

the new heads of State of England, Maryland remained silent while the other colonies were pledging their allegiance to William and Mary.<sup>61</sup> This, combined with the absence of the Proprietor from his province and the false rumor of an impending joint uprising of Catholics and Indians, lent an air of disquiet which facilitated the rebellion. John Coode, who was once Catholic, once Protestant, once a clergyman and now an atheist, authored the rumor of conspiracy and became leader of the Protestant malcontents, forming an "Association in Arms for the Defense of the Protestant Religion and assisting the rights of King William and Queen Mary."

Catholics and any others refusing to support Coode were jailed. An assembly was called from which Catholics were excluded. Coode and his followers summarily seized power, and held it until King William appointed Sir Lionel Copley as governor in 1691. The next year the assembly thanked the King and Queen "for redeeming us from the arbitrary will and pleasure of a tyrannical popish government under which we have so long groaned."<sup>62</sup> (The "groaners" but eight years earlier had passed an "Act of Appreciation" to Lord Baltimore as an "acknowledgment of his great love and affection for them.")<sup>63</sup> In 1693 the King instructed Governor Nicholson "to permit liberty of conscience to all,"<sup>64</sup> but apparently this did not mean the freedom to worship as one pleased.

Establishment had taken a firm hold.<sup>65</sup>

<sup>61</sup> J. IVES, *THE ARK AND THE DOVE* 253 (1936).

<sup>62</sup> 8 ARCHIVES 315 (1890).

<sup>63</sup> 7 ARCHIVES 385ff. (1889).

<sup>64</sup> 23 ARCHIVES 542 (1903).

<sup>65</sup> See generally IVES, *supra* note 61 at 248-58, and I SCHARF, *supra* note 23; at 302-41.

#### THE STRUGGLE TO REGAIN RELIGIOUS LIBERTY

1701-1775

From the moment of Establishment until the Declaration of Independence Marylanders suffered as much if not more religious persecution and intolerance than any of the American colonists. Discrimination was not selective, but was levied against any faith other than the Church of England. However, because of the colony's early and continuing relationships with Catholics and because Catholics were probably the largest minority group in Maryland, they seemed to bear the brunt of harsh legislation. In 1699 a test oath requirement had excluded Catholics from all official government positions.<sup>66</sup> In 1701 and 1702 other laws of discrimination were passed in the assembly,<sup>67</sup> but failed to win royal approval and therefore became ineffective. The Act of 1702<sup>68</sup> finally made official the establishment of the Church of England as the Church of Maryland, a status that was to continue until the Revolution.

The period 1704 to 1709, under the administration of Governor Seymour, was especially notable for its spirit of intolerance. Catholics were no longer permitted to practice their religion, and an open bid for children to rebel against Catholic parents was made in the Act of 1704,<sup>69</sup> yet another statute "to prevent the growth of popery within the province." In that same year a determined legislative effort was made to discourage Catholic immigrants to Maryland by use of a system of heavy

<sup>66</sup> 25 ARCHIVES 68 (1905).

<sup>67</sup> 24 ARCHIVES 91ff. (1904).

<sup>68</sup> 24 ARCHIVES 255 (1964). See generally GAMBRALL, *supra* note 46 at 23ff. and *Inventory of the Church Archives of Maryland*, *supra* note 20 at 16ff.

<sup>69</sup> 26 ARCHIVES 340-41 (1906).