

by the oath required of the governor and other high officers.²⁵

At a considerable expense of time, effort and money, Cecil Calvert outfitted two ships, the *Ark* and the *Dove*, to carry the first settlers of Maryland to their new home. Of primary interest in discerning the motives of the Calverts is the carefully drafted letter of instructions from Cecil to Leonard, "the first declaration of religious liberty to come to America."²⁶ The first instruction reads:

"His Lord required his said governor and commissioners that in their voyage to Maryland that they be very careful to preserve unity and peace amongst all the passengers on shipboard and that they suffer no scandal nor any offense 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 the Roman Catholic religion to be done privately as may be and they instruct all the Roman Catholics to be silent upon all occasions of discourse concerning matters of re-

²⁵ The oath reads:

"I will not by myself or any other, directly or indirectly trouble, molest or discountenance any person professing to believe in Jesus Christ for or in any respect to religion. I will make no difference of persons in conferring offices, favors or rewards for or in respect of religion, but merely as they shall be found faithful and well deserving and endued with moral virtues and abilities; my aims shall be public unity and if any person or officer shall molest any person professing to believe in Jesus Christ, on account of his religion, I will protect the person and punish the offender."
—*Id.* at 146.

²⁶ *Id.* at 106. See also BROWNE, *supra* note 20 at 46, and RILEY, *supra* note 7 at 45.

ligion and that the said Governor and Commissioners treat the Protestants with as much mildness and favor as justice will permit. And this to be observed at land as well as sea."²⁷

Although the religious tone of the early province was Roman Catholic ("Protestants were a minority in terms of influence, if not in numbers"),²⁸ nevertheless each sect tended to mind its own affairs and there was a minimum of express ill-will. From the founding of the province in 1634 until Establishment of the Anglican Church in 1692, all churches and ministers were supported by voluntary contributions.²⁹ The principle of religious toleration had not only been implied by charter³⁰ but had also been vigorously enforced by the courts. Enforcement was by edict of the Lord Proprietary, and the people showed their approval by active cooperation. "While they had enjoyed the blessing of toleration, of their own free will they had neither debated it nor voted upon it in the Assembly."³¹ Church and state were viewed not so much in terms of union and separation,

²⁷ IVES, *supra* note 7 at 106. Instruction #15 required that "settlers be very careful to do justice to every man without partiality." BROWNE, *supra* note 20 at 56. The original manuscript is in the possession of the Maryland Historical Society.

²⁸ Johnson, *supra* note 15 at 84. One author reasons that, although the numerical majority of those who came over on the "Ark" and "Dove" were Anglicans, the principal *adventurers* were Roman Catholics. SKIRVEN, *supra* note 17 at 6.

²⁹ BROWNE, *supra* note 20 at 124.

³⁰ Although the charter *probably* requires that if churches be erected it must be according to the ecclesiastical laws of England. The Church of England was not to be prejudiced. PETRIE, *supra* note 20 at 11.

³¹ Johnson, *supra* note 15 at 7.