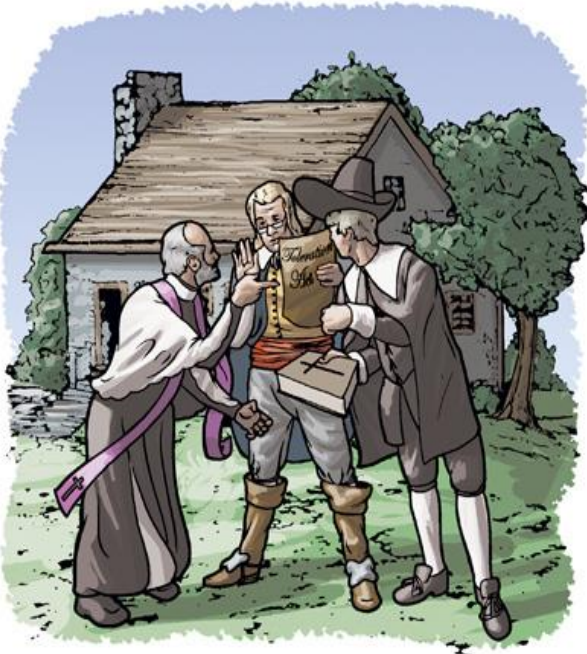


Maryland Toleration Act (1649)

In 1629, George Calvert, first Lord Baltimore, established the Maryland colony as a haven for English Catholics. George died in 1632 and his son, Cecilius, or Cecil, Calvert, second Lord Baltimore, developed the colony and became its first proprietor. Cecil, Lord Baltimore, sent his younger brother, Leonard Calvert to Maryland, to run the colony. The Stuart monarch supported this colony, but religious freedom for Catholics was undermined by the English Civil War. With the death of Leonard Calvert in 1647, Puritans seized the colony, arrested a number of Catholic leaders and priests, and brought an end to toleration in Maryland. However, in 1649, control of the colony reverted back to the Calverts. At this point Cecil, Lord Baltimore, wrote **“An Act Concerning Religion,”** which is better known as the **Maryland Toleration Act**. The Maryland legislature adopted this law on September 21, 1649.



Religious Freedom or Not?

The Maryland Toleration Act is often cited as the beginning of religious freedom in America. This understanding of the act is true, but only in the most limited ways. Officially titled An Act Concerning Religion, this law was designed to protect Trinitarian Christians in the Maryland colony. The law provided that “noe person or persons whatsoever within this Province . . . professing to believe in Jesus Christ, shall from henceforth bee any waies troubled, ... for or in respect of his or her religion nor in the free exercise thereof.” At the time, Catholics faced severe persecution in England. Thus, the act was a significant step forward in the struggle for religious liberty. This was also the first use of the term “free exercise thereof,” which would later be used in the First Amendment.

The law was harsh in its punishment of those who disagreed and people of other faiths. The statute provided that anyone who should...

deny our Saviour Jesus Christ to be the sonne of God, or shall deny the holy Trinity the father sonne and holy Ghost, or the Godhead of any of the said Three persons of the Trinity or the Unity of the Godhead, or shall use or utter any reproachfull Speeches, words or language concerning the said Holy Trinity, or any of the said three persons thereof, shalbe punished with death and confiscation or forfeiture of all his or her lands and goods.

People of the Jewish faith, Unitarians, skeptics of any kind, and of course any nonbelievers might be executed under this provision. Later in the century, a Jewish merchant would be sentenced to death for his faith, but in the end he would merely be expelled from the colony.

Religious Discussion and Penalties

The law also tried to regulate religious discussion.

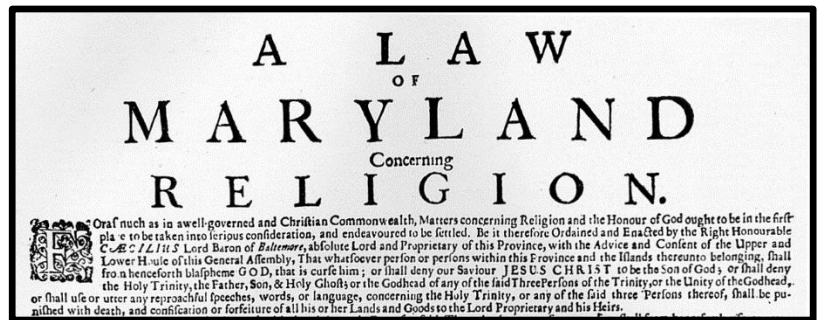
Thus, anyone who might “utter any reproachfull words or Speeches concerning the blessed Virgin Mary the Mother of our Saviour or the holy Apostles or Evangelists” could be fined, imprisoned, or whipped; have his property confiscated; or be expelled from the colony. Fines and imprisonment might also be meted out to

anyone who in a reproachful manner or Way declare call or denominate any person or persons whatsoever inhabiting, residing, traffiqueing, trading or comerceing within this Province . . . an heritick, Scismatick, Idolator, puritan, Independant, Prespiterian popish prest, Jesuite, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or any other name or terme in a reproachfull manner relating to matter of Religion.

Finally, the statute provided penalties for anyone who might “prophance the Sabbath or Lords day” by swearing, working unnecessarily, or failing to attend church.

Creating Harmony or Not?

The goal of the act was to create harmony between Protestants and Catholics in a colony that had been founded by a Roman Catholic proprietor, Lord Baltimore, but was populated mostly by Protestants. In 1654, the Puritan-controlled colonial legislature repealed the act and banned Roman Catholics from living in the colony. However, Oliver Cromwell stepped in and once again restored the Calverts to power. In 1658, Maryland put the Toleration Act back into place. After the Glorious Revolution, the Catholic Calverts lost all control of the colony, and in 1692 the newly appointed royal governor removed all Catholics from power by requiring all office holders to take a Protestant oath. By 1702, the Church of England had been established as the official church of the colony. Catholics were allowed to settle in Maryland and practice their faith, but could not hold office, and after 1718 could not vote.



The act of 1649 illustrates the limited ideas of religious freedom in the seventeenth century, while at the same time showing that some leaders understood that religious toleration could produce a peaceful society. In the act, Lord Baltimore explained why such legislation was necessary. Baltimore wrote that:

“the inforceing of the conscience in matters of Religion hath frequently fallen out to be of dangerous Consequence in those commonwealthes where it hath been practised, And for the more quiett and peaceable government of this Province, and the better to preserve mutuall Love and amity amongst the Inhabitants” free exercise for Trinitarian Christians would be protected in the colony.

Adapted from US Civil Liberties.org