro and the Indian lost it. In Virginia, the negro, the mulatto, and the Indian were disfranchised in 1723. The feelings of Lord Baltimore towards the aborigines are best shown by his well-meant attempt to preserve them in their rights and liberties, and to allow them the opportunity of following their native habits, by making a reservation of ten thousand acres of land selected by themselves as best suited for the purpose. Of this experiment we shall only say, that if it failed, it did so in other hands than those of the Catholics of Maryland.

In considering the claim made by Catholics for the credit of initiating the first successful experiment which the world has witnessed, of combining, in a community radically divided in religious belief, the free exercise of civil rights with religious toleration, many Protestants may be ready to admit that facts undoubtedly bear out the claim—as they do the assertion that it was a Catholic who discovered

America, and another who invented the art of printing—yet they may feel convinced that the experiment must have been in the hands of Catholics not only much in advance of the age in which they lived, but also singularly independent of the influence of their clergy. To such it may be of special interest to inquire what provision was made by Lord Baltimore for the spiritual interests of the Catholic portion of his colonists, and in what section or order of the clergy it was possible for him to find men who would not only abstain from using their influence to thwart his enlightened aims, but would support and further them. Of all orders of the Catholic clergy the ordinary Protestant would find it difficult to suppose that Lord Baltimore would find such men in the ranks of the Jesuits, and yet it was precisely to them that he turned for assistance in his enterprise. The result justified his selection, for the relations which subsisted between them and the proprietary, as well as between them and the population of the colony, Catholic and Protestant alike—the Puritan subverters of the free constitution of Maryland excepted—were singularly happy, and prove that the confidence reposed in them was not misplaced.

In this short paper, only a brief reference is possible to the noble band of missionaries who kept alive the light of Catholic faith during the dark days which, as we shall see, were to come upon Maryland. Prominent among them was Father Andrew White, of whose name mention has already been made. He accompanied the first expedition in the *Ark and Dove*, and his labours on behalf of the flock committed to his care, and zeal in extending

the faith of Christ among the pagan Indian tribes of the country, have deservedly gained for him the title of "Apostle of Maryland." He was a typical English Jesuit of the period, full of zeal for the faith, and ready at all times to use his utmost efforts to extend it. Cool and undaunted in danger, and patient in suffering, neither prison nor exile, nor fear of death itself, could deter him from following out the holy vocation to which he had devoted his life and energies. Scarcely less distinguished was Father Philip Fisher, who shared with Father White the dangers of the Maryland Mission, and who along with him was seized in 1644 by the Puritan insurgents whose doings we have briefly to chronicle, and with him was sent to England in irons. Nothing daunted, the courageous missionary, after regaining his liberty, returned to Maryland, where his reappearance was welcomed as that of an "Angel of God," by the settlers and Indians, to both of whom the missionaries had endeared themselves by their labours and services.

Clayborne, Lord Baltimore's inveterate foe, did not by any means relax his hostile pursuit of his enemy's Government, on the failure of his first endeavour to seize the Isle of Kent. A more successful attempt was made by him in 1644 in combination with one Richard Ingle—"the pirate Ingle," as he is called by Catholic writers of the day. In the early part of that year the insurgents succeeded for a time in obtaining the mastery, and Leonard Calvert, the Governor, was forced to abandon the colony and take refuge in Virginia. For a year they retained the power which, through

the unpreparedness of the colonists, they had been able to seize, and it was not till near the end of 1646 that the Governor was able to collect a force sufficient to expel the rebels and recapture the district of St. Mary's. This success was afterwards followed by the submission of the county of Kent. Before being driven from the former stronghold, Ingle and his associates showed their malignant spirit by using their opportunity to destroy or embezzle the public records, and to purloin the Great Seal, thus throwing a cloud of obscurity over the history of the province, and introducing the utmost confusion and insecurity of possession of property in it. Fleeing from justice, Clayborne, Ingle, and their confederates made their way to England, where their accusations against the "Popish Government" of the province were only too favourably received by the Protestants and Presbyterians, who had now gained the upper hand. Leonard Calvert, who had so faithfully assisted his brother in the administration of his province, died in 1647, shortly after its reconquest.

Relieved at last, to some extent, from fears of immediate disturbance, Lord Baltimore's Government struggled on during the next few years, endeavouring to promote the welfare of the colony in every way, encouraging useful legislation, and placing upon their statute-book additional provisions, such as we have already quoted, for safeguarding and extending the principle of civil and religious liberty, to which all along Lord Baltimore had shown himself so friendly. Prominent among the Acts passed by the colonial Government is the remarkable one enacted in the year 1649, by which evidence was given to the world

that no feeling of vindictiveness against the promoters and abettors of the recently quelled disturbances, however justly incurred, had been, or would be for the future, allowed to interfere with the principle of civil and religious liberty on which they had taken their stand. Again it was enacted, in conformity with that principle,

And whereas the forcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence, in those commonwealths where it has been practised, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and amity among the inhabitants, no person within this province professing to believe in Jesus Christ, shall be any ways troubled, molested, or discountenanced, for his or her religion, or in the free exercise thereof.¹

But a more serious trial was at hand for Lord Baltimore and the Catholic party from the operation of the very principle of civil and religious liberty, of which they were the authors and the consistent and steadfast defenders. In the New England States the adherents of the Church of England were not allowed a footing, nor was their worship tolerated. In Virginia the state of matters was reversed. There the Church of England was supreme, and as long as it was so, it would tolerate no worship but its own. To Maryland fled the New England Episcopalian, from the persecution of his New England Protestant brethren; to Maryland, and chiefly to the district of Providence—now Annapolis—fled the Virginian Puritan, to escape the pursuit of the equally intolerant Episcopalian. Both were welcomed in Lord Baltimore's territory, and each was free to worship

¹ Langford, 27.

God in his own way, assured of the protection of just laws, and of the free exercise of his religion. Pity it is that these same Puritans, the boasted advocates of civil and religious liberty, were destitute not only of the principles of which they so unjustifiably made a boast, but of the commonest feelings of gratitude towards the Government of the colony which had given them refuge in the day of their distress. So early as the year 1651, we find indications of their disaffection to the established Government of the country, in their refusal to send representatives to the House of Assembly. Numerous, bigoted, and overbearing, they scrupled to burden their tender consciences with the oath of fidelity to a "Popish" proprietary, into whose territory they had entered of their own free-will. Matters came to a crisis in 1652, and the years which intervened between that date and the death of Cromwell were years of anxiety, harassment, and distress to the Catholics of Maryland.

For a few years previous to 1652 the unsettled state of parties in England, and the uncertainty which prevailed there as to the changes which might result from the next turn of the political wheel, did not fail to produce a corresponding confusion in the settlements on the American side of the Atlantic. Lord Baltimore had indeed, with prudent foresight, given in his adhesion to the Parliamentary party, which was *de facto* the ruling power in the State, but his doing so neither secured his rights, nor gave stability to his Government. Maryland at this period was contended for by four different claimants, and appeared to be regarded as a waif and stray to be

secured by the strongest or least scrupulous adventurer. Lord Baltimore was doing his best to preserve his and his people's chartered rights, which legality, prescription, and lavish expenditure of his private fortune ought to have rendered inviolable. Charles II., angry with Lord Baltimore for his adhesion to Parliament, issued a commission in favour of Sir William Davenant. Virginia, from whose territory Maryland had been severed, watched with longing eyes for an opportunity of reannexing it. But the enmity of Clayborne was more dangerous to Lord Baltimore's rights than the impotent anger of Charles, or the jealousy of Virginia. Clayborne had been associated with Bennett, as one of two Commissioners appointed by the English Parliament to reduce to their allegiance the provinces bordering on the Chesapeake. Their commission could hardly have been intended to disturb the rights of a proprietary who had given in his adhesion to the party which granted it, but a vindictive and unscrupulous man like Clayborne was not likely to forego the opportunity which fortune had put within his reach, of punishing his enemy for the defeats inflicted on him in 1634 and in 1646.

Interpreting their commission as including Maryland, they entered the province, and having the forces of Parliament at their back, deprived Lord Baltimore's lieutenant, Governor Stone, of his commission, and changed the officers of the province, leaving him, however, in the end, in retention of the executive power along with a Council of three, till instructions should arrive from England. During this distracting state of matters occurred the fall of the Long Parliament, and as it was under its warrant that

Clayborne and Bennett had imposed their will upon his lieutenant, it appeared to Lord Baltimore reasonable that their authority should fall along with it. He was besides displeased at the want of firmness which he supposed his lieutenant to have shown, in yielding to Clayborne and Bennett's terms, and deemed the opportunity a favourable one for regaining his lost authority. In 1654, Lord Baltimore's friends in the province succeeded in reinstating his rights in their integrity, displaced the Commissioners appointed by Clayborne and Bennett, and declared the condition of the province under the arrangements made by the latter, to have been a state of rebellion. But Clayborne and his associate were too powerful to be foiled in this manner. They hastened back to Maryland, deprived Governor Stone of his commission, and entrusted the administration of the province to a board of ten Commissioners appointed by themselves. Thus by Lord Baltimore's rash attempt to regain his authority, was the last state of the colony rendered worse than the first.

After this event, it was not long till proof was furnished that, however zealous Puritans might be in fighting for religious liberty for themselves, they had not the slightest idea of granting that liberty to others. A new Assembly, composed exclusively of Protestants, was soon convened, and their sentiments towards the Catholic settlers were embodied in an "Act concerning Religion," which recites as follows:

It is hereby enacted and declared, that none who profess and exercise the Popish, (commonly called the

Roman Catholic) religion can be protected in this province, but to be restrained from the exercise thereof.¹

Indignant at these proceedings, and relying on the support of the Catholic and other loyal settlers, Lord Baltimore commissioned Stone and his lieutenant, Josias Fendall, to reassert his rights by force of arms. They were not long in regaining possession of the capital of the province, in which lay the chief strength of the Catholics. After vainly summoning the leaders of the Puritan party to submit, they marched against the town of Providence, the enemy's head-quarters. There, however, their enterprise came to a disastrous end. Faced by the Puritans of Providence in front, and having on their flank an enemy's ship, they were completely defeated. Stone himself, and many distinguished councillors, officers, and soldiers, were taken prisoners. Stone had a narrow escape from immediate execution, and owed his life to a remembrance of the kindness he had shown in former years to some of the Puritan party, who on that account could not bring themselves to imbrue their hands in the blood of their benefactor. Others of the prisoners, however, were not so fortunate, and in alleged violation of a promise guaranteeing their lives, four of the prisoners, three of whom were Catholics, were, several days after the battle, put to death in cold blood. As a further consequence of this victory, the residences of the Jesuit Fathers at their two settlements in the country, were sacked and plundered; the Fathers themselves narrowly escaped with their lives, and made their way at great peril into Virginia,

¹ Bacon, c. iv.

where they suffered much from want of the necessities of life, and privation of means of support. Stone was sent to prison, and remained in confinement till the death of Cromwell brought some relief to the suffering Catholics.

But though Cromwell sustained the Commissioners in their authority, and did not disapprove of their nefarious actions, the exigencies of his position rendered it unadvisable for him to abrogate Lord Baltimore's rights, or to cancel his Charter, and under the Lord Protector's powerful authority he was to a certain extent reinstated, and a kind of dual authority, in which he shared, was established in the province. It might be an interesting subject of inquiry to discover what were Cromwell's motives in thus partially favouring Lord Baltimore's claims. A solution may lie in the desire which he showed during the latter part of his life, to gain, or at least to divide, the favour of the aristocracy, but a simpler explanation may be found in the enormous mass of weighty business with which he had to deal, concerning European matters, compared with which those of the infant settlements of America were mere trifles.

On the restoration of the Stuart dynasty, a season of peace and prosperity dawned again upon Maryland. The authority of Lord Baltimore was easily and quickly re-established under the presidency of Philip Calvert, his brother, whom he appointed Governor in 1661. "Freedom of conscience," the principle of the colony, again prevailed, and once more, as in former times, Protestants were the gainers. Strangers, persecuted at home on account of their

religious beliefs, came to Maryland, not only from England, but from many other European lands, and all, on their settling in the colony, were admitted to full equality and free citizenship of the province. From time to time commotions arose, and the rights of the proprietary were challenged. Such attempts were on the whole easily overcome, and Lord Baltimore's merciful disposition, ever inclined to forgiveness, exacted but little in the way of punishment for past transgressions. "The happiness of Maryland was," says Bancroft, "enviable."

As compared with the immediately preceding period, the last fifteen years of Cecil Lord Baltimore's administration were peaceful and prosperous, and he died in 1675, after having striven consistently for forty-three years, to advance, in every possible way, the welfare of the colony which he had founded. The purity of his aims, and the uprightness of his character, have drawn from the historian of the United States the following noble tribute to his character :

To foster industry, to promote union, to cherish religious peace, these were the honest purposes of Lord Baltimore during his long supremacy.¹

And again :

Thus was the declining life of Cecilius Lord Baltimore, the father of Maryland, the tolerant legislator, the benevolent prince, blessed with the success which philanthropy deserves. The colony which he had planted in youth crowned his old age with its gratitude. Who among his peers could vie with him in honours? A firm supporter of prerogative, a friend to the Stuarts, he was touched with the sentiment of humanity—an earnest disciple of the Roman Church, of which he venerated the expositions of

¹ Bancroft, c. xiv. 523.

truth as infallible, he, first among legislators, established an equality among sects. The commercial metropolis of Maryland commemorates his name, the memory of his wise philanthropy survives in American history. He died after a supremacy of more than forty years, leaving a reputation for temperate wisdom which the dissensions in his colony and the various revolutions of England could not tarnish.¹

About fourteen years before his death, Lord Baltimore had entrusted the administration of the colony to Charles, his eldest son. On succeeding to the title, the third Lord Baltimore strove to follow the example set him by his father and grandfather, and did so under some of the same discouragements against which both had had to struggle. The Established Church of England was now strong at home, and victorious over Dissent, but its clergy, however much they might delight in persecuting Puritans, joined with them in cordial dislike to Catholics, and viewed with jealousy the existence of a State in which these were free to worship God after the manner of their forefathers. The minds of the English people were goaded to fury by lying tales of Popish plots, artfully fomented by unprincipled men, and the time was found well suited for denouncing the "pest-house of iniquity" on the other side of the Atlantic, in which Catholics were not only permitted to worship God in their own way, but to hold sway over Protestants. The English clergy demanded the establishment of their Church in the province, at the cost of the settlers, Catholics and Puritans alike. The attempt was for the time warded off by the firmness of the new Lord Baltimore. "The Roman Catholic," says Bancroft, "was inflexible

¹ Bancroft, c. xiv. 525, 526.

in his regard for freedom of worship."¹ But the influences brought to bear on the English Ministry were, in the end, too strong to be overcome, and, in 1681, an order was issued that none but Protestants should hold office under Government. With the advent of the Catholic King James, it might have been thought that the religious liberties of the colony would have been restored, and no doubt the new King was far from entertaining the desire that these should be withheld, but unhappily James was no friend to civil liberties, and he judged it expedient that Maryland should be reduced to the same state of subjection to the Crown, to which he had destined the other colonies. It was in vain that Lord Baltimore remonstrated, and pleaded for exemption from the fate to which his province was doomed. A writ for reduction of his patent had already been ordered, when the Great Revolution of 1688 broke out, and James was driven from the throne.

Though the experiment of civil and religious liberty may be said to have terminated with the exclusion of Catholics from office under Government, some years before the outbreak of the Revolution, that great event completed and perpetuated its overthrow. One crushing blow after another fell upon the Catholic adherents of Lord Baltimore, and statute after statute was passed, conferring privileges upon the English Church and enacting disabilities against the "Papists." A State religion was established in Maryland, but the religion was that of the Church of England. The English Acts of Toleration were put in force, but toleration was only for Protestant

¹ Bancroft, c. xiv. 528.

Dissent, and the seventeenth century closed in gloom for the Catholics of Maryland, whose fathers, a generation before, had established an asylum for freedom on its fruitful shores. Their churches were closed, their schools dispersed, their priests hunted like outlaws from hiding-place to hiding-place throughout the settlement. Nothing can exhibit the mournful condition into which the colony fell, better than the words of Bancroft, whose statements have been so frequently referred to in these pages; these also show, in the reference made to the relapse of the Calvert family into Protestantism, that penal laws are sometimes even more disastrous to the wealthy and high born than they are to the poor and lowly.

The Roman Catholics were left alone without an ally, exposed to English bigotry and colonial injustice. They alone were disfranchised on the soil, which, long before Locke pleaded for toleration or Penn for religious freedom, they had chosen, *not as their own asylum only*, but, with Catholic liberality, *as the asylum of every persecuted sect*. In the land which Catholics had opened to Protestants, the Catholic inhabitant was the sole victim to Anglican intolerance. Mass might not be said publicly. No Catholic Bishop or priest might utter his faith in a voice of persuasion. No Catholic might teach the young. If the wayward child of a Papist would but become an apostate, the law wrested for him from his parents a share of their property. The disfranchisement of the proprietary related to his creed, not to his family. Such were the methods adopted to "prevent the growth of Popery." Who shall say that the faith of the cultivated individual is firmer than the faith of the common people? Who shall say that the many are fickle, that the chief is firm? To recover the inheritance of authority, Benedict, the son of the proprietary, renounced the Catholic Church for that of England; the persecution never crushed the faith of the humble colonists.¹

¹ Bancroft, c. xix. 719.

In commending to Catholic readers the subject of civil and religious liberty, as introduced and practised in Maryland by devoted adherents of the Catholic Church, before anything but barren theory had been broached on the side of its opponents, we must not be understood as entering into the subject of religious toleration itself, or condemning any legitimate and temperate effort made by Catholic rulers to maintain the unity of faith, which had been the unbroken tradition of their States for centuries before the Reformation. That is a subject which must be treated by itself, as the conditions which existed in Europe in the sixteenth century are entirely different from those which prevailed in Maryland in the seventeenth century, and in most European States at the present day. It is sufficient for our present purpose to have shown the incorrectness of the idea so prevalent in this country, and so assiduously propagated, that Protestants led the way in establishing civil and religious liberty, and in conferring upon the citizens of a free community the right to the free exercise of their religion.

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