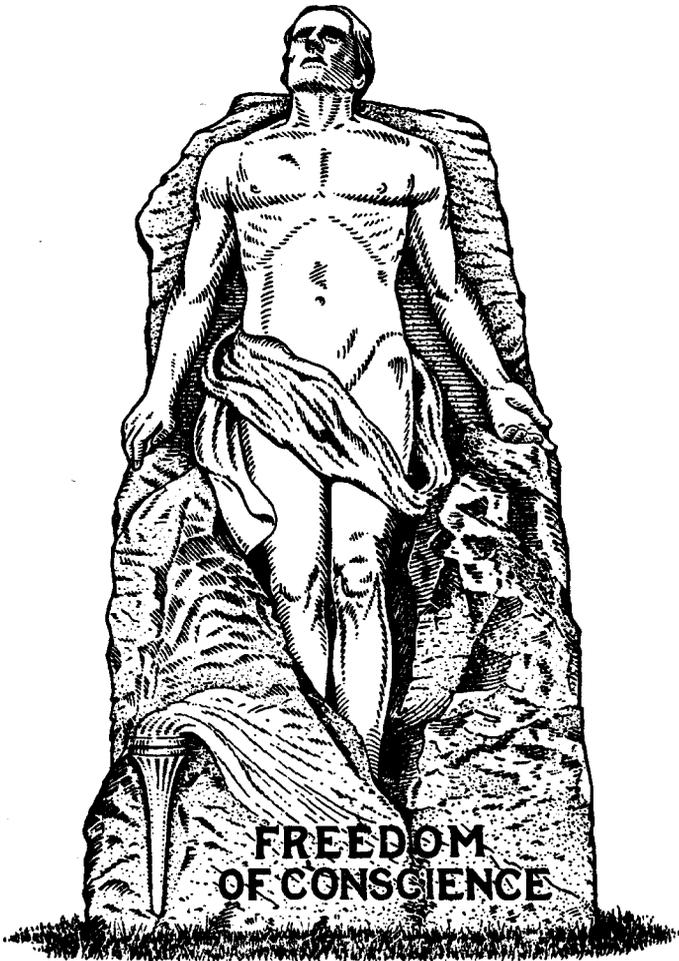


THE MARYLAND ACT OF RELIGIOUS TOLERATION

An Interpretation by
GERALD W. JOHNSON



THREE HUNDRETH ANNIVERSARY OF
AN ACT CONCERNING RELIGION
Passed April 21, 1649, by the Maryland General Assembly

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ON APRIL 2, 1649, at St. Mary's City, then the capital of Maryland, freemen gathered for a meeting of the General Assembly. Acting as representatives of the people, they were to consider sixteen bills for possible approval as laws of the province. Since many of the contemporary records have been lost, little is known today of all that happened in that session of the Assembly. Certain it is, however, that nineteen days later, on April 21, the freemen voted twelve of the proposed bills into law. Among them was *An Act Concerning Religion*.

From time to time, in the long struggle of the American people toward complete religious liberty, several colonies—especially Rhode Island and Pennsylvania—made notable contributions. Maryland's gift to the common cause was this *Act Concerning Religion*—one of the pioneer statutes passed by the legislative body of an organized colonial government to guarantee any degree of religious liberty. Specifically, the bill, now usually referred to as the Toleration Act, granted freedom of conscience to all Christians.

Religious toleration was not new to the men and women of Maryland. Planned by George Calvert, first Lord Baltimore, and actually founded by his son Cecilius, the province was primarily a haven for persecuted Catholics; yet its founders had welcomed, and even sought, Protestants as settlers. Furthermore, back in November, 1633, in the first paragraph of his instructions to the governor and commissioners, the second Lord Baltimore had warned his Catholic and Protestant colonists, then leaving for the New World, that they were not to give offense one to another in matters of religion. This forbearance, he had added, they were to observe on land as well as at sea. The records remaining to us indicate that for fifteen years the settlers had obeyed these directions with a unanimity surprising for the times.

Once the Marylanders had landed, Roman Catholics and Protestants had shared a single chapel building at St. Mary's. The first religious dispute, so far as we know, had occurred in 1638, and then one William Lewis, a Catholic, had been charged by his Protestant servants with proselyting by force of his authority, thus provoking a quarrel over religion. Lewis, tried by a court predominantly Catholic, had been found guilty and fined 500 pounds of tobacco. Similarly, in 1641, a Thomas Gerard, also Catholic, had been charged with taking the keys of the chapel from Protestants and removing their books from the building. Again a Catholic had been declared guilty of interfering in the religion of Protestants and, with a nice irony, the court had decreed that Gerard's fine of 500 pounds of tobacco be held for the support of the first Protestant minister who should arrive in the colony.

Moreover, when William Stone, a Protestant, had become Lord Baltimore's governor in 1648, he had been required to state on oath that he would neither molest nor discountenance any person professing belief in Jesus Christ. Finally, there had been a drawn-out dispute between Lord Baltimore and the Jesuit Order. Priests in the colony had claimed the right to acquire land from the Indians and to hold it more or less independently of the Lord Proprietary under conditions similar to those prevailing in the Catholic countries of Europe. With this claim Cecilius Calvert had disagreed. He had carried his case to Rome, where the General of the Society of Jesus had forbidden the priests to acquire land in Maryland without the express approval of His Lordship. Clearly, between 1634 and 1649, a large measure of freedom of conscience had become a part of the thinking and habits of Marylanders, and, clearly, Cecilius Calvert had endeavored to separate church and state in the colony.

Then, in 1649, the freemen had approved the *Act Concerning Religion* * part of which stated that "no person or persons whatsoever within this province . . . professing to believe in Jesus Christ, shall from henceforth be in any ways troubled, molested, or discountenanced for or in respect of his or her religion, nor in the free exercise thereof . . ." This Act of Religious Toleration, like Lord Baltimore's policy of separating church and state, was far ahead of its time.

* The full text of the act, as transcribed from the Assembly journal in the Hall of Records, Annapolis, begins on page 12.

These facts are as certain as can be from the records still extant. Yet they leave questions unanswered. If religious toleration had been so widely practiced, why the necessity in 1649 for writing it into law? Why was such a law passed in Maryland rather than in some other colony? Has it any meaning for us today?

In discussing such questions as these, historians have concentrated their attention almost exclusively on the religious phases of the Act and, because of the loss of contemporary records, have been forced into conjecture. The discussion that follows is as much surmise as any other commentator's interpretation yet it presents a point of view, previously ignored, which is both plausible and meaningful. First, however, we must provide a background to the passage of the Act.

The world, as many Englishmen saw it in 1649, had been turned upside down. Political troubles had resulted in a civil war that had begun in 1642, and had culminated in an act of violence which, to many men, seemed to overturn the structure of society and undo the whole English way of life. On January 30, 1649, Charles the First, King of England, had been executed by his own people, a deed that jarred the whole institution of monarchy.

Kings had been killed before in England and in other countries. Prior to 1649, however, such deaths had been brought about by someone who hoped to seize the crown, someone bent upon personal revenge, or someone who felt that the king's rule was too monstrous to be borne any longer. Charles, however, for no other reason than the fact that he had defied the will of Parliament, had been tried, condemned and beheaded. The king's concept of government had been that the subjects' lives were in the sovereign's hand; the Englishmen who had executed Charles, however, had asserted the principle that, once he undertook to destroy their liberty, the sovereign's life was in the subjects' hands. This was a complete defeat for the idea of absolute monarchy. To many men, it was more than that. It was a social, political, economic and religious earthquake. These sane and prudent, if conservative, men sincerely believed that the very foundations of civilization were crumbling.

The fear of these men arose not so much out of the fact that their king had died under the headsman's axe, or from the fact that a certain Puritan, Oliver Cromwell by name, was plainly on his way toward making himself dictator of England. It was rather that a liberal idea of the function—indeed of the very nature—of govern-

ment was spreading among the English people. The concept of any degree of popular voice in the affairs of state struck dismay to the minds and hearts of many men who believed in law and order. They would have been even more dismayed, perhaps, had they fully realized how nourishing a climate the ideas of English freedom would find as they spread to the New World.

The troubles that had overwhelmed King Charles were no sudden outburst. They had been brewing for at least forty-six years—ever since the death of Elizabeth, the Great Queen, in 1603. Her successor, James the First, had wrestled with some of them and, by the time that his son, Charles, had come to the throne, the witches' cauldron was bubbling merrily. Basically, these disturbances were rooted in the prolonged struggle between absolute monarchy and constitutional government; but the unrest had been made more bitter and violent by the injection of religious issues into politics. Willingly or unwillingly, Anglicans, Catholics, Presbyterians, Puritans, Quakers and others had seen their faiths become inextricably tangled with affairs of state. Not only in England, but throughout Europe, to the infinite damage of both church and state, it was the spirit of the time to make religion the football of politics.

Among the statesmen surrounding the kings of England through much of this gathering storm was George Calvert, planner of the Maryland colony. Calvert was a remarkable man. He had come to London a simple gentleman of a good, but not particularly prominent, Yorkshire family. At the University of Oxford, he had shown distinct promise, and afterward had gone abroad to perfect his mastery of French, Italian and Spanish. The most powerful man in England at the time was Sir Robert Cecil, chief secretary of state who, so gossip said, was less the king's minister than the king's master. Sir Robert was always on the lookout for bright young men, especially linguists, and young George Calvert pleased him. He made the Yorkshireman one of his private secretaries.

Twenty years of service under the secretary of state and, after Sir Robert's death, directly under the king, had made Calvert into one of the ablest diplomats of his time. In 1625, however, at the height of his career, it became clear that Parliament was determined to disqualify Catholics from any position of trust or profit under the government. Few observers doubted the eventual success of this move.

At this moment, Calvert—he was Sir George by now—chose to announce his conversion to the Catholic faith—an act that forever acquits him of any charge of insincerity. This move meant the sacrifice of his political career, but he did not hesitate; nor during the bitter years that followed did he or his son waver in devotion to their faith. The king, who esteemed him highly, gave Sir George a barony in the Irish peerage since he had estates in Ireland as well as in Yorkshire. He was now Lord Baltimore.

Historians, while frequently praising George Calvert's faithfulness to his religion, have seldom pointed out the significance which his change of front may have had upon his philosophy of government. When he had changed his church, he had not changed his party. As a Protestant, he had been a king's man, and as a Catholic he had remained in the king's party, although retired from public office. Plainly, then, there was already in Calvert's mind a sharp and complete distinction between religion and politics. A willingness to compromise, which is the essence of successful politics, had no place in Calvert's faith. He had separated church and state in his thinking long before he separated them in his colony.

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This was the man who, in times turbulent with politico-religious strife, asked the king for a grant of land in the wilderness of America where he might establish a sanctuary for his persecuted fellow Catholics. The request involved delicate considerations. Already the king's enemies were accusing him of currying favor with the Catholic King of Spain, to the detriment of English interests. Any favor that Charles might show to Catholics, even English Catholics, would be seized upon with delight by his enemies, and held up as proof of their accusations. How, then, could he, even with the best will in the world, grant his friend Baltimore's request without putting weapons into the hands of his foes?

George Calvert found a way. Not for nothing had he been trained by Sir Robert Cecil, ablest English diplomat of the age. Lord Baltimore brought to the king a charter for his new colony modeled, not on the charter of Virginia, nor on that of Massachusetts—the two English colonies already established—but on that of the Palatinate of Durham, a survival from the Middle Ages. That charter had given the Bishop of Durham practically royal power over his city. Aside from setting forth the metes and bounds of the grant, Calvert scarcely altered the wording of the old charter, except to write in

“Maryland” instead of “Durham” and “Lord Proprietary” for “Bishop.” Thus, if the king’s enemies challenged his charter, he could assert that it was nothing new, only a revival of an old English political system.

Calvert made certain, too, that his enemies would have no cause to attack his charter on the basis of religion. By implication, the document stated that the same pains and penalties prevailing in England would be imposed upon the Lord Proprietary if ever he should allow prejudice to “God’s Holy and True Christian Religion”—a statement sufficiently broad to satisfy wide interpretation. As a practical man, Lord Baltimore mentioned no specific faith in the charter; but the fact that he was a Catholic was immediate and positive guarantee that his own religionists would suffer no persecution. By virtue, then, of the vagueness of the charter and its failure to mention particular faiths, a policy of religious freedom was to be expected in Maryland, so long as the Calvert family controlled the province.

After the charter had been approved, but before the Great Seal could be applied to make it legal, George Calvert died. When it was issued in 1632, it bore not his name, but that of his son, Cecilius Calvert, second Baron of Baltimore.

Even though Cecilius Calvert was not the creative genius his father was, he understood the first baron’s ideas thoroughly and applied them faithfully with a skill that George himself could not have bettered, and perhaps could not have matched.

The purpose of the vague religious clause in the charter he perceived with the utmost clarity. It was to prevent a repetition in the colony of the unhappy religious and political troubles prevalent in England. Accordingly, he made every effort to impress upon his settlers the necessity for avoiding religious controversy.

The enforcement of the charter in Maryland was entrusted to Baltimore’s brother, Leonard, named as governor; but since Leonard was still a young man, he was to be advised by two older commissioners. Particularly to these three, then, did the second Lord Baltimore emphasize his instructions. In his very first paragraph, he wrote:

His Lordship requires his said Governor and Commissioners that in their voyage to Mary Land they be very careful to preserve unity and peace among all the passengers on shipboard, and that they suffer no scandal nor offence to be given to any of the Protestants,

whereby any just complaint may hereafter be made by them in Virginia or in England, and that for that end, they cause all acts of Roman Catholic religion to be done as privately as may be, and that they instruct all the Roman Catholics to be silent upon all occasions of discourse concerning matters of religion; and that the said Governor and Commissioners treat the Protestants with as much mildness and favor as justice will permit. And this [is] to be observed at land as well as at sea.

In Maryland, the broad religious interpretation of the charter, immeasurably strengthened and given purpose by this first paragraph of the instructions, was enforced in a spirit of complete fairness from 1634 to 1649.

During all of these years, Lord Baltimore had been compelled to remain in England where his charter was under frequent attack in Parliament and courts by his own enemies, and the king's. Protestants in Maryland, these enemies claimed, would never be safe under a Catholic lord.

The second Lord Baltimore proved them wrong. As has been shown at the beginning of this discussion, religious toleration did prevail in Maryland, and in the remaining records of the time, there is even a hint—tantalizing to the historian—of a lost "Toleration Act" having been passed as early as 1635. There is no doubt, therefore, that the principle of religious toleration had not only been implied in the charter—the organic law of Maryland—but had been faithfully and vigorously enforced by the courts, the governor and the Lord Proprietary. The enforcement, however, was by edict of the Lord Proprietary; the people had shown their approval by their active cooperation. While they had enjoyed the effects of toleration, of their own free will they had not debated it nor voted upon it in the Assembly.

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Meanwhile, in England, the politico-religious quarrel between Anglican king and Puritan parliament had gone from bad to worse. The royal power had been attacked in civil war and, on the field of battle, the king had been badly worsted. When, on January 30, 1649, Charles went to the block, Lord Baltimore's whole political world came crashing down. He had been a member of the king's party, but now the king was dead. Calvert's royal protection was shattered. The authority of his charter was weakened. Perhaps, even, Cromwell and the Puritan parliament would take Maryland from him. No

longer was Baltimore's edict as a ruler strong enough to support the government which he had imposed upon Maryland. The consent of the people of the colony had become a necessity.

Accordingly, in 1649 Cecilius Calvert submitted to the General Assembly a series of proposals, which, so he wrote in an accompanying letter, had been suggested to him—by whom we do not know. The proposed sixteen laws, however, covered a range of subjects so wide that they may well have been designed for the primary purpose of strengthening his entire tottering position as Lord Proprietary of Maryland. Among them was an act for punishing counterfeiterers of the seal of the province, and another to punish offenders against the peace and safety of the colony. But most important of all—since politics and religion were closely interwoven—was *An Act Concerning Religion*.

The Assembly, whose membership by this time was about half Protestant, considered the proposals. Some of its more conservative members, no doubt, were as full of anxiety and foreboding as was Lord Baltimore back in England; to them the old order seemed to be collapsing before the strange idea of a government more responsive to the people's wishes. But other members were feeling their power to compel government by the consent of the governed, and they showed it. They refused to accept His Lordship's proposals *en bloc*; four of them they rejected, and some of the remaining twelve they proceeded to rewrite. In the end, on April 21, they endorsed the bulk of them as substantially sensible, just and right.

The first of those approved was *An Act Concerning Religion*. From internal evidence it is clear that this was one of the bills partially rewritten. It begins with a terrific and lengthy blast against profane swearers, blasphemers, Sabbath breakers, and others of the ungodly. This section had nothing to do with the main purpose of the act, and it is reasonably certain that Baltimore did not write it. It may even have been camouflage to obscure the latter section which granted toleration. However, to assume, as some have done, that the first section was a repudiation of the spirit of tolerance constitutes an unwarranted removal of the act from its historical setting. Severe laws against blasphemy and similar crimes had been on the statute books of England and other European countries for generations.

In any event, the act was remarkably comprehensive. Its provision that no man should "be in any ways troubled, molested, or discountenanced for or in respect of his or her religion" was tolerance. But

it went further. In a previous clause, it imposed fines and imprisonment on anyone who should "in a reproachful manner or way" apply certain terms to other persons to disparage their religion. This went beyond mere tolerance, and looked toward fellowship, understanding and complete freedom of conscience.

Some critics have seen in the law's limitation of tolerance to Christians a tincture of anti-Semitism which they state invalidates the claim that the act was one of toleration. But this was Maryland in the seventeenth century when Jews in the colony were a mere handful. At any rate, the record is bare of any persecution of Jews. On the contrary, a Mathias da Sousa was serving in the Assembly in 1641 and, a few years after passage of the Act, a religious charge against one Dr. Jacob Lumbrozo came to nothing.

True, toleration in Maryland temporarily was struck down only five years after its enactment. By 1654, the conflict in England was over, but postwar hysteria flooded the colony like a tidal wave. Cromwell was seated firmly in England's saddle from which only death would dislodge him. Zealous Maryland Puritans, caught in the emotional frenzy, swept away the Act of Toleration and put Catholics, Jews, Quakers, and all dissenters under disabilities as oppressive as any imposed in America.

Although these men wiped the law off the statute books, they could not erase its spirit from the minds of men. As the hysteria subsided, and the freemen returned to the sober and judicious mood in which they had approved the law, they realized that in 1649 they had acted well. So in 1661, after Cromwell had died and the monarchy had been restored, Marylanders promptly repealed all the laws of the Puritan regime, thereby putting the Act of Toleration once more in force. It remained the law for thirty-one years, and then was replaced, not by the choice of the Maryland freemen, but by the English government which, under William and Mary, sought to establish the Anglican Church in all parts of the realm, including Maryland.

As we see it after three hundred years, perhaps the most important line in the statute is written at the bottom of the act: "The freemen have assented."

Thomas Hatton, clerk of the Assembly, doubtless thought nothing of those four words. To him, they merely constituted the usual formula that he wrote on all acts passed by the Assembly. But the

freemen had assented, to quote the law's own words, "the better to preserve mutual love and amity among the inhabitants." It was a law made by civilized men who believed that a decent show of respect for one another is one of the duties of freemen and one of the bulwarks of a free state.

In enacting this legislation Maryland was among the world's leaders. It is an honor of which she cannot be deprived, and a great honor when one considers what followed. The step taken at St. Mary's was an important part of the movement toward religious freedom which reached its climax in 1791 with the addition of the First Amendment to the Constitution of the United States, which says, in part, that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

After a hundred and fifty years of freedom of conscience, experience has confirmed that of the Marylanders during the fifteen years between 1634 and 1649. The first amendment, in separating church and state, has made profitless a war using religion as a pretext, and the United States of America remains the only large nation in the history of the world that, from its foundation, has never been torn by the conflict of religious strife. Today the churches of America are the most flourishing and vigorous on the globe.

Another point worth remembering in 1949 is the fact that the Maryland Assemblymen of 1649 were not brilliant, outstanding men whose names still live in great accomplishment. The group contained no Hamilton, no Madison, no Franklin. Superficially, this fact may seem the reverse of memorable. But if one examines it carefully, there is encouragement and hope in it for us of 1949.

For once more we are standing amid the ruins of an old order. On this occasion, it is not merely the English system, but the whole world system that has been shattered. A succession of terrific wars, in less than thirty years, has reduced the number of dominant powers to barely a handful. Within the memory of men still in early middle age, five great empires have been destroyed—German, Austrian, Russian, and Turkish, in the first World War, and Japanese in the second. Not one king, but dozens of kings, emperors, dictators, and other rulers have gone to the gallows, or the firing squad, or have been dethroned.

Again in 1949, as in 1649, the most frightening thing is not the danger of the sword—or, as of today, the peril of the bomb and the shell—but the rise of strange new ideas that attack the old loyalties

and beliefs which have sustained us for generations. We have proved that we can meet any army our foes can send against us; but, when they attack us with ideas, we are less certain of ourselves than when they descend upon us with fire and steel.

Some of us are worse than appalled—some have fallen into despair. These are the people who should take comfort in remembering 1649. These are the men who should look upon the three hundred year old parchment, labelled *An Act Concerning Religion*, now in the keeping of the Maryland Historical Society. On the tough vellum, in quaint seventeenth century handwriting and spelling, they will see still written, not just certain legal directions regarding religion, but a story of achievement by honest, courageous, fair-minded men.

What ordinary men have done, ordinary men can do again. When the freemen assented to the Toleration Act of 1649, they set a course for a nation to follow toward lasting peace. They did not accomplish this by wailing and falling into despair, but by working boldly and sincerely for the common good with whatever talents God had given them.

Lord Baltimore and the Assemblymen of 1649 have left us a great law and a great example. But the honesty, courage and fairness that lifted them to greatness, we must achieve for ourselves.

The following version of the Toleration Act has been transcribed from the Assembly journal now at the Hall of Records in Annapolis. Most seventeenth century forms of capitalization, punctuation and spelling have been retained. To emphasize the section of the law which guaranteed religious tolerance, the text has been broken by a paragraph and set in large type.

Acts of Assembly
of the 21th of Aprill
1649

Confirmed by the
Lord Proprietary by
an instrument vnder
his hand & seale dated
26th of August 1650.

Philip Calvert.

ACTS AND ORDERS OF ASSEMBLY ASSENTED VNTO
Enacted and made at a genall Sessions of the said
Assembly held at St Maries on the one and twentieth
Day of Aprill Anno Dñi 1649 as followeth
viz:

An Act concerning Religion

fforasmuch as in a well governed and xpian Comon
Wealth matters concerning Religion and the honor of God ought in the
first place to bee taken into serious consideracōn and endeavoured to bee
settled Be it therefore ordeyned and enacted by the right Ho^{ble} Cecilius Lord
Baron of Baltemore absolute Lord and Proprietary of this Province with the
advise and consent of this Generall Assembly That whatsoever pson or psons
within this Province and the Islands therevnto belonging shall from hence-
forth blasphemee God, that is, curse him or deny our Saviour Jesus Christ
to bee the sonne of God, or shall deny the holy Trinity the ffather sonne
and holy Ghost, or the Godhead of any of the said three psons of the Trinity
or the Vnity of the Godhead, or shall vse or vtter any reproachfull speeches
words or language concerning the said Holy Trinity, or any of the said three
psons thereof shalbe punished with death and confiscacon or forfeiture of
all his or her lands and goods to the Lord Proprietary and his heires. And
bee it also Enacted by the authority and with the advise and assent aforesaid
That whatsoever pson or psons shall from henceforth vse or vtter any
reproachfull Words or Speeches concerning the blessed Virgin Mary the
mother of our Saviour or the holy Apostles or Evangelists or any of them
shall in such case for the first Offence forfeit to the said Lord Proprietary
and his heires Lords and Proprietaries of this Province the Sumē of ffive
pound sterling or the value thereof to bee leyved on the goods and chattells
of every such pson soe offending, but in case such Offender or Offenders shall

not then have goods and chattells sufficient for the satisfyeing of such forfeiture, or that the same bee not otherwise speedily satisfyed that then such Offender or Offenders shalbe publiquely Whipt and bee ymprisoned during the pleasure of the Lord Proprietary or the leivet or cheife Governor of this Province for the time being And that every such Offender or Offenders for every second offence shall forfeit tenne pounds sterling or the value thereof to bee levied as aforesaid, or in case such offender or Offenders shall not then haue goods and chattells within this Province sufficient for that purpose then to bee publiquely and severely Whipt and imprisoned as before is expressed And that every pson or psons before mencōned offending herein the third time shall for such third Offence forfeit all his lands and goods and bee for ever banished and expelled out of this Province. And bee it also further Enacted by the same authority advise and assent that whatsoever pson or psons shall from henceforth vpon any occasion of Offence or otherwise in a reproachfull manner or Way declare call or denominate any pson or psons Whatsoever inhabiting residing traffiqueing trading or comerceing within this Province or Within any the Ports Harbors Creeks or Havens to the same belonging an heritick, Scismatick, Idolator, puritan, Independant, Prespiterian, popish preist, Jesuite, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Sepatist, or any other name or terme in a reproachfull manner relating to matter of Religion shall for every such Offence forfeit and loose the some or [of] tenne shillings sterling or the value thereof to bee levied on the goods and chattells of every such Offender and Offenders, the one half thereof to bee forfeited and paid vnto the person and persons of whom such reproachfull words are or shalbe spoken or vttered, and the other half thereof to the Lord Proprietary and his heires Lords and Proprietaries of this Province, but if such pson or psons whoe shall at any time vtter or speake any such reproachfull Words or language shall not haue goods or chattells sufficient and overt within this Province to bee taken to satisfy the penalty aforesaid, or that the same bee not otherwise speedily satisfyed, that then the pson or persons soe offending shalbe publickly whipt, and shall suffer imprisonment without baile or maineprise vntill hee shee or they respectively shall satisfy the party soe offended or greived by such reproachfull language by asking him or her respectively forgiveness publickly for such his Offence before the Magistrate or cheife Officer or Officers of the Towne or place where such Offence shalbe given And bee it further likewise Enacted by the authority and consent aforesaid That every person and persons within this Province that shall at any time hereafter pphane the Sabbath or Lords day called Sunday by frequent swearing drunkennes or by any vncivill or disorderly recreacōn or by working on that day when absolute necessity doth not require it shall for every such first offence forfeit 2^s 6^d sterling or the value thereof and for the second Offence 5^s sterling or the value thereof, and for the third offence and soe for every time hee shall offend in like manner afterwards 10^s sterling or the value thereof And in

case such Offender and Offenders shall not haue sufficient goods or chattells within this Province to satisfy any of the said Penalties respectively hereby imposed for prophaning the Sabbath or Lords day called Sunday as aforesaid That in every such Case the p̄tie soe offending shall for the first and second offence in that kinde bee imprisoned till hee or shee shall publickly in open Court before the cheife Commander Judge or Magistrate of that County Towne or precinct where such Offence shalbe committed acknowledg the Scandall and offence hee hath in that respect given against God and the good and civill Governem^t of this Province And for the third offence and for every time after shall also bee publickly whipt.

And whe[reas] the inforcing of the conscience in matters of Religion hath frequently fallen out to bee of Dangerous consequence in those common wealthes where it hath beene practised, And for the more quiett and peaceable governem^t of this Province and the better to pserve mutuall love and amity amongst the Inhabitants thereof Be it therefore also by the Lo: Pr[o]prietary with the advise and consent of this Assembly Ordeyned & enacted (except as in this psent Act is before Declared and sett forth) That noe person or psons whatsoever within this Province or the Islands Ports Harbors Creeks or Havens therevnto belonging professing to beleive in Jesus Christ shall from henceforth bee any waies troubled molested or discounteñaced for or in respect of his or her religion nor in the free exercise thereof within this Province or the Islands therevnto belonging nor any way compelled to the beleife or exercise of any other Religion against his or her consent, soe as they bee not vnfaithfull to the Lord Proprietary or molest or conspire against the civill Governem^t established or to bee established in this Province vnder him or his heires And that all & every pson and psons that shall presume contrary to this Act and the true intent and meaning thereof directly or indirectly either in person or estate willfully to wrong disturbe trouble or molest any person Whatsoever within this Province professing to beleive in Jesus Christ for or in respect of his or her religion or the free exercise thereof within this Province other than is provided for in this Act, that such pson or psons soe offending shalbe compelled to pay treble damages to the party soe wronged or molested, and for every such offence shall alsoe forfeit 20^s sterling in money or the value thereof, half thereof for the vse of the Lo: Proprietary and his heires Lords and Proprietaries of this Province, and the other half for the vse of the party soe wronged or molested

as aforesaid, Or if the ptie soe offending as aforesaid shall refuse or bee vnable to recompense the party soe wronged or to satisfy such ffyne or forfeiture then such Offender shalbe severely punished by publick whipping & imprisonm^t during the pleasure of the Lord Proprietary or his *Leivetenāt* or *cheife Governor of this Province* for the tyme being without baile or maineprise And bee it further alsoe Enacted by the authority and consent aforesaid That the Sheriff or other Officer or Officers from time to time to bee appointed & authorized for that purpose of the County Towne or precinct where every particular offence in this psent Act conteyned shall happen at any time to bee comitted and wherevpon there is hereby a fforfeiture ffyne or penalty imposed shall from time to time distraine and seise the goods and estate of every such pson soe offending as aforesaid against this psent Act or any pt thereof and sell the same or any part thereof for the full satisfaccōn of such forfeiture ffine or penalty as aforesaid Restoring vnto the ptie soe offending the Remainder or Overplus of the said goods or estate after such satisfaccōn soe made as aforesaid.

The ffreemen haue assented. Tho: Hatton
Enacted by the Governor Willm Stone

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1949

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