Religious Motives of Sir George Calvert, First Lord Baltimore, in Promoting the Establishment of Maryland

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RELIGIOUS MOTIVES OF SIR GEORGE CALVERT, FIRST LORD BALTIMORE, IN PROMOTING THE ESTABLISHMENT OF MARYLAND

BY

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THIS IS TO CERTIFY THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

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ENTITLED

RELIGIOUS MOTIVES OF SIR J. H. CALVERT, FIRST LORD BALTIMORE, IN PROMOTING THE ESTABLISHMENT OF MARYLAND.

IS APPROVED BY ME AS FULFILLING THIS PART OF THE REQUIREMENTS FOR THE DEGREE OF

BACHELOR OF ARTS

IN LIBERAL ARTS

Instructor in Charge

APPROVED:

HEAD OF DEPARTMENT OF HISTORY.
A considerable difference of opinion exists relative to the purpose of Sir George Calvert in establishing his Maryland Colony, and to what extent he was prompted by religious motives. Did he favor a policy of religious toleration, or was it his intention to found a Catholic colony, or was he merely the instrumentality whereby the government intended to purge England of undesirable Catholics? Before entering upon a consideration of these questions it will be well to review briefly the political and religious conditions then existing in England, also Calvert's career and his connections with public affairs.

It will be remembered that Elizabeth was forced in self preservation to pursue a strenuous policy toward Catholics. All those who were able to pay fines were compelled to do so while the others were driven from the land. At his accession James gave the impression that he would pursue a more tolerant and lenient policy. It was not long, however, before he changed his mind; the old fines were re-instated. Affairs were brought to
a crisis by the discovery of the Gunpowder Plot. All those interested in this plot were hunted out and severely punished. Parliament re-affirmed the old statutes passed in Elizabeth's reign, and, in fact, even made them more severe. (1) James and his council embarked upon a system of persecution of recusants which was exceedingly oppressive to the upper and middle classes; fines were increased and levied with more regularity, and legal disabilities and forfeiture of property was enforced. Archbishop Bancroft purged the land of nonconforming ministers. Still James made extensive use of his pardoning power, especially during the later years of his reign. From 1607-1618 only eighteen Catholic priests were condemned to death, a terrible lack of zeal from the Puritan standpoint. (2) "James and his son were not unwilling to have the Catholics at their discretion, but did not wish to drive them to extremity. They would never enforce the penal laws with that rigor which the Commons desired, and sometimes, to gain the friendship of Catholic powers, they went near to suspending their operations altogether." (3).

To Charles was left a heritage of religious difficulties. He himself was a firm partisan of those who wished

(2) Lingard, Hist. of Eng. Vol. 7 passim.
(3) Hunt-Poole, Hist. of Eng. Vol. 7, 32.
to steer in the middle course, the Anglo-Catholic or Arminian party as they were called. These men saw many good points in the old worship and wished to halt the progress of reform that they might turn back and glean from the ruins those things they valued. They looked upon the Puritans with their Calvinistic doctrines as somewhat extreme. The Puritans, in their turn, considered those of the Anglo-Catholic party, although they denounced the pretentions of the Roman See, as corrupt and secret enemies who should be feared. (4)

Although the struggles of the seventeenth century finally resulted in the adoption of the policy of religious toleration, at this time, however, it was considered the duty of the sovereign to maintain religious uniformity. Had the Catholics been in power they would no doubt adopted measures equally extreme. The Catholic Church was still powerful politically and capable of going far in measures to save a country from heresy. The English people had not forgotten the massacre of St. Bartholomew, the many plots against the life and government of Elizabeth, and the plots during James' reign, particularly the Gunpowder plot. During Charles' reign the controversy over religious affairs became inextricably blended with the political and finally reached such a pitch as to result

in the Civil War.

James in an attempt to remove himself from the financial burden of supporting his son-in-law in Bohemia, pushed the negotiations for the marriage of his son with the Spanish princess, with renewed vigor. This marriage idea had been under consideration since the early years of his reign. Spain was more than glad to negotiate but not to act. In England, however, the match was extremely unpopular, the Protestants saw their cause in Germany demanding their active interference and hence wanted war. Had the marriage been carried out as planned, the English Catholics would have received some benefits; the penal statutes against them were to be suspended, the worship of mass permitted in private, and James himself was pledged to do all in his power to improve their condition. (5). With the failure of the negotiations, England soon drifted into war with Spain. Parliament wanted war, but were somewhat reluctant in voting the necessary supplies, because they did not trust James and Buckingham. War was popular provided the funds were efficiently handled and the results forthcoming. Popular feeling against priests ran high, James could do nothing to allay the storm.

Neither James or Charles had the executive ability or the statesmanlike qualities necessary for the prosecution of a foreign war. The money appropriated was ill

spent, results were not forthcoming. Upon fresh demands made by Charles early in his reign for supplies, the Commons drew up grievances and petitioned the king for a more rigorous enforcement of the penal laws against the Catholics. Both James and Charles lacked the good sense which should have taught them to anticipate, or at least follow public opinion rather than oppose it. Men studied the principles of government and publicly proclaimed their views. Both were in ever need of funds, both clung to every branch of their prerogative; they lost in their struggles with other nations and with Parliament, and with such a bad grace that they fell entirely from that position of public esteem that former rulers had occupied. (6).

It was during these stormy and unsteady times that Calvert remained in public life, until the time of his resignation in 1625. He had received his degree at Oxford and travelled on the Continent for some time. After returning to England he served in several capacities, in 1609 he entered Parliament, was made an under secretary of state, answered French and Italian correspondence, was a member of a committee to inquire into the condition of the Irish Catholics, and finally became a secretary of state in 1619. For this position Calvert sincerely considered himself unworthy after it had been occupied by his friend and patron, Sir Robert Cecil. Calvert early became a favorite of James

and remained as such until the latter's death. (7). It fell to Calvert's lot to present his Majesty's supply bills, not an enviable task to say the least. The Commons looked upon him with some distrust for funds were not advantageously spent. This distrust on the part of the commons was unfounded, however, because Calvert himself had no influence over the spending of appropriations. This lay entirely in the hands of James and the powerful Buckingham. Calvert merely asked for the money James wanted and in doing so presented the case as best he could. Calvert's close connection with Spanish negotiations was sometimes considered by the Commons as taking the form of an enthusiastic supporter and pensioner of the Spanish Monarchy. The French ambassador, Tillieres, in a letter dated November, 1621, described him as an honorable man, sensible, well intentioned, courteous to strangers and having the welfare of England at heart, but nevertheless entirely without consideration or influence. (8).

Calvert was the most enthusiastic supporter of the Spanish marriage among those at Court, which naturally contributed largely to his unpopularity. Gardiner says: "His opinions fitted him well to be the channel of communications which could not safely be entrusted to one who looked with extreme favor upon continental protestants; for though he was anything but a thoroughgoing partisan of the

(8) " " " " Vol. 7, 269-72.
Spanish Monarchy, yet he had no sympathy with those who thought that a war with Spain was for its own sake desirable. No doubt Calvert realized the difficulties in the path of England in supporting Frederick in Bohemia, and wished to save his country as far as possible from Continental wars. The failure of the Spanish negotiations is sometimes given as Calvert's motive for resigning; but he did not resign until 1625. And then he was not disgraced for he sold his office to his successor for £6000. Besides he remained in the Privy Council for some time, and just before James' death he created Calvert, Baron Baltimore of Baltimore. Because of Calvert's close contact with Catholics during the Spanish negotiations, this perhaps had some influence upon his conversion, but just how much cannot be determined. Recent investigation by Hughes, published in his book on the Society of Jesus in America, shows that letters place the date of Calvert's conversion in 1625. Hughes thinks he was by no means a Catholic while advocating the Spanish marriage. (10) Fuller, the chief contemporary author says, "he freely confessed to the King that he was then become a Roman Catholic, so that he must be wanting in his trust or violate his conscience in discharging his office." (11) The two facts, first that Calvert had received a political defeat at the hands of Buckingham, and a war with Spain was

brought on which he had so strenuously opposed; and second, that his religious beliefs no longer permitted him to hold his office, both, no doubt, were reasons for his resignation. Which of these was paramount cannot be determined.

Throughout his entire life Calvert was interested in colonial undertakings. When the Virginia Company was reorganized in 1609, he purchased two shares. As secretary of state it fell to his lot to defend the persecution of George Sandys, and when the Company was dissolved by quo warranto proceedings, Calvert was appointed one of the Committee to administer its affairs. (12). Thus when he embarked upon his Avalon undertaking he was by no means ignorant of colonial affairs.

In 1620 Calvert purchased the Southeast peninsula of Newfoundland and sent out a small colony which formed a settlement at Ferryland. In 1623 he was granted his charter to Avalon. This charter if worthy of examination in brief for it furnished a working model for the future Maryland charter. The second paragraph of this charter reads as follows: "Whereas our right trusty and well-beloved Counsellor Sir George Calvert, Knight, our principal secretary of state, being excited with a laudable and pious zeal to enlarge the extents of the Christian world, and therewith all of our empire and dominion, hath heretofore to his great cost purchased a certain region or territory hereafter described, in a country of ours scituate in the west part

of the world, commonly called Newfound Land, not ye hus-
banded or planted, though in some parts thereof inhabited
by certain barbarous people wanting the knowledge of Al-
mighty God; and intending now to transport thither a very
great and ample colony of the English nation, hath humbly
besought our kingly Majesty to give, grant, and confirm
all the said region. Know ye therefore, "As customary,
this charter like all others begins with a recital of high
flown religious motives in planting a colony. The fourth
section granted," the patronages and advowsons of all church-
es, which, as Christian religion shall increase within the
said region, isles and limitts, shall happen to be erected,"
with rights and privileges such as "any Bishop of Durham
within the Bishopprick or county palatine of Durham in our
kingdome of England hath at any time heretofore had, etc.
Finally, it is provided "that no interpretations bee ad-
mitted thereof, whereby God's holy and truly Christian reli-
gion, or allegiance due unto us, our heirs and successors,
may in anything suffer any prejudice or diminution" (13)
It will be remembered that Calvert was a Protestant when
this charter was framed. True, he could not have been a
strong Protestant, nevertheless he was not converted to
Catholosism until 1625. He is given the patronages and ad-
vowsons of all Churches, and no attempt is made to define
what "God's holy and truly Christian religion" may be.

The Colonists went out to Avalon in 1623, but Bal-

(13) Hughes, Hist. of Soc. of Jesus, Text. Vol. 1, 177.
timore did not leave England until 1627. During this interval he was converted, resigned his office, was created Baron Baltimore and attended to other affairs at home. In Newfoundland economic difficulties were met with, the land was barren and the winters long and severe. The country had not been represented to Calvert in its true state. In 1629 he wrote to his Majesty, "so have I mett with greater difficulties and encumbrances here which in this place are no longer to be resisted, but enforce me presently to quitt my residence, and to shift to some other warmer climate of this new world, where the wynters be shorter and less rigorous." He spoke of the death and sickness among the colonists, and said he would return to England were it not for the fact he enjoyed his work so well. Proceeding he says he will leave Avalon to fisherman and then, "remove myself with some 40 persons to your Majesty's dominion of Virginia, where if your Majesty will please to grant me a precinct of land with such privileges as the King your Father my gracious Master was pleased to grant me here, I shall endeavor to the utmost of my power to deserve it." (14)

Without waiting for a reply Calvert embarked with his family and a few followers for Virginia in order that he might have first hand information concerning the land and its resources.

In plainting his Avalon colony Calvert was prompted by purely financial motives. It was in 1620 he purchased a private claim, in 1623 he received his charter and in 1625 that he was converted. He did not intena to use it as a (14) Md. Archives, Vol. 3, 15-16.
place of refuge for religious exiles. The early colonists as well as those who went out in 1627 were largely Protestants. He was aware of the fact that his charter would permit the Catholic worship as well as the Protestant. The Jesuits played an unimportant position in this undertaking, it was in the Maryland enterprise that they took a foremost part.

A contemporary document says two priests of the secular clergy put to sea June 1, and landed at Avalon in July 1627, in company with Lord Baltimore. A Carmelite friar named Stock, in the course of much correspondence with his superiors at Rome, in which he gives information concerning the Avalon colony, states that two Jesuits went out in 1629. (15) Whether or not these two parties were one and the same cannot be determined. The Protestants in the colony were considerably shocked at the policy Lord Baltimore pursued in religious matters. The reverend Mr. Stourton, a Puritan resident of the colony left shortly after Calvert's arrival, and having arrived at Plymouth, England, preferred charges against the latter to the effect, "that my Lord of Baltimore arryved there agayne and brought with him one other seminary priest whose name is Hacket." Proceeding he testified, "the sayd Hacket and Smith every Sunday say Masse and doe vse all other ceremonies of the church of Rome, in as ample manner as is vsed in Spayne.

And this Examinant hath seen them at Masse, and knoweth that the childe of one William Poole, a Protestant, was baptized a Catholic, "contrary to the will of the sayd Poole, to which childe the sayd Lord was a witness." (16) In the following year when writing to his sovereign, Baltimore mentioned this matter. He thanked the King for the protection furnished him from the evil results that might follow from the words uttered by "a person notoriously lewd and wicked. Such a one is that audacious man who being banished the Colony for his misdeeds did the last wynter (as I understand) raise a false and slanderous report of me at Plymouth." (17)

Concerning the domestic life at Avalon there is a document called "New England or New Found Land," in the volume on Missionary relations, gathered together in 1630. In a letter of transmissal, the Archbishop of Coosa advised that missionaries be sent at once to America in order that Puritan progress be stayed. For this purpose he states that French of Belgians will answer the purpose, but preferably, "for the sake of the language, priests English themselves will be best." Continuing he states that "one might solicit the aid of the ambassadors of France and Spain, who are stationed in London, to ensure the said missionaries against any let or hindrance being put in their way."

The report states that Calvert went thither, "in company with another gentleman of about the same rank, but a heretic," and that, "Calvert took with him not only Protestants, but some Catholics, who were happy to travel thither and escape the rising storm of persecution in England." Continuing the report states, "as to the practice of religion, that was carried on under Calvert's roof; in one part, Mass was said according to the Catholic rite; in another, the heretics performed their functions," which at the time was not prohibited by the Church. (18) From this it is quite evident that, to say the least, Calvert believed in the principle of religious toleration for his Avalon Colony. Calvert and those Catholics who went with him wished to practice their religion. So did the Protestants, and it was necessary to have respect for their wishes.

After leaving Avalon, Calvert went to Virginia, where he, being known to be a Papist, was offered the oath of supremacy which he promptly refused to take but offered to substitute one of his own composition. The proposal was not accepted and the Virginians requested that he return to England. (19) It was Calvert's purpose to return to America at an early date and hence he left

(18) Hughes, Hist. of the Soc. of Jesus, Text, Vol. 1, 195-196. The document mentioned was procured by secretary Lugoli of the Propaganda in 1630 from the Nuncio at Brussels. Propaganda Archives, I America.
his family in Virginia. Affairs at home hindered him, however, and he wrote to his family to come to England. While making their voyage they were lost at sea. Before Calvert could return to America he died. To his son he left the work of planting the new colony.

It seems quite probable that Baltimore would have left a priest behind with his family in Virginia, in order that they might not lack spiritual guidance. Two old documents state that the, "first Maryland Missionary came hither to the Irish Catholics with Lord Baltimore; built a chapel at White's Neck," etc. The two documents do not agree upon the points of who the missionary was. (20)

Besides, while petitioning the King for his grant of Maryland, Baltimore applied to Father Richard Blount, provincial of the English Jesuits, for a detachment of missionaries to be sent out with him to his new colony. How the matter was disposed of there is no evidence to show. (21)

Also, in 1629, ten "boys, three of them being sons of the Lord Baron of Baltimore" were crossing the Channel on their way to St. Omer's College under the charge of a Jesuit. (22) This evidence points to the conclusion that Baltimore's connection with the Jesuits was close, or

(20) Hughes, Hist. of Soc. of Jesus, Text, Vol. 1, 199-200. One document is contained in the Maryland-New York Province Archives, S-J, the other in Georgetown College Archives. The information on this point is merely a record of a tradition, however.

(21) Hughes, Hist. of Soc. of Jesus, Text, Vol. 1, 200-201.

(22) Hughes, Hist. of Soc. of Jesus, Text, Vol. 1, 206. Also foot-note 8. An account of the affair is given in the Brussels, Archives des Royaume.
like these would not have been bestowed upon them. It is also quite evident that he had some rather definite intentions concerning the future religious policy he intended to pursue in his new colony, or he would not have applied for missionaries.

Baltimore first petitioned for a grant of land South of the James River, but to this the Virginians objected as well as to the grant finally made. Besides, some London merchants wished to plant a sugar plantation South of the James. Baltimore withdrew his petition in favor of a precinct between the Hudson and Virginia. The province was named Maryland by Charles himself, in honor of his Catholic Queen. Before the charter passed the seal Baltimore died, and the grant was made to his son Cecelius.

In public and private business affairs, politics, commercial affairs and religious controversy no serious errors have ever been charged to Calvert. The mere fact that while enjoying success and during the busiest period of his life, he found time for religious thought and devotion, speaks well for his sincerity. That he could guide his course so well in such stormy times proves that he was undoubtedly dexterous. He was noted for his honest and fair dealings with all, trusted by all parties, and was a courteous and amiable gentleman. He was a man of strong intellect, a shrewd thinker and a keen student. He was far from being an ordinary man. His son writing to Viscount Wentworth said: "My Lord I have many occasions
from your lordship to remember my dear Father, and now I do not want one: for I must confess, I never knew any man have that way of doing favours unto others, with that advantage to themselves, as your lordship hath and he had."

(23).

The type of colonial government drawn up by Calvert was new, it was the first permanent proprietary colony on the continent. The powers conferred upon the proprietor were sovereign in character; his dependence upon the crown was merely nominal. He was given, "free, full and absolute Power --- to Ordain, Make, and Enact Laws, of what kind soever---of and with the Advice, Assent and Approbation of the Free-Men of the same PROVINCE, or the greater Part of them, or of their Delegates or Deputies, whom WE will shall be called together for the framing of Laws." Royal approval of laws was not necessary. In short, Baltimore was given, "as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and temporal Franchises whatsoever, as well by Sea as by Land, within the Region --- aforesaid, to be had, exercised, used and enjoyed, as any Bishop of Durham, within the Bishoprick or County Palatine of Durham, --- ever heretofore hath had, held, used, or enjoyed, or

of Right could, or ought to have, hold, use, or enjoy." (24) And in case doubt should arise concerning the interpretation of any part of the charter, that construction most favorable to the Proprietor was to be accepted," provided always that no Interpretation be admitted thereof, whereby God's Holy and Christian Religion, or the allegiance do unto us, our heirs and successors, may in any thing suffer prejudice or diminution." (25).

The Maryland charter is very similar to the older Avalon charter, in religious matters especially. Calvert had changed from the dominant and aggressive Protestant party to the defensive Catholics. No doubt this and past experiences in Avalon with two opposite religious parties dictated his reasons for making the changes he did. The Avalon charter spoke not of "the superstitious of the Church of Rome," but merely "God's holy and truly Christian religion." Likewise the Maryland charter spoke of "God's holy and Christian religion." But what religion was this? Opinions at that time differed as they do now; men were willing to sacrifice their blood for their opinions. No two persons are likely to agree on all points of religion. Europe was plunged in Civil War over this question. And as in Europe, so in America would there be trouble. The uncertainty of this provision as well as some others cov-

ering religious matters, Gardiner thinks, was the result of a secret understanding between Charles and Baltimore. (26). It will be remembered that none of the Stuarts were strong Protestants, and Charles' wife was a Papist after whom Charles himself had named the colony. Besides, Baltimore and his son were well known Catholics and in the opinions of many were considered fanatically so. Charles was well aware of the circumstances under which the charter was drawn up. The same results could have been obtained without actual connivance existing between them and hence Gardiner's assumption is not necessary. It is easy to imagine that Charles, knowing full well Calvert's purpose, acquiesced in the undertaking without coming to any definite understanding with Baltimore.

The provision in the charter to the effect that no laws shall be passed to the detriment of "God's holy and Christian religion," cannot be construed to apply to the Church of England. In fact none of the religious provisions can be construed to apply to the Church of England. This would never have been accepted by Calvert who was not only a sincere Catholic, and hence would never have consented to be the instrumentality whereby a Protestant colony was established, but also intended to take missionary priests with him and to live in the colony and practice

his religion. Neither can the religious provisions be construed to apply to the Catholic Church. The sentiment in England was strongly Protestant and was rapidly increasing. Baltimore became well aware of this while Secretary of State. Had he attempted to place such an interpretation upon the charter, a storm of protest would have been raised in England and he would have been compelled to abandon his enterprise. As the case was the colonizing scheme was carried out only after overcoming serious inconveniences and delays. It established no religion, still it would be a dangerous conclusion to say that it thus, ipso facto, assured religious toleration. There was the possibility that at some future date, if circumstances permitted, the proprietor "of and with the advice, assent and approbation of the Freemen of the ---- Province," could pass laws establishing some religion if they saw fit. At that time, Winsor says, neither the proprietor, the crown or the people considered the established church to be intended. (27).

In consideration of the circumstances we would expect the charter to contain, besides a provision which permitted Baltimore and his religious followers freedom to worship, also the right to carry on its work in the establishment of schools, churches and charitable institutions.

In order then that Baltimore should have power to establish churches and schools and to free them as well as their personal property from confiscation for "superstitious uses," as was customary in England, a repeal of Mortmain and later statutes was necessary. Bearing this in mind we find a provision to the effect:—

"Also WE do grant — the Patronages and Advowsons of all Churches which (with the increasing Worship and Religion of Christ) within the said Region—hereafter shall happen to be built, together with Licence and Faculty of erecting and founding Churches, Chappels, and Places of Worship, in convenient and suitable Places, within the Premises, and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England." (28)

It is interesting to note that a sincere and well known Catholic is given the power to found churches. That he intended to make use of this power there is no doubt. The liberty to erect and consecrate churches according to the ecclesiastical laws of England did not prevent a Catholic from doing the same, nor does it prohibit him from building other churches than Catholic. "According to the ecclesiastical laws of our Kingdom of England," was an old phrase, much used and highly valued. It was a heritage of Catholic times. When Baltimore first visited

(28) Macdonald, Select Charters, 1606-1775, 55.
Newfoundland in 1627, an act was passed by Parliament entitled, "An act to restraine the Passing or Sending of any to be popishly bred beyond the Seas." In commenting upon this, Hughes says it was found necessary, in order to clearly define their meaning and distinguish Popery, "not from the Church of England, simple and grand—indeed, it could not be, for that was what Popery was— but, with laborious legal prolixity from 'the true religion established in this realm,' from 'the religion established in this church of England,' and from 'this religion established in this Church of England.' " (29).

Elizabeth used the phrase "Church of England" but with it also made certain as to her meaning by specifying the common rights and doctrines "nowe used to bee receyved in the Churche of Englande," "nowe commonlye used in the sayd Church of Englande," "nowe receyved and allowed in the sayd Churche of Englande." (30) In the First Act of Repeal of Mary we find the following, "This Church of England, to us left by the authority of the Catholic Church, be partly altered and in some part taken from us, and in place thereof new things imagined and set forth— such as a few of singularity have of themselves devised." (31)

(29) Hughes, Hist. of Soc. of Jesus, Text, Vol.1, 238.


(31) Adams and Stephens, Documents, 231.
The Reformation had made but very slight changes in the liturgy and the canons of the old English Church. The important changes were in government and these changes were confined almost entirely in stripping the pope of all the power he had formerly exercised. It was considered necessary, then, to attach appendages to the phrase "Church of England," in order that no dispute should arise. Terms were in the process of settlement having reached that point in the reign of William and Mary. Then it was considered sufficient to use the simple phrase, "Church of England." (32). So it was with the ecclesiastical laws of the Anglican Church. They had undergone but little change. Still it could not be said that the phrase, "according to the ecclesiastical laws of our kingdom of England," would mean that Baltimore, according to his charter, was to consecrate all churches to the use of Catholic worship. It is at least certain that no such interpretation would have been permitted by the Protestant party, whose animosity, when aroused, Baltimore would have every reason to fear. So it is equally certain that Baltimore did not accept the restricted interpretation that Anglicans would have been anxious to place on this phrase, for he would thus have been prohibited from erecting any churches for his Catholic worship.

(32) Toleration Act, William and Mary, c. 18, Adams and Stephens, 459.
In the opinion of the present writer the dedication of churches was thus left open for the exercise of a policy of toleration. Hughes is of the opinion that Baltimore realized the significance of this phrase and was well aware that he was supported in his contentions by historical facts. In all probability this is true. The fact remains, however, that if the question had been brought before an English court of law or equity a decision in favor of Anglicanism would, in all probability, have been rendered.

Besides given the liberty to erect and consecrate churches, Baltimore was given the patronage and advowsons of these churches. Thus he was given the right of presentation to Protestant livings in the exercise of which he would, no doubt, have excluded such ones as the Reverend Stourton. Baltimore could have failed to provide places of worship for Protestants and thus reduced the possibility of their emigration to his colony to a minimum. This would have been exceedingly impolitic, however. The fact is that Baltimore requested and earnestly solicited for Protestant colonists who naturally would show considerable hesitation in embarking on such an enterprise to the colony of a Papist. Nevertheless, Protestants were obtained after promises of freedom of worship, on the part of the proprietor. This is a strong argument in showing Calvert's purposes to be the establishment of toleration. Protestant churches were provided and the patronage of them exercised.
by the proprietor. Sir George, no doubt, considered the question of whether or not he could conscientiously present to Protestant livings, when framing his charter. In England a Catholic could not, but on the Continent it was not considered a sinful practice. The question was still an open one for debate. (33).

The laws of Mortmain were effectively abolished. For the King, Baltimore was substituted, he and his successors enjoying, "full and absolute License, Power, and Authority" to "assign, alien, grant, demise, or enfeoff" property within the colony, "to any Person or Persons willing to purchase the same," which persons, the charter stated, could hold property "in Fee-simple, or Fee-tail, or for term of Life, Lives, or Years," subject entirely to that discretion which the proprietor saw fit to employ. (34). And then, to leave no doubt concerning the true meaning, there was an abrogating clause: "The statute made in ye Parliam't of Edward, sone of King Henry, late King of England, our Predecessor, comonly called The Statute Quia impo'te Terrarum, lately published in our Kingdom of England, any other statute, act, ordinance, use, law or Custom, or any other thing, Cause, or Matter, thereupon heretofore had, done, Made, published or provided to ye contrary in any wise notw'standing." (34). For this Calvert had a model, a similar thing having been done during

(33) Hughes, Hist. of Soc. of Jesus, Text, Vol. 1, 240.
(34) Perry, American Colonial Church, Documents, Vol. 4, 186.
the reign of Mary Tudor when the statutes of Mortmain were repealed and the re-establishment of Monastaries and religious houses was encouraged. (35).

Finally to promote emigration and to remove inconveniences in the way of Catholics who wished to embark for Maryland, "the Statute of Fugitives or any other whatsoever is repealed." (36). Since Maryland was to be the home of freedom, the charter, in the name of the king, stated that all people transported and there born are "& shall be Denizens of and leige of us --- and be in all things held" as such, and shall hold and enjoy "all libertys, franchises, & privilidges of this our Kingdom of England." (37). The emigrants and those who were there born are given the benefit of the common law, which is to apply to them as far as may be convenient and subject to such changes as the exigencies of the case may demand, provided the laws so made were not repugnant to English law or contrary to right or reason. (38).

Having examined the provisions of the charter relative to religion, what can we say concerning Calvert's purposes? There is a possibility that Baltimore was the instrumentality whereby the government intended to rid England of undesirable Catholics whose zeal prompted them

(35) Statute 1 & 2 Phil. & Mary, c. 8 See Hughes, Text, Appendix C, p. 605.
(36) Perry, American Colonial Church, Documents, Vol. 4, 183.
(37) Perry, American " " " Vol. 4, 183.
(38) In both charters.
to resort to extreme measures. But there is no ground for thinking this. Calvert was a sincere man in his devotions and religious beliefs, a man of laudable ambitions and a willingness to work and sacrifice for the benefit of his religion. No doubt some apprehension was felt concerning the many Catholics who looked for an opportunity to place England again under papal rule. The many plots of Elizabeth's reign against her and her government were not forgotten, nor were the more recent plots in the reign of James. Charles' wife, Maria, was the center of constant Catholic intrigues. They were a constant source of danger. In Elizabeth's reign an attempt was made to found a Catholic colony which was to be used as a place of settlement for those Papists who were, on account of their religious beliefs, compelled to leave the realm and who had not the necessary means for purchasing their exemption. No attempt was made by Elizabeth to drive out those Catholics who were able to pay fines and thus swell the royal revenues.

But Gilbert's scheme of a Catholic Colony was effectively blocked largely at the instigation of the Spanish ambassador. Rome did not wish any scheme put on foot whereby the strength of the Catholic party at home should be effectively weakened. (39). Nor was there, at the time the Maryland charter was granted, any reasons on the part of

Rome to have their party weakened in England. Catholics had received, during the reign of James and Charles, more lenient treatment than during Elizabeth's reign. Besides they were looked upon in a more tolerant spirit by Charles and a growing party of Arminians, which, however, was offset by increasing hostility on the part of the commons. The question as to how the colonizing scheme would effect the Catholic party in England was not considered either by Rome or the government. True, there was no desire on the part of Rome to weaken their party at such an auspicious time. But objections were not raised to Baltimore's scheme, missionaries were even sent out, which points to the conclusion there was rather a desire to promote and foster its growth. The government could easily have effectively blocked the scheme even after the charter was granted, if they had had a desire to do so. But this was not done. Possibly the government wished to rid the kingdom of a dangerous element, or it was due merely to the more tolerant spirit of Charles. The fact remains, however, that an attempt to found a Catholic colony which should act as a sort of penal abode, would have been objected to by Rome. Besides, a man of Baltimore's stamp and character, who freely practiced his religious devotions, who taught his children in his faith, and who openly and sincerely declared his beliefs, would never have knowingly become a party to a scheme for the mere purpose of removing an undesirable ele-
ment from England, and thereby furthering what he considered heretical practices and the persecution of Catholics at home.

Channing, in his History of the United States, is of the opinion that had the Charter given any power to override the laws of England and to dispense with the taking of the oaths as required by statute, it would have been null and void. And that without this provision the laws of Maryland contrary to England's laws would have been null and void and an enforcement of which would have been sufficient evidence for quo warranto proceedings. (40). Fiske, in his book, "Old Virginia and Her Neighbors," says the words of the charter were purposely and conveniently vague and uncertain, and that no sign of complete toleration is shown in the charter, because any such a statement would have ruined the whole scheme and raised a storm of protest in England. (41). In short, he like Winsor, inclines towards the view advanced by Gardiner that there was connivance between Baltimore and Charles. Clayton C. Hall in reviewing a work entitled, "Maryland: The Land of Sanctuary," by William E. Russell, says, "as a matter of fact the Roman Catholic authorities, whether they wished to do so or not, never had the opportunity to make their church the established church of Maryland. Such action would have meant the immediate forfeiture of the charter of the Province ---

if there were ever any instances in any country in which the Roman Catholic Church had the opportunity to become the established or state church, and did not avail of it, history has failed to record the fact." (42).

Hughes advances the opinion that the hypothesis that connivance existed between Charles and Baltimore is unnecessary, because Baltimore was well aware of the legal and historical significance of the religious provisions of his charter, and knew he would legally be upheld in his contentions. But this is true only to a certain extent. "At the beginning of colonization the control of all matters relating to trade and plantations lay in the hands of the King and his council, forming the executive branch of the government. Parliament had not yet begun to legislate for colonies.---- In the time of James I it was more essential to assert constitutional principles and to maintain Parliamentary rights than to pass new laws and create new institutions." (43). This was even more true during Charles' reign. Committees of the Privy Council continued to be used until the organization of the Board of Trade in 1696. The control of the Council was in royal hands; the members of the Council held office during the royal pleasure the commons having long ceased making demands for a control over their appointment. The judges also were subservient to the crown and held office at the King's pleasure. In

his struggle with Parliament they maintained Charles in many important decisions in favor of the prerogative. Thus, if Charles had so desired, he could have gathered evidence against the new colony in his Privy Council, and brought quo warranto proceedings against it and had the charter annulled. And this would have been easy if the action had been brought on the grounds that the ecclesiastical provisions had been violated, that the Catholic Church was established, or even because undue liberties and freedom of action was permitted to Papists. Such an action would have had the strength of popular opinion behind it. "According to the ecclesiastical laws of our Kingdom of England," could not strictly, in point of law, be construed to apply to the old ecclesiastical laws of the Church of England before the Reformation. Neither did it apply to the Anglican Church. True, the provisions of the charter were, in all probability, drawn with the significance of them clearly in mind. Baltimore would thus be supported in his contentions for a policy of toleration. But in this he needed the support of the sovereign, which he gained, no doubt, through Charles' good will and tolerant attitude.

The granting of charters and the control over colonies was well within the sphere of the royal prerogative. The Maryland charter contains a provision as follows:— "So nevertheless that the Laws aforesaid be consonant to Reason and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the Laws, Statutes, Cus-
toms, and Rights of this our Kingdom of England." (44). True, this gives no power to override the laws of England, and makes those laws passed contrary thereto, null and void. But, had laws been legally passed even establishing the Catholic Church, in the opinion of the writer, it is hard to see how they would have been interfered with against the royal pleasure, except by bringing pressure to bear upon the sovereign through the House of Commons. As a matter of fact the oath of supremacy was dispensed with by law in Maryland in 1639. Then again, in 1649 a toleration act was passed. Both of these acts were contrary to English statutes and customs. But one can not say whether they were, or were not, contrary to reason or "so far as conveniently may be agreeable to the Laws and Statutes---of England."

Fiske's view that any attempt on the part of Baltimore to plant a Catholic colony would have been exceedingly impolitic and, in all probability, would have resulted in ruin, no doubt is quite true. The enemies of the new colony were numerous and aggressive and kept the young Baltimore busy in defending his right both to possession and to colonize the land. The first set of instructions he issued forbade anything that would shock the Protestants or arouse their animosities, as the saying of Mass in public. He also requested that a strict examination be made of all (44). Macdonald, Select Charters, 57.
those on board, that he might obtain all information possible about the activities of his enemies. The American Catholic Historical Researches, repeatedly gives the opinion that the younger Baltimore was not prompted by the same amount of religious zeal that his father was, and therefore sacrificed true religious toleration for financial gains.

"Had the first Lord Baltimore lived, Maryland would undoubtedly have been the American sanctuary, but under his son, Cecil, second Lord Baltimore, the province was simply one of religious liberty for Protestants and toleration for Catholics." (45). The facts of the case point to this conclusion. Sir George framed his charter that Catholics might receive the greatest amount of liberty, he repealed the laws of Mortmain and treated for missionaries. Unlike his son he intended to present the missionaries and his church with property. With him the financial motives were not as important as with his son, but still they and the economic motives took precedence over the religious motives. Had Sir George lived to carry out the enterprise he would have had problems the same as were those that presented themselves to his son for solution. The enemies of the new colony would have been equally as numerous and aggressive, and perhaps more so. In order that he could succeed it would have been necessary for him to display an equal amount of tact and shrewdness as that shown by his son.

This leads to a consideration of the view expressed by Russell in his "Maryland: The Land of Sanctuary," in which he states: "The main purposes of the Lords Baltimore in founding Maryland was without doubt a religious one." Again, "we are forced to the conclusion that the inspiration, the leading motives of the Lords Baltimore in founding the Maryland colony were religious." Commenting upon this work, Hall says: "The conclusion, to the present reviewer, is entitled to a Scotch verdict of 'not proven.' George Calvert, the first Lord Baltimore--- as early as 1609--- had been a member of the Second Virginia Company, and was also one of the provisional council for the management of the affairs of the colony after the revocation of the charter, and one of the eighteen councilors of the New England Company in 1622. 'The first Lord Baltimore had, therefore, ample knowledge of colonial conditions in America---Is it surprising that weary and apprehensive of conditions in England, his ambitions should have lead him to conceive of the establishment of a colony upon new lines-- a province, a palatinate, of which he and his descendants should be the proprietors and rulers.' He knew of the oppressions and persecutions perpetrated in the name of religion in the old world and in the earlier colonies, and revolting therefrom may well be supposed to have determined that in a colony of which he had control, such cruelties should not be allowed--- The son promptly
proceeded to carry out his father's project of colonization." (46).

Professor Dennis, in an article in the American Historical Association Report for the year 1900, says:-

"In the opinion of the present writer the purpose of the Calverts' in founding the colony was chiefly economic and not religious. Viewed in this light, the subsequent struggle with the Jesuits becomes more intelligible." (47). He also holds the view that Calvert was a Catholic when the Avalon grant was made, contrary to more recent evidence given by Hughes. Calvert's subsequent resignation was thus due, Dennis thinks, to his failure in the Spanish negotiations and his political defeat at the hands of Buckingham, and was made under cover of religious reasons. Calvert certainly was not a strong Protestant at the time the Avalon charter was granted; his actual conversion to Catholicism being in 1625. The Avalon colony was purely for the purpose of exploitation. Five years before his conversion Baltimore had invested in Newfoundland by buying out a private claim. No religious motives entered into this scheme whatever. The difference between the Maryland grant and that of Avalon exists in the fact that Calvert had, in the meantime, become a Catholic. This is no reason why he should desert his former motives for those of religion. Dennis says:- "Cecelius Calvert, 'heir to his father's plans as well as his plantation, reflects as though

(47) Dennis, American Hist. Association, 1900,
in a mirror the religious temper and purposes of George Calvert." From the reports sent back by the Missionaries a large proportion of the colonists were "heretics." "Hands and not hearts were primarily considered in recruiting laborers for the colony. Cecelius Calvert had the foresight to perceive that the colony could not be successfully planted without Protestants, but he was wise enough to understand that Protestants would not embark on the enterprise unless religious freedom should be guaranteed by the Catholic proprietary, and that Protestant England with a Parliament of a Puritan temper would not for an instant tolerate the erection of a distinctly Roman Catholic government within the bounds of her territorial jurisdiction."(48).

In defending the position of the proprietors in founding a colony based upon religious toleration, the son of Cecelius, in answer to questions put by the Board of Trade, said:- "That at the first planting of this Province by my father Albeit he had an Absolute Liberty given to him and his heires to carry thither any Persons out of any the Dominions that belonged to the Crown of England who should be found Wylling to goe thither yett when he came to make use of his Liberty He found very few who were inclyned to goe and seat themselves in those parts But such as for some Reason or other could not lyve with ease in other places And of these a great parte were such as could not

conform in all particulars to the severall lawes of England relating to Religion. Many there were of this sort of People who declared their Willingness to goe and Plant themselves in this Province so as they might have a General Toleracion settled there by a Lawe by which all of all sorts who professed Christianity in Generall might be at Liberty to Worship God in such Manner as was most agreeable with their respective Judgements and Consciences without being subject to any penaltyes whatsoever for their soe doing. Provided the civil peace were preserved and that for the securing the civil peace and preventing all heats Feuds which were generally observed to happen amongst such as differ in opinions upon Occasion of Reproachful Nicknames and Reflecting upon each Others Opinions It might by the same Lawe be made Penall to give any Offence in that kynde. These were the conditions proposed by such as were willing to goe and bee the first planters of this Province and without the complying with these conditions in all probability This Province had never been planted."

(49). This reply was given to the Lords of the Board of Trade whose hostility Calvert had reasons to fear. Nevertheless the facts here presented show that in this particular he told the truth.

Thus, in conclusion, we may say that the paramount object of Sir George Calvert in promoting the establish—

ment of Maryland, as well as Avalon, was an economic one. He wished to be the founder, primarily of a great lauded family. The religious motives he entertained were secondary to this and, as far as possible, considered to secure its success. Had he attempted to found a Colony where the Catholic Church would be the established Church, he would have failed, both to the detriment of himself and the Catholics. As a man of affairs and well acquainted with conditions in England, he realized the folly of attempting such an undertaking.

Hence a policy of religious toleration was selected as the one most feasible. It would permit the greatest of economic development for the colony as well as giving to Calvert and his Catholic followers freedom of worship. This was the plan for Avalon. Sir George was not the instrument of the government in this undertaking. It was his private ambition. He solicited the aid of Protestants to help him develop the territory, and of missionaries to convert the savages. All indications point to the opinion that Sir George had a greater amount of religious zeal than his son and hence would have attempted to do more for the church. But it must be held in mind that circumstances dictated the policy to be followed. The first Lord Baltimore would have been compelled to carry out his scheme with the greatest amount of tact and give as little offense as possible to the enemies of Papists and toleration.
Without such care the plan of colonization would have failed, thus ruining not only Calvert's ambition but also resulting in a serious financial loss, and a failure on the part of the Catholics of even gaining a place where they could worship unmolested.
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OUTLINE.

I. The political and religious background of Maryland colonization.

II. The career of Sir George Calvert.
   A. Public Life.
      1. Made a Secretary of State.
      2. Failure of the Spanish marriage and his resignation.
   B. Interest in Colonial affairs.
      1. The Virginia Company.
      2. His Avalon Colony.
         (a) Religious difficulties.
      3. Given the grant of Maryland.

III. The Maryland Charter.
   A. A new kind of colonial government.
   B. Provisions pertaining to religion.
      1. Similar to the Avalon Charter.
      2. Religion to be "God's holy and Christian religion."
      3. Establishment of Churches.

IV. Various opinions concerning Calvert's purpose.
   A. The possibility exists that the government intended Maryland to be used as a penal abode for over zealous English Catholics.
1. The attempt had been made before.
2. Baltimore would not knowingly consent to be a party to such an undertaking.

B. No power given in the charter, to override the laws of England.
1. But the power and control over the colonies rested with the king and his council.
2. The establishment of the Catholic Church would have been exceedingly impolitic.

C. Primarily, Maryland was a financial enterprise.
1. Of such a character was the Avalon Colony.
   (a) The Maryland enterprise was similar.
2. Nevertheless, religious designs were present.
3. It was necessary to have Protestants also, to secure the success of the Colony.

V. General Conclusions.
A. Statement made by Cecelius' son concerning toleration in the Colony.
B. The establishment of the Catholic Church would never have succeeded.

1. Why toleration was selected as the most feasible system for Maryland.