

Maryland Act of Religious Toleration (1649)

In the 1530s, Henry VIII of England broke with the Roman Catholic Church and set up a separate Church of England. As a result, English Catholics lost most of their rights and at times were persecuted. In response, Cecilius Calvert, an English nobleman and Catholic, founded in North America in 1632 the proprietary colony of Maryland. Catholics there would be free to practice their faith. As proprietor, Calvert's charter granted him the right to make all laws for the colony. After the colony had been settled for a number of decades, however, he found that male property owners there expected that they would have the same say in lawmaking as their counterparts had in England. Between 1640 and 1660, the turmoil of the English Civil War (which, in part, pitted Protestants against Catholics) further strained relations between the Catholic proprietor and his Protestant colonists. Therefore, Calvert gave up his right to make laws and allowed a two-house legislature to be set up. In 1649, in an effort to ease tensions further, Calvert approved a bill setting up religious toleration in the colony.

Be it Therefore . . . enacted . . . that noe person or psons whatsoever within this Province, or the Islands, Ports, Harbors, Creekes, or havens thereunto belonging professing to beleive in Jesus Christ, shall from henceforth bee any waies troubled, Molested or discountenanced for or in respect of his or her religion not in the free exercise thereof within this Province or the Islands thereunto belonging nor any way compelled to the beliefe or exercise of any other Religion against his or her consent, soe as they be not unfaithfull to the Lord Proprietary, or molest or conspire against the civill Govern[m]ent 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 believe 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 trebble damages to the party soe wronged or molested, and for every such offence shall also forfeit 20s sterling in money or the value thereof ... 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 & imprisonmt during the pleasure of the Lord Proprietary, or his Leivetenant or cheife Governor of this Province for the tyme being without baile or maineprise

Review Questions

1. What did the Maryland Act of Religious Toleration prohibit?
2. Which group of people did the Maryland Act of Religious Toleration protect?
3. Why was the Act considered a landmark of freedom and liberty?
4. To what extent was the Act "intolerant"?