GEORGE CALVERT

AND

CECILIUS CALVERT.

"MAKERS OF AMERICA"

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BARONS BALTIMORE

OF BALTIMORE

BY

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PREFACE.

Both George and Cecilius Calvert may claim the title of founders of Maryland. The original design belongs to the former; the charter was a modification of his earlier charter of Avalon, and was, no doubt, drawn up in conformity with his suggestions; only his personal favor with the king would have obtained a grant of such a nature, and nothing but what we may call the accident of his death prevented his being the first proprietary. On the other hand, it was Cecilius in whose name the charter was drawn, who sent out the first colonists and guided their earliest political steps, and who watched over the infancy of the colony and shielded it from ruin.

The characters of the two seem much alike. There is the same patience, the same humanity of disposition, the same moderation, and the same steadiness of purpose. But in one respect there is a great difference for the biographer. George Calvert passed a large part of his active life in impor-

tant public office, and in close connection with the great events and great actors of his day. His name is in all histories and memoirs of the time, and his letters are scattered through many collections. Cecilius, on the other hand, seems to have studied to withdraw himself from publicity. Except in connection with his colony, his name scarcely appears in history, and hardly any letters of his or addressed to him, other than those of a formal and official character, are known to exist. It requires close study of his acts, and of the motives that prompted them, before the dim personality of the man begins to take form and feature. Hence all biographical notices of Cecilius Calvert have been meagre, shadowy, and unsatisfactory.

If the present sketch be in any degree less open to this reproach, it is due to the fact that the writer has had some advantages that were denied to his predecessors. In particular he has been able to consult, in their originals, the ancient papers of the Calvert family; a body of manuscripts unknown to previous historians, recently discovered in England among the litter and rubbish of an old conservatory, rescued from destruction, and acquired by the Maryland Historical Society. Some of these papers, as throwing new and important light on the events of the time, have been quoted at considerable length;

for instance the instructions to the first colonists, Leonard Calvert's narrative of the reduction of Kent Island, Baltimore's letter to his brother about the Jesuits, etc.

The other chief sources have been the manuscript archives of the State, the collections of the Maryland Historical Society, and the colonial records preserved in the Public Record Office, London, and made accessible to all the world by the admirable calendar of Mr. W. Noel Sainsbury.

Among the printed works consulted, the writer desires to acknowledge special obligations to "The Foundation of Maryland," by Gen. Bradley T. Johnson, and the "Life of George Calvert," by Lewis W. Wilhelm, Esq., two monographs published by the Maryland Historical Society.

He has also to thank his friend, Mr. John H. Ingram of London, and the Rev. Andrew Clark, Fellow of Lincoln College, Oxford, for their great kindness in searching manuscript records at his request.

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GEORGE AND CECILIUS CALVERT.

CHAPTER I.

THE origin of the Calvert family is obscure. There were Calverts, or Calverds, in Yorkshire as early as the fourteenth century, the name of Margareta Calverd appearing on the Durham Halmote, or Manorial Rolls, in 1366; but none of the genealogies affords us the means of tracing from these the family of the founder of Maryland. The biographies usually speak of the Calverts as of Flemish extraction, which is not improbable, as Calvart or Calvaert is a well-known Flemish name; but their lineage—at least that of the Yorkshire Calverts—has never been traced back to Flanders. In the exemplification of arms issued in 1622 by Richard St. George, Norroy king of arms, to Sir George Calvert, it is stated on the authority of Verstegan, the antiquary and philologist, "that the said Sir George is descended of a noble and auntient familie of that surname in the earldom of Flanders, where they have lived long in great honor, and have had great possessions, their principall and auntient seat being at Warvickoe in the said province. And that in theis later tymes two

brethren of that surname, vid: Jaques Calvert, lord of Severe, two leagues from Gaunt, remayned in the Netherland broyles on the side of the Kinge of Spayne, and hath a sonne who at this present is in honourable place and office in the Parliament Courte at Macklyn; and Levinus Calverte the younger brother tooke parte with the States of Holland, and was by them ymployed as their agent with Henry the fourth late Kinge of Fraunce, which Levinus Calvert left a sonne in France, whom the foresaid Kinge entertayned as a gentleman of his bed chamber." He goes on to say, on the same authority, that the proper armorial bearings of the Calverts are, "or, three martletts sables, with this creast, vizt., the upper part or halves of two launces, the bandroll of the first, sables, and the second, or;" and then declares that the arms which the Calverts have borne in England are "paley of six pieces, or and sables, a bend counterchanged," to which he adds, as a crest, the two half-lances with their bandrolls, or small banners, of black and gold standing in a ducal crown.

It would seem from this that Norroy did not quite see his way clear to affiliate Sir George to the Flemish Calverts; but he has no objection to intimate it heraldically by the addition of the Flemish crest as an honorable augmentation to his proper ancestral bearings.

Our earliest certain knowledge of the family begins with Leonard, the father of George, who was living in the time of Elizabeth in or near the town of Danby Wiske, in the valley of the Swale, York-

shire. All that we know of Leonard Calvert is that his father's name was John, and that he was a country gentleman, apparently in easy circumstances, who owned land and raised cattle—a fact which at a later time gave an enemy of George Calvert an opportunity to sneer at him as "the son of a grazier" —that he married Alicia Crossland, a lady of gentle birth, and that he acquired the estate of Kiplin, in the same valley, in the latter part of Elizabeth's reign.

Either on this estate of Kiplin, or in the village of that name, George Calvert, the eldest son of his parents, was born about the year 1580. But few particulars of his youth are recorded. At the early age of fourteen he entered Trinity College, Oxford, as a commoner, and took his bachelor's degree in 1597. That he acquired a good knowledge of Latin is shown by a poem in that language deploring the death of Sir Henry Unton, ambassador to France; and it is also likely that here he laid the foundation of that acquaintance with French, Italian, and Spanish which afterward stood him in good stead in his diplomatic career.

His college studies ended, he travelled on the Continent, where it is probable that he made his first acquaintance with Sir Robert Cecil, afterward his patron and the founder of his fortunes, who had been sent by Elizabeth on an embassy to the court of France, to knit more closely the bonds of alliance with Henry IV.

On Elizabeth's death, in 1603, Cecil was con-

tinued by James in the office of Secretary of State, and we already find Calvert among his friends. We may safely ascribe to Cecil's influence the fact that Calvert was associated with him in the management of certain estates that had been settled on the queen. In the same year he had a seat in James's first Parliament as a member for the Cornish borough of Bossiney, and thus took his first steps in public life.

A year or so later he married his first wife, Anne, the daughter of John Mynne, a gentleman of ancient family in Hertfordshire; and their eldest son, Cecilius, named after his patron Cecil, was born in 1606.

In 1605 Calvert received his master's degree at Oxford, on the occasion of the king's visit to that university. The ceremonies were unusually magnificent, the Duke of Lennox and the Earls of Oxford and Northumberland heading the long list of candidates, of whom Calvert was the last. On this occasion an honorary degree was bestowed upon Cecil, who was already a master of arts of Cambridge.

Soon after his leaving the university, Calvert became Cecil's private secretary, and was appointed by the king clerk of the crown and of assize in County Clare, Ireland, an office of importance, resembling that of an attorney-general. This was the first link connecting Calvert with Ireland, in which kingdom he was afterward to hold considerable estates and a place on the roll of nobility.

The death of Cecil in 1612, though it deprived

Calvert of an attached and powerful friend, did not lessen the royal favor to him; and in 1613 he was appointed clerk to the Privy Council, and was sent on a mission to Ireland to report on the success of James's new policy of bringing the Irish to conformity with the religion and obedience to the law of England. Like all similar experiments, this policy had produced wide-spread and angry discontent among the native Irish, and several commissions were appointed to hear and report on their grievances.

Calvert was a member of two of these commissions, and his ready pen had doubtless a large share in the preparation of their reports, which seem to have been drawn up with great care and in a just and equitable spirit. They dwell especially on the harmful influence of the Jesuits; a point worth noting, as we shall see later that his son and successor entertained a strong dislike and suspicion of that order.

Calvert had also received other marks of royal confidence, and had been sent on a mission to the French court in 1610 on the occasion of the accession of Louis XIII. His course seemed now steadily upward; the king liked him, trusted him, and employed him in many ways. He helped James in his diatribe against the Dutch theologian Vorstius, whose Arminian heresies the king, in his capacity of Defender of the Faith, felt bound to confute. Whether Calvert assisted in the conduct of the argument, or turned the king's vernacular into Latin, or merely transcribed James' notes, cannot be de-

termined; the latter, however, does not seem likely, as Calvert wrote a remarkably illegible hand. In his correspondence he is often found apologizing for using the hand of an amanuensis, and he mentions once that Charles I. told him that he "writ as fair a hand to look upon afar off as any man in England; but that when any one came near it, they were not able to read a word." On the whole, it seems most likely, as Calvert was a good Latinist, that he turned the king's English or French into Latin, to which James afterward added such graces and ornaments of vituperative rhetoric as the occasion, his dignity, and the polemic style of the age seemed to demand.

In 1617 Calvert received the order of knighthood on the occasion of the marriage of the brother of Buckingham. The death of the able Cecil, and the fickle and capricious character of the ambitious and pleasure-loving duke, made the services of a painstaking and conscientious servant like Calvert more valuable than ever. On the dismissal of Sir Thomas Lake in 1619 he was raised to the high office of Principal Secretary of State, a position somewhat resembling that of a modern prime minister. Of these secretaries there were two, Calvert's colleague being Sir Robert Naunton, a modest, unpretentious man of literary tastes, but of no political influence. Buckingham, who wanted the place for another, was chagrined at the appointment, but concealed his annoyance, and carried the news himself to Calvert. The king sent for him and asked him various questions, among the rest about his wife and her

character; a point on which he laid stress, because he held the offences of Calvert's predecessor as due, in great measure, to his wife; and in a harangue in the Star Chamber had warned his secretaries against trusting their wives with secrets of state. Calvert reassured the king on this point, and bore affectionate testimony to his wife's virtue.

This important office, which of necessity drew him into the vortex of European politics, came to Calvert at a critical juncture in the affairs of England and Europe; and we may well believe the statement that he hesitated before accepting it. He was not, like Buckingham, a man of brilliant talent and boundless confidence in his own abilities, nor was he of those who find the most attractive fishing in troubled waters. Calvert's talents were solid: he was cautious, laborious, exact, of unimpeachable integrity, and a true lover of his country; and he could not have failed to see the heavy storm-clouds gathering on the political horizon. A great continental struggle was impending: the Bohemians had lighted a torch which was setting all Europe ablaze; and this very twelvemonth saw James's son-in-law, the Elector Palatine, crowned king at Prague and stripped of his hereditary dominions. Spain and France were rivals for the friendship of England: alliance with either was sure to make of the other a dangerous enemy: England itself was divided against itself. Calvert seems to have arrived at the conclusion that Spain would be the better friend or the more formidable foe; and he favoured the proposed marriage

of Prince Charles with the Infanta Maria, daughter of Philip III., although the majority in Parliament and in England thought otherwise.

Calvert received a further mark of the king's confidence in 1620, and was made one of the commissioners for the office of treasurer—in commission since Cecil's death—his colleague being Sir Lionel Cranfield. He also received a pension of £1,000 and a subsidy on raw silk imported. This subsidy, it may be observed, was confirmed or regranted by Charles I. in 1627, and surrendered in 1631 for a pension of £1,000.

The Parliament of 1621 met amid great excitement. Was James to draw his sword for his children's rights, and thus commit England to the Protestant side, or was he not? If he was, would the Commons be liberal in their supplies of money? The king was, as usual, distracted by inconsistent desires. He wanted money desperately, but he also wanted peace: he felt keenly the sufferings of his daughter, but he could not throw off the influence of Gondomar, nor give up his cherished scheme of the Spanish marriage; and he still clung to the notion that a middle course was possible, and that he might act the part of a peacemaker.

Calvert sat in this Parliament, through Wentworth's influence, as a member for Yorkshire, Wentworth himself being his colleague, and was one of the minority that supported the Spanish policy of the court, while at the same time he tried to act the part of a conciliator between the king and the country

party; a task for which his moderate, grave, and pacific disposition well fitted him, though it grew daily more difficult as tempers rose and the estrangement widened. He was known to favour the Spanish cause, and this cast a shadow of suspicion on his actions. When he urged them not to leave the king's hands tied for want of money at this critical juncture, the Commons said they were ready to give, and give freely, if he would only assure them that the money would be used against Spain and that the Prince of Wales would marry a Protestant wife. Calvert, knowing the king's secret wishes, could not give this assurance, and so the struggle went on.

Still, though not popular with the popular party, Calvert was not obnoxious to it, and the king often used him as a medium for communicating his wishes orally to the House. The French ambassador, Tillières, writing at this time, stated that the control of all public affairs really rested in Buckingham and Calvert. The latter he describes as "an honorable, sensible, well-minded man, courteous toward strangers, full of respect toward ambassadors, zealously intent upon the welfare of England; but by reason of all these good qualities, entirely without consideration or importance." If he means such consideration and importance as Buckingham enjoyed, he was right. Calvert was no ambitious schemer to whom it was necessary to surround himself with a crowd of partisans and tools of every rank; nor was he a splendid grandee, dazzling men's eyes by his magnificence. But if he means that the Secretary

was a political nonentity, the records of Parliament prove the contrary. He often spoke, and his words always commanded attention and respect. He was of consideration from the unblemished integrity of his character, and from the wisdom, sincerity, and moderation of his counsels, and he was of importance because he was known to possess the confidence of the king. But it was his misfortune to be the mouthpiece of a master in whose sincerity the Commons trusted little, and in whose constancy not at all.

It is not necessary to go, as some have gone, to the fascinations of Gondomar, to explain Calvert's adherence to the Spanish side. He still believed Spain to be, what she had unquestionably been in the preceding reign, the most formidable power in Europe. In an alliance with Spain, as he thought, lay England's safety. The king strongly favoured this alliance, could he only make up his mind. Now, if there was to be an alliance with Spain, the closer and firmer that alliance the better; and nothing could knit it so close as the Spanish marriage. As for the religious question, if the prince wedded a daughter of France, there would be the same difficulty; and as for an alliance with a Protestant German house, even if James had not thought such a match unspeakably beneath him, his daughter's unhappy experience put that out of the question. There can be no doubt that Calvert in his consistent advocacy of the Spanish policy believed that he was serving his country as well as his king.

The king rated at their due worth the faithful services of his Secretary, and on February 18th, 1621, granted him a manor of 2,300 acres in County Longford, Ireland. These lands were held under the condition that all settlers upon them should take the oath of supremacy and "be conformable in point of religion;" and when Calvert, four years later, made profession of the Roman Catholic faith, he surrendered his patent and received it back with the religious clause omitted. These Longford estates were then erected into the manor of Baltimore, from which he took his baronial title.

In the next year Calvert had the misfortune to lose his wife, to whom he was tenderly attached, who died August 8th, 1622, leaving a family of ten children, the eldest of whom, Cecilius, was only about sixteen years old. Two other sons, Leonard and George, afterward had a share in the foundation of Maryland, and both died in the New World; Anne, the eldest daughter, married William Peaseley; Grace, the fourth daughter, married Sir Robert Talbot, a kinsman of the earl of Tyrconnel; and of the others, Francis, Henry, Dorothy, Elizabeth, and Helen, little more than the names is known. An eleventh child, John, died in infancy. In memory of this beloved wife, Calvert erected a monument, which is still standing, in the parish church of Hertingfordbury, Hertfordshire.

In 1623 occurred the memorable journey of Prince Charles and Buckingham to Spain, in disguise, which was to have such an unexpected ending and such

momentous consequences. For a while all seemed to go well: James was delighted, and Calvert was busy drawing up the marriage contract and making preparations for the reception of the Spanish bride. The king, who, in Buckingham's absence, relied entirely on the Secretary, was highly pleased with his diligence and devotion, and testified his satisfaction by making him a member of the Council of York.

The sudden return of Charles and Buckingham without the bride, and the outburst of popular joy that followed, shattered Calvert's hopes and warned him of the approaching end of his political career. In the next Parliament, 1624, he had a seat, not for his native county, but for Oxford. Buckingham had veered round to the popular side, and sought the favour of Parliament by a display of animosity to his former supporters: the king, feeble in mind and body, and a mere puppet in the hands of his adored "Steenie," was now all on the French side. Calvert could not follow these high examples, even to please the king. He believed that England was drifting into a war with Spain, and he could not pretend to approve the course that things were taking. The favourite now openly sought his disgrace: the king grew cold and suspicious: snares were laid to entrap him, if possible, in something that might be a ground for impeachment.

But as Buckingham's plans prospered, his hostility to the Secretary grew less. Though violent, domineering, and unscrupulous, he was not coldly vindictive, and was placable enough to those who did not

cross his schemes or stand in his way. The old king's temper changed with the favourite's. Calvert wisely took the advantage of this transient gleam of fair weather to steer the bark of his fortunes out of the perilous seas of political life. He avowed to the king that he had become a convert to the faith of Rome, and asked to be allowed to resign his secretaryship and retire to private life.

His request was granted. Calvert, according to the custom of the time, negotiated with Sir Albert Morton to vacate the secretaryship in his favour for the sum of £6,000. The king, whose old affection for him had returned, retained him in the Privy Council, notwithstanding his change of religion; and on February 16th, 1625, elevated him to the Irish peerage as Baron Baltimore of Baltimore, in the County of Longford. In the original patent (in the possession of the Maryland Historical Society) the reasons for his elevation are set forth as follows:

"WE therefore, nearly considering in the person of Our well-beloved and entirely faithful Councillor, George Calvert, Knight, gravity of manners, singular gifts of mind, candour, integrity, and prudence, as well as benignity and urbanity toward all men, and also reflecting in Our mind with how great fidelity, diligence, and alacrity he has served Us, both in Our kingdom of Ireland, whither, not long ago, he was specially sent upon Our very weighty and most important business there, as also in this Our Kingdom of England, throughout many years, but especially since he was advanced near Our person to the

place and honour of a Councillor and Our principal Secretary; and willing that some singular mark of Our royal favour may remain unto the aforesaid George and unto his posterity forever, by which not only he, but others also may perceive how highly We prize the fidelity and obedience of the said George, and how much We desire to reward his virtues and merits, We have decreed him to be inscribed among the number of the peers of Our said Kingdom of Ireland: KNOW YE THEREFORE that We, of Our especial grace, and of Our sure knowledge and mere motion, have exalted, preferred, and created the aforesaid George Calvert, Knight, unto the estate, degree, dignity, and honour of Baron Baltimore of Baltimore, within Our Kingdom of Ireland."

Within a few weeks from the issue of this patent James died, but his successor, Charles, did not withdraw his favour from the late Secretary. On the contrary, he wished to retain him in the council, offering to dispense with the oath of supremacy in his case; but Baltimore was firm in his resolution to retire finally from official life.

CHAPTER II.

Relieved of the burdens and anxieties of public business, which had already seriously impaired his health, Calvert now had leisure to turn his attention to his interests in the New World. He had long taken much interest in the colonizing schemes which were so rife at the time, and had associated himself with several. As early as 1609 he had been a member of the second Virginia company, and was also one of the provisional council for the management of the affairs of that colony after the revocation of the charter, and one of the eighteen councillors of the New England Company in 1622.

The discovery of a northwest passage to Asia, thus avoiding the long and perilous voyage around the Cape of Good Hope, was the perpetual ignis-fatuus of the seventeenth century, and lured mariners ever northward to the regions of ice and desolation. Ignorance of isothermal lines was universal, and there would have seemed nothing unreasonable in expecting to find in Labrador the climate of Ireland. Experiments in colonization were made in lands far too much to the north; and those who had rashly embarked in such ventures found their interest in keeping up a delusion which offered them a chance of escape.

Several attempts had been made to settle Newfoundland, and at various times the whole or part of the island had been granted to Sir Humphrey Gilbert, Sir Francis Bacon, and others; but the attempts at colonization had gone no further than the establishment of a fishing-station. Calvert, in 1620, purchased a plantation on the island from Sir William Vaughan, which he named Avalon,[1] from the consecrated spot to which pious legend referred the introduction of Christianity into Britain. He sent out a number of colonists with proper implements and supplies, and placed his plantation in charge of a Captain Wynne, whose reports were encouraging. Buildings were erected, land brought into cultivation, seeds and plants sent out from England were doing well, there was nothing to be feared from Indians, the salt-works were promising, and the fishery was the finest in the world.

These cheerful reports were confirmed by the account of Captain Richard Whitbourne, whose "Westward Hoe for Avalon" was published in 1622. Whitbourne describes the island as almost an earthly paradise; strawberries and raspberries, pears and cherries, grow in abundance, and flowers of many kinds, including "red and white damask roses," perfume the balmy air. The groves are vocal with nightingales and other birds of song; the wild beasts are gentle and humane; the harbours are eminently

[1] It is not absolutely certain whether this name was given by Baltimore or one of the earlier adventurers. His settlement was usually called Ferryland, and from this his letters are dated.

good, and in St. John's harbour he once saw a mermaid. Coming down to the practical, he explains how profitable the fishery can be made under good commercial regulations, the want of which is all that hinders the prosperity of the colony.

Calvert probably thought that if he had a more definite and paramount authority he could make Avalon a highly prosperous settlement; so in this year, 1622, he applied for a patent, and received a grant of the whole island. This, however, was superseded by a regrant in March, 1623, conveying to him the southeastern peninsula, which was erected into the province of Avalon by a royal charter issued April 7th. By this charter Calvert was given a palatinate or quasi-royal authority over the province, which was held *in capite*, by knight's service, with the condition of giving the king or his successors a white horse whenever he or they should visit those parts.

During the busy years which preceded Calvert's retirement from public life, he had not been able to give much attention to the affairs of his infant plantation, where the master's eye was imperatively needed; and his affairs in Ireland occupied him for some time after he was released from the secretaryship. We find him writing to Wentworth in 1627: "I am . . . bound for a long journey, to a place which I have had a long desire to visit, and have now the opportunity and leave to do it. It is Newfoundland I mean, which it imports me, more than in curiosity only, to see, for I must either go

and settle it in better order, or give it over and lose all the charge I have been at hitherto for other men to build their fortunes upon. And I had rather be esteemed a fool by some for the hazard of one month's journey, than to prove myself one certainly for six years by past if the business be now lost for the want of a little pains and care."

So in June of this year he visited Avalon in person, arriving at the end of July. Though he came at the most favourable season, and remained for but a month or two, so that he could scarcely have had time to visit the interior of the island, we cannot but think that when he compared the reality with Whitbourne's glowing descriptions and his own fancy-pictures built upon them, his disappointment must have been sharp.

The Province of Avalon, for the name is still retained, is an irregular peninsula lying between the bays of Placentia and Trinity, and joined to the mainland by an isthmus three or four miles wide. It is deeply indented by Conception Bay on the north and St. Mary's Bay on the south. Two principal ranges of rugged hills run down, the one to Conception Bay and the other to Trinity, and between them lies a valley, more or less broken by hummocks and foot-hills. Smaller ridges form the back-bones of the other capes, forming so many water-sheds, giving rise to streams, of which one at least is a considerable river flowing into St. Mary's Bay. These hills are partly long flat-topped ridges and partly isolated craggy peaks with formidable

precipices. The sides of these hills are clothed with a stunted vegetation, mostly of fir, junipers, and other coniferous trees, while the tops of the ridges and table-lands are barren stretches of sand and gravel, in some parts absolutely bare of soil, and strewn with boulders, and in others meagrely clothed with a poverty-stricken growth of heath and scrub. In the lower lands are great tracts of marsh and moss, forming a sponge several feet deep, with black pools dotted over the treacherous bog. Only narrow strips of soil are fitted for cultivation.

All behind the little plantation lay this region of wild savagery, or bleak and hopeless desolation, and in front was the wild, stormy, and inhospitable sea. And the brief northern summer hid from him the worst enemy of all, the long, pitiless northern winter.

Departing after a short visit, he spent the winter in England preparing for his return, which he made in the following summer, bringing with him Lady Baltimore, his second wife, all his family except his eldest son, Cecilius, and about forty colonists, so that the whole colony was raised to about one hundred souls.

Troubles of an unexpected kind soon came upon him. In August we find him writing to Buckingham: "I owe your Grace an accompte of my actions and proceedings in this plantation, since under your patronage and by your favourable mediation to his Majestie I have transported myselfe hither. I came to builde, and sett, and sowe, but am falne to fighting with Frenchmen, who have heere disquieted mee

and many other of his Majesties subjects fishing in this land."

The circumstances were these: Buckingham's war, as we may call it, with France had been declared the previous year, and French cruisers began to attack the English fisheries and outlying stations. But we will let Baltimore give the story in his own words:

"One De la Rade of Dieppe, with three ships and four hundred men, many of them gentlemen of quality, and 'la fleur de la jeunesse de Normandie,' as some Frenchmen here have told us, came first into a harbour of mine called Capebroile, not above a league from the place where I am planted, and there surprising divers of the fishermen in their shallops at the harbour's mouth, within a short time after possessed themselves of two English ships within the harbour, with all their fishes and provisions, and had done the like to the rest in that place had I not sent them assistance with two ships of mine, one of three hundred and sixty tons and twenty-four pieces of ordnance, and another a bark of sixty tons with three or four small guns in her, and about a hundred men aboard us in all. These ships being discovered to move by a scout whom the French kept at the harbour's mouth, they stayed not weighing anchor, but let slip their cables and away to sea as fast as they could, leaving their booty and sixty-seven of their own men behind them on shore for haste. We gave them chase, but could not overtake them; and that night I sent a company to fetch the sixty-

seven men out of the woods, fearing that, being well armed as we understood they were, and then in desperation, they might force some boat or weak ship or do other mischief; and the next morning they were brought unto me hither, where I have been troubled and charged with them all summer.

"Within a few days after advertisement was given me that De la Rade was gone into the Bay of Conception, some twenty leagues to the northward of this place, and there committed more spoil; whereupon I sent forth the great ship again, with all the seamen I had here, and one of my sons with some gentlemen and others that attend me in this plantation; but before they came near him he was again frighted by the *Unicorn* of London; having first taken divers English prisoners and carried them with him. From thence my ship and company, by my directions consorting with Captain Fearnes, a man of war, returned back to the southward, and in a harbour called Trepassée, where De la Rade first touched in the beginning of the summer and came from thence to us, they found six French ships, five of Bayonne and one of St. Jean de Luz, who had almost made their voyage and were near ready to return homewards. These we took for the hurt they have done us, and have sent them now for England, where they shall arrive safely, I hope, within your Grace's admiral jurisdiction; and I presume so much of your wonted favour as [that] in any part of this business that hath relation to my interest, your Grace will be pleased I shall be respected as one of your

servants, and that you will pardon all errors of formality in the procedings.

"Whether this French gentleman may return again when the ships are gone, I know not: if he do, we shall defend this place as well as we are able; but for the time to come it much concerns his Majesty's service and the good of the kingdom (in my poor judgment) that two men-of-war at the least might be continued all the year, except it be the winter time, upon this coast for preserving of so many of his subjects, being all bred seamen, and their shipping and goods, which may easily be done by a contribution upon the fishery itself; and it may very well bear it without any sensible burden to particular men, if your Grace will be pleased to intercede unto his Majesty in that behalf, and that some principal owners of the west country may be conferred withal to that purpose before the next spring, and the contribution imposed here by his Majesty's authority.

"I have desired this bearer, Mr. Peasley, sometime a servant to our late sovereign, whose company I have had here this summer, to attend your Grace on my behalf; and I humbly beseech you to vouchsafe him access to your person, as there shall be occasion, with favour."

The two ships that Baltimore speaks of sending out against De la Rade were the Ark and Dove, which afterward carried the first colonists to Maryland, the son whom he sent on board was Leonard, afterward governor of Maryland, and William Pease-

ley was his son-in-law. As Baltimore's colony could hardly have furnished a hundred men fit for sea-fighting, we must conclude that his force was largely made up from the crews of English vessels in the harbour. The want of formality which he trusts Buckingham will overlook, was probably his non-possession of letters of marque.

This letter never reached the hands for which it was intended. It is dated August 25th, 1628, and two days before, Buckingham had been stabbed by Felton at Portsmouth. By the ship that carried it Leonard Calvert and Peaseley returned to England, where Leonard petitioned the king that his father might have a share in certain prizes taken from the French by the ships Benediction and Victory, apparently in another affair, of which we have no account; and that letters of marque might be issued to him, antedated, so as to entitle him legally to his proportion of prize-money. Peaseley also petitioned the admiralty that one of the captured ships might be lent Baltimore to defend his plantation and the fisheries, and "in consideration of his good services" the Sainte Claude was lent him for a year and brought out to him by Leonard.

But his good services against the French did not shield him from the attacks of domestic enemies. One Stourton, a Puritan minister at Ferryland, returning to England, laid a charge before the mayor of Plymouth that Baltimore was having the mass celebrated regularly in his chapel, and was showing special favour to the Catholic members of his colony.

Stourton was sent before the Privy Council, who seem, from the expressions used in a letter of Baltimore to the king, to have dismissed the charge.

The dangers or the discomforts of life at Avalon seem to have been too much for Lady Baltimore, and she sailed in 1628 for Virginia, and remained for some time at Jamestown, as we know from a letter of Baltimore's in which he asks letters from the Privy Council to the governor of Virginia, instructing him to facilitate Lady Baltimore's return to England. In the same letter he expresses a desire for a grant of land in Virginia, as the king had given him leave to choose any unoccupied part.

While the pacific Baltimore, rather to his own surprise, was fighting Frenchmen, taking prizes, and rendering the knight's service demanded by his charter, a worse enemy than the plundering French was drawing near. The long and terrible northern winter soon set in, and both Baltimore, whose health had long been weak, and the greater part of his colonists, suffered terribly. To add to his sufferings, he was forced to see that he had been deceived by false representations, and that his colony, on which he had spent, in all, about twenty thousand pounds, was a failure. He wrote to the king in August, 1629:

"I have met with difficulties and encumbrances here which in this place are no longer to be resisted, but enforce me presently to quit my residence and to shift to some other warmer climate of this new world, where the winters be shorter and less rigorous. For here your Majesty may please to understand that

I have found by too dear bought experience, which other men, for their private interests, always concealed from me, that from the middle of October to the middle of May there is a sad fare of winter upon all this land; both sea and land so frozen for the greater part of the time, as they are not penetrable, no plant or vegetable thing appearing out of the earth until about the beginning of May, nor fish in the sea; beside the air so intolerable cold as it is hardly to be endured. By means whereof, and of much salt meat, my house hath been an hospital all this winter; of a hundred persons, fifty sick at a time, myself being one; and nine or ten of them died. Hereupon I have had strong temptations to leave all proceedings in plantations, and being much decayed in my strength, to retire myself to my former quiet; but my inclination carrying me naturally to these kind of works, and not knowing how better to employ the poor remainder of my days, than, with other good subjects, to further, the best I may, the enlarging your Majesty's empire in this part of the world, I am determined to commit this place to fishermen that are able to encounter storms and hard weather, and to remove myself with some forty persons to your Majesty's dominion 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 endeavour, to the utmost of my power, to deserve it."

Charles replied: "Such is and ever hath been

the estimation we make of the persons of our loving subjects who employ themselves in public actions that tend to the good and glory of their country and the advancement of our service, as that we cannot but take notice of them, though of the meanest condition; but much more a person of your quality, who have been so near a servant to our late dear father, of blessed memory. And seeing that your plantation in Newfoundland (as we understand by your letters) hath not answered your expectation, which we are informed you take so much to heart (having therein spent a great part of your means) as that you are now in pursuit of new countries, We, out of our princely care of you, well weighing that men of your condition and breeding are fitter for other employments than the framing of new plantations, which commonly have rugged and laborious beginnings, and require much greater means in managing them than usually the power of one private subject can reach unto, have thought fit hereby to advise you to desist from further prosecuting your designs that way, and with your first conveniency to return back to your native country, where you shall be sure to enjoy both the liberty of a subject, and such respect from us as your former services and late endeavours do so justly deserve."

The recommendations of princes are usually tantamount to commands; and it is probable that if this letter had reached Baltimore sooner, he would have returned directly to England and abandoned his plans of colonization. But before it was writ-

ten he had already sailed, with a number of his colonists, for Virginia, to look at the country and fix upon a site for his new colony, in case his request for a grant of land was favourably received. The charter of Virginia having been annulled upon a *quo warranto* by the court of King's Bench in 1623, the king had been revested in all his rights, and could grant territorial jurisdiction and the possession of all the soil not under private ownership to whom he pleased.

Baltimore arrived at Jamestown in October, 1629. The Virginians either suspected or had information of his plans, and he was but coldly received by the authorities. Governor Yeardley had died, and the council had appointed one John Pott as provisional governor until Sir John Harvey, the royal governor, should arrive. The authorities at Jamestown determined to be rid of Baltimore; for though they understood that he inclined rather to settle further to the southward, they noticed with alarm that he appeared "well affected" to Jamestown; and it was, of course, within the bounds of possibility, as well as of law, that the king might give him a charter for the whole of Virginia. A device to force him away was easily found. Knowing his religious faith, they tendered him the oath of supremacy, which as a conscientious Catholic he could not take, though he offered to take a modified form of it. To this they would not agree; so he determined to depart. It is probable that even had his reception been more friendly, he would not have made any prolonged

stay. The plan he had at heart was to found an entirely new colony which should be a refuge for those of his own faith, which he should build up from the foundations, and where his quasi-royal rule would serve to shelter the Catholics from the operations of the penal statutes and the persecutions of fanaticism. No such colony could have been made out of or planted among a people so unmanageable and so fiercely Protestant as the Virginians of that day.

Calvert seems to have met with some rude treatment while at Jamestown, as it is on record that one Thomas Tindall was pilloried "for giving my Lord Baltimore the lie and threatening to knock him down." It is true that this punishment was not inflicted until the next year, after Governor Harvey had arrived; but we can hardly suppose that this ruffianism was countenanced by the better class, or Baltimore would not have left his wife and family in Jamestown on his departure. His doing so seems to indicate that he expected soon to return. He discovered, however, after his arrival in England, that many hindrances and delays were to be looked for; so Lady Baltimore and his family followed him later in the Sainte Claude, and had a narrow escape, the ship being wrecked off the English coast, and though all on board escaped with their lives, Baltimore's goods were lost.

We can easily understand why Baltimore should at this time have been sad at heart and capable of sympathizing with grief. We find him, on October

11th, 1630, writing from London the following touching letter of condolence to Wentworth on the death of his wife:

"Were not my occasions such as necessarily keep me here at the time, I would not send letters but fly to you myself with all the speed I could to express my own grief, and to take part of yours, which I know is exceeding great, for the loss of so noble a lady, so virtuous and so loving a wife. There are few, perhaps, can judge of it better than I, who have been a long time myself a man of sorrows. But all things, my lord, in this world pass away; *statutum est;* wife, children, honour, wealth, friends, and what else is dear to flesh and blood. They are but lent us till God please to call for them back again, that we may not esteem anything our own, or set our hearts upon anything but Him alone, who only remains forever. I beseech His almighty goodness to grant that your Lordship may, for His sake, bear this great cross with meekness and patience, whose only Son, our dear Lord and Saviour, bore a greater for you; and to consider that these humiliations, though they be very bitter, yet are they Sovereign medicines ministered unto us by our heavenly Physician, to cure the sicknesses of our souls."

Baltimore still adhered to his purpose of returning to the New World, notwithstanding the king's reluctance to let him go, and implied promise to indemnify him for his losses and disappointments by an increase of royal favour. He had long set his heart upon his plans of colonization; and it may

be that he thought that his health, much, and indeed fatally, broken, might be restored in the mild Virginian climate. At length the king yielded to his wishes and granted him a tract of land between the James and Passamagnus (Chowan) rivers. But as this grant was strongly opposed by some of the dissolved Virginia company, on the pretext that they were themselves about to settle colonists on that region for the purpose of raising sugar, Baltimore asked the king to reconsider the matter. The referees, taking also into consideration the fact that the Dutch were establishing themselves between Virginia and the New England settlements, and that it would be advisable to push English colonization further northward, recommended a grant of lands lying considerably to the north of the Virginia colony. Baltimore therefore surrendered his grant of Carolana, as it was called, and received in its stead a grant of land on both sides of the Chesapeake Bay, including the whole eastern peninsula, and running down to the Potomac on the western side, no part of which territory, as was then thought, had been granted by Virginia.

All these arrangements and re-arrangements took time, and part of this time he employed in writing a pamphlet dissuading the king from taking up arms in the cause of his sister's husband, the dispossessed Elector Palatine and discrowned King of Bohemia, and thus involving England in the miseries of the Thirty Years' War. The pamphlet was probably meant for Charles's eye only, as it was not published

until long after Baltimore's death. Charles imitated his father's policy, and while he raised six thousand men for Gustavus Adolphus, this was done in the name of the Marquis of Hamilton, that the neutrality of England might be preserved.

Baltimore's health had long been declining, and on April 15th, 1632, before his patent for Maryland had passed the great seal, he died. By his will he left his landed estates, and personalty appraised at £9,700, to his eldest son Cecilius, whom he also appointed his executor, and legacies of money to his other children, more distant kindred, and servants. He desires his "noble and ancient friends," Wentworth and Cottington, to supervise the administration, and commends his family to their friendly offices.

Avalon, after Baltimore's departure, was still kept up as a fishing station, managed by governors appointed by the proprietary. In 1637, on the alleged ground that the Calverts had abandoned Avalon and forfeited the charter, the island was granted to the marquis of Hamilton, the earls of Pembroke and Holland, and Sir David Kirke. Kirke went out the next year and took possession, turning out Baltimore's governor and seizing his house, boats, and other private property. Cecilius protested, offering evidence that the station had been kept up and properly managed; but all to no purpose. During the Protectorate Kirke was shrewd enough to enlist Cromwell on his side by granting part of the island to Claypoole, the Protector's son-in-law. In 1660

Baltimore succeeded in having the whole matter referred to the Chief Justice and other referees, who pronounced the grant to Hamilton void; upon which the king ordered the re-delivery of Avalon to the proprietary.

This order was resisted, or at least not obeyed, for some time; but Kirke going to England, Baltimore brought suit against him for detention of his property, and obtained a judgment, which Kirke being unable to satisfy, he was thrown into prison, where it is said he died. In 1663 Avalon was delivered to Swanley, Baltimore's governor, and seems to have prospered fairly well.

From this time on the history of Avalon is almost a blank. The subsequent proprietaries seem to have neglected it altogether; and in 1754 it was decided that the proprietary rights had lapsed from long disuse, the charter was annulled, and Avalon as a distinct province ceased to exist, though the name is still retained.

Though the colony which he founded was almost a failure, and he did not live to see the beginnings of that colony which succeeded, George Calvert has a right to be ranked among the makers of America. It is true, his first experiment at Avalon was little more than a commercial venture; but he soon saw the advantages of placing it on a firmer footing, and making it a colony instead of a mere fishing station. But he had seen the disasters that had befallen the commercial colonies owned and managed for the profit of a company, and administered by selfish,

unsettled, and divided policy. Calvert first introduced in America the palatinate form of government, in which powers virtually royal are vested in a single person. But in Calvert's palatinate of Avalon the laws were to be made with the advice and consent of the freemen, duly assembled for that purpose. In a word, it was a miniature England, constitutionally governed by those whose interests were centred in it, and having a single administrative head. External causes, as we have seen, brought his experiment to an untimely end; but the charter of Avalon was the model for that of the first English colony that was successful from the start.

A fine portrait of Calvert, by Mytens, court painter to James I., is in the possession of the present Earl of Verulam. The face is highly refined and of the long oval characteristic of so many faces of the reigns of Elizabeth and James. The high-arched brows and melancholy dark eyes seem to belong to a man who had suffered much and learned to bear suffering with patience. A small dark mustache and pointed Vandyke beard give the features some resemblance to the well-known portraits of Charles I. The dress is a doublet of rich dark stuff, apparently satin, turned over with lace at the wrists; and a rabato, or falling ruff of lace, surrounds the neck.[1]

The church of St. Dunstan, Fleet Street, London,

[1] A fine copy of this portrait was presented to the State of Maryland by the late John W. Garrett, Esq., and is now at the state-house at Annapolis.

where Baltimore was buried, has since been destroyed by fire, and no statue, bust, or monument, on either side of the Atlantic, perpetuates the memory of George Calvert.

CHAPTER III.

The grant of Maryland—so named in honour of the queen, Henrietta Maria—was made out in the name of Cecilius, Baltimore's eldest son and heir to the title. As at first drawn, it included the whole peninsula east of the Chesapeake Bay; but it having been shown that some settlements had been made by Virginians in the southern part of this peninsula (now the Eastern Shore of Virginia), the southern boundary of Maryland was drawn eastward from the mouth of the Potomac. With this alteration, the charter was confirmed on June 20th, 1632.

The boundaries of the new province were as follows: On the north, the fortieth parallel of north latitude (the southern boundary of New England); on the west, a meridian line from this parallel to the first or most distant fountain of the Potomac, and thence southeast, by the right bank of that river, to the Chesapeake Bay at a specified point; thence eastwardly across the bay and peninsula to the Atlantic, and thence northwardly by the Delaware Bay and river to the fortieth parallel.

This territory was held, not, like Avalon, *in capite*, by knight's service, but in free and common socage, (in other words, at a fixed rental in lieu of all services), the feoffee rendering therefor two Indian arrows at the castle of Windsor, yearly, on Tuesday

in Easter week, and the fifth part of all gold and silver found.

This charter, which has been said to be the most ample in its privileges of any ever granted by a British sovereign, erected Maryland into a palatinate, or quasi-royal government. The palatinates on the continent were hereditary principalities of the empire, and the palatines were sovereign princes. In England there were three palatinates, the counties of Chester and Durham and the duchy of Lancaster; and the palatines of these, namely, the earl of Chester, the bishop of Durham, and the duke of Lancaster, enjoyed, according to the authorities, "a royal power in all things." The earldom of Chester was united to the crown by Henry III. and the duchy of Lancaster by Henry VII., but the palatinate of Durham remained with the bishop of that see; and accordingly the rights and privileges of the bishop of Durham are taken in the charter as the measure of those of the proprietary of Maryland.

It invested the proprietary and his lineal descendants forever with the perpetual and hereditary ownership of the soil and the waters; empowered him to make peace or war, to suppress insurrection or sedition, to call out, arm, and command the militia, and to declare martial law; to levy rents, taxes, dues, and tolls; to confer titles and dignities; to erect towns, boroughs, and cities; to erect and found churches and cause them to be consecrated;[1] to

[1] The charter in allowing him to erect churches, chapels, and oratories, says that he may cause them to be consecrated according to the ecclesias-

make laws, public or private, with the advice and consent of the freemen, and necessary ordinances, not affecting life, limb, or property, without that consent; to establish courts of justice and appoint judges, magistrates, and other civil officers, and to execute the laws, even to the extent of taking life. Writs ran in his name; there was no appeal from his courts; nor did the laws enacted in his assembly require any confirmation from king or Parliament. The colonists retained all the privileges, as well as the name, of British subjects; they retained the right to hold, inherit, or otherwise acquire land in England; they were free to trade to England or to friendly foreign ports; they participated in making the laws, and they, with their lands and goods, were expressly exempted from taxation by the crown; so that the right in vindication of which the colonies afterward revolted from Great Britain was expressly secured to Maryland by the very words of her charter. And finally it was added that if at any future time any doubt should arise as to the true meaning of any point or article of this charter, that interpretation should be adopted which was most favourable to the proprietary.

This charter, as Gardiner has well remarked, provided for a constitutional government according to the ideas of James and of Charles. There was to be a hereditary feudal monarchy, surrounded by a

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tical laws of England; but it does not bind him to do so, nor prohibit him from having them consecrated under other laws. In fact one of the first things done was to consecrate a Roman Catholic chapel.

body of nobility deriving its rank, dignities, and privileges from the prince as the fountain of honour. The law-making power was vested in the prince, not in the people, who could only advise and assent or dissent. The proprietary lacked no single royal power: his title ran "Cecilius Absolute Lord of Maryland and Avalon," and the only difference between him and an independent sovereign was the acknowledgment of fealty typified by the tender of the arrows and the reservation of the fifths of gold and silver.

But almost from the beginning, as will be seen, these ideas of high prerogative were modified. No nobility was founded; and Baltimore, almost as soon as the question arose, conceded the initiative in legislation to the representatives of the people.

The privileges of this charter will not appear so surprising if we remember the political ideas of the time. The explorers who went out to discover or conquer new lands did so as servants of the king, and the lands so taken possession of were regarded as the property of the crown. The English colonies were not under the control of Parliament, but were ruled altogether by the king with the advice of his council, and nothing in their constitution interfered with or limited the royal prerogative. This state of affairs, so congenial to the views of James, was no doubt one reason why he was so favourably disposed to colonization. It was this position of the colonies also that made necessary the express provision in

the charter that the colonists should still be considered British subjects.

The charter having finally passed the great seal, Lord Baltimore set about colonizing his new territory. He at first proposed to accompany his colonists; but as the undertaking had bitter and implacable enemies in England who sought every occasion to hinder or frustrate it, he concluded to remain behind for the first year, sending in his stead his brothers Leonard and George, of whom Leonard was appointed his governor and deputy.

The prospects for civil and religious liberty in England were then at their gloomiest. Charles had dissolved Parliament in 1629, and was now ruling without a Parliament. It was doubtful whether a body of free representatives would ever meet again; and, as matter of fact, this state of things continued for eleven years. Absolutism in church and state reigned supreme. The heavy hand of the Star Chamber fell without mercy on those who, like Eliot and Leighton, dared to raise a word against arbitrary seizure of their goods or constraint of their consciences. Puritan and Catholic were alike under the ban of proscription, and multitudes of the former sought a refuge in New England. But for the latter, suffering under still more cruel oppression, there was no such asylum; and this Baltimore proposed to provide. There is no reason to suppose that he intended to found a Catholic colony like the Non-conformist colonies to the north; such a quixotic scheme would have been ruinous to his enter-

prise and himself. What he did propose to do will be seen later.

For the transportation of his colonists he made ready two vessels, the Ark of about three hundred tons, and a pinnace, the Dove, of about fifty tons, both which had been his father's. Having taken on board a part—possibly the Protestant part—of their passengers, the vessels sailed from Gravesend, but the attorney-general having received information that the passengers had gone without taking the oath of allegiance required of all British subjects leaving the kingdom, a hurried order was despatched to Admiral Pennington, then lying in the Downs, to give chase and bring them back. This was done: the Ark and Dove were brought back to Gravesend, where Watkins, the London "searcher," went on board and administered the oath to all he found, amounting to one hundred and twenty-eight persons. This formality over, they were allowed to depart in peace, and dropped down to the Isle of Wight on or about the end of October.

Baltimore gives an account of all these vexations in a letter to Wentworth (now earl of Strafford) of January 10th, 1633–34: "After many difficulties since your Lordship's departure from hence, in the proceedings of my plantation, wherein I felt your Lordship's absence, I have at last sent away my ships, and have deferred my own going till another time. And indeed, my Lord, it was not one of the least reasons of my stay at this time, the great desire I had to wait upon your Lordship in that king-

dom [Ireland] which, I must confess, my own affection importuned me to when you went from hence; and I should have done it had I been at liberty. But, as I said, my ships are gone, after having been many ways troubled by my adversaries, after that they had endeavoured to overthrow my business at the Council board, after they had informed, by several means, some of the Lords of the Council that I intended to carry over nuns into Spain and soldiers to serve that king (which I believe your Lordship will laugh at as they did), after they had gotten Mr. Attorney-General to make an information in the Star Chamber that my ships were departed from Gravesend without any cockets from the custom-house, and in contempt of all authority, my people abusing the king's officers and refusing to take the oath of allegiance. Whereupon their lordships sent present order to several captains of the king's ships who lay in the Downs to search for my ships in the river, and to follow them into the narrow seas if they were gone out; and to bring them back to Gravesend, which they did; and all this done before I knew anything of it, but imagined all the while that my ships were well advanced on the voyage. But not to trouble your Lordship with too many circumstances, I, as soon as I had notice of it, made it plainly appear unto their lordships that Mr. Attorney was abused and misinformed, and that there was not any just cause of complaint in any of the former accusations, and that every one of them was most notoriously and maliciously false; whereupon

they were pleased to restore my ships to their former liberty.

"After they had likewise corrupted and seduced my mariners, and defamed the business all they could by their scandalous reports to discourage men from it, and used all the means they could, both publicly and privately, to overthrow it, I have, as I said, at last, by the help of some of your Lordship's good friends and mine, overcome these difficulties and sent a hopeful colony into Maryland, with a fair and probable expectation of good success, however, without danger of any great prejudice unto myself, in respect that others are joined with me in the adventure. There are two of my brothers gone, with very near twenty other gentlemen of very good fashion, and three hundred labouring men well provided in all things."

Chief among the adversaries of whom Baltimore speaks, were the members of the old dissolved Virginia company and their friends, who were leaving no stone unturned to have their patent renewed, and, if possible, extended to its former boundaries. Their hostility was bitter, indefatigable, and unscrupulous. They had attacked the Maryland charter before its confirmation, and wrought incessantly to have it annulled after; they attacked Baltimore himself, misrepresented his motives and falsified his actions; they defamed his government and never wearied of bringing false charges against his officers and his colony. It was a hot-bed of Papists and seminary of Jesuits; it was a stronghold of royalists and malig-

nants; it was an asylum for schismatics and Puritans, as happened to serve their turn. All who had a grudge against Maryland, its justice, its authorities, or its people, were welcomed; and their charges, however false or monstrous, backed up before the Privy Council or the Board of Trade and Plantations. Dying, they bequeathed their vindictiveness to their successors and their calumnies to posterity; and the hereditary animosity was kept up for a century and a half, if indeed it is yet entirely extinguished. Fortunately for Baltimore, the greater part of the Virginian people were bitterly opposed to a restoration of the old company, and doubtless the Privy Council was aware of their strong aversion to the re-establishment of a government that had been so disastrous.

The first formal attack upon the charter was made in July, 1633, and came in the form of a memorial from the Virginia planters to the Lords of Foreign Plantations (a committee which had charge of colonial affairs), accompanied with a paper of "considerations." In these the ground is taken that whereas the land granted was designated as "unsettled," in reality a settlement had been made within it by persons from Virginia. The reference is to Claiborne's trading-station on Kent Island, an account of which will be given later.

They further object that the palatinate powers granted the proprietary are too extensive, and dangerous to the liberties of the people; while, with some inconsistency, they urge that the privileges

and franchises granted to the Marylanders are so great that they will attract settlers from other colonies, and so dispeople them. They also cite an order in council to the effect that the revocation of the Virginia charter was not intended to impair any planter's private right to his lands.

What the answers were is not on record; but they are obvious. The privileges of the charter were really liberties of the people. As no laws could be imposed upon the settlers but by their own assent, they could protect themselves against any invasion of their liberties. As settlement and residence in the province were voluntary, no one need go there unless he liked the government, and if on trial he did not like it, he could depart. The objection that the population of Virginia would be attracted to Maryland answered itself. If the settlers in Maryland would be at a disadvantage, Virginians would not be attracted; while if Maryland held out advantages, why should Virginians be debarred from sharing them? As for the last objection, the answer was simple: there were no planters in Maryland to be robbed.

The lords, after hearing both sides, confirmed the charter, and left the other side to their remedy at law if any wrong should be done them; and the king wrote to the governor and council of Virginia, commanding them to keep a good correspondence with Maryland, and to help the new colony, so far as might be in their power.

This matter having been settled, about the end

of October, as has been said, the Ark and Dove dropped down to the Isle of Wight. Here they took on board two Jesuit priests, Fathers Andrew White and John Altham, and a number of other emigrants, raising the total to about three hundred and twenty souls. It has been conjectured, with some plausibility, that those here taken on board were the Roman Catholics; and if this be so, they must have considerably outnumbered the Protestants; but this is an uncertain inference.[1] As a large part of the settlers were persons held to service, it seems most likely that the planters who embarked at the island had their servants and labourers with them, and saw them on board. The heads of the expedition were Leonard Calvert, the proprietary's brother and governor of the colony, and two Catholic gentlemen, Jerome Hawley and Thomas Cornwaleys, commissioners or coadjutors. George Calvert, a younger brother, accompanied them, and died not long after in Maryland or Virginia.

While the ships were still lying in Cowes harbour, Baltimore sent down to his brother a body of instructions for the government of the expedition during the voyage and upon their arrival at their destination. The original draft of this paper, in Baltimore's own hand, and with his erasures and

[1] It is needless to go into the arguments that have been adduced to decide the numerical preponderance of Protestants or Catholics in the first immigration. A careful weighing of all the evidence leads to the conclusion that the settlers proper—those who took up lands—were nearly all Catholics, while the majority of the labouring men, and of the whole colony, were Protestants.

interlineations, has recently been discovered in a rather singular manner, and is now in the possession of the Maryland Historical Society. As it has never been seen by any previous historian or biographer, and indeed its very existence has been unknown, we may be pardoned for reproducing here, at length and literally, the most ancient original Maryland document extant.

"Instructions 13 Novem. 1633 directed by the Right Hono^{ble} Cecilius Lo: Baltimore and Lord of the Provinces of Mary Land and Avalon unto his well beloved Brother Leo: Calvert Esq^{r} his Lop^{s} Deputy Governor of his province of Mary Land and unto Jerom Hawley and Thomas Cornwaleys Esq^{rs} his Lo^{pps} Comissioners for the government of the said Province.

"1. Inpri: His Lo^{pp} requires his said Governor and Commissioners th^{t} in their voyage to Mary Land they be very carefull to preserve unity and peace amongst all the passengers on Shipp-board, and that they suffer no scandall nor offence to be given to any of the Protestants, whereby any just Complaint may heereafter be made by them, in Virginea or in England, and that for that end they Cause all Acts of Romane Catholique Religion to be done as privately as may be, and that they instruct all the Romane Catholiques to be silent upon all occasions of discourse concerning matters of Religion; and that the said Governor and Comissioners treate the Protestants wth as much mildness and favor as Justice

will permitt. And this to be observed at Land as well as at Sea.

"2. That while they are aboard, they do theyre best endeavors by such instruments as they shall find fittest for it amongst the seamen and passengers, to discover what any of them do know concerning the private plotts of his Lo^pps^ adversaries in England who endeavored to overthrow his voyage: to learne, if they cann, the names of all such, their speeches, where and when they spoke them, and to whom; The places, if they had any, of their consultations, the Instruments they used, and the like; to gather what proofes they cann of them, and to sett them downe particulerly and cleerely in writing w^th^ all the Circumstances; together w^th^ their opinions of the truth and validity of them according to the condition of the persons from whom they had the information: And to gett if they can every such informer to sett his hand to his Informacōn. And if they find it necessary and that they have any good probable ground to discover the truth better, or that they find some unwilling to reveale that w^ch^ (by some speeches at randome that have fallen from them) they have reason to suspect they do know concerning that buisness; that at their arrivall in Mary Land they cause every such person to answer upon oath to such questions as they shall thinke fitt to propose unto them; And by some trusty messenger in the next shipps that returne for England to send his Lo^pp^ in writing all such Intelligences taken either by deposition or otherwise.

"3. That as soone as it shall please god they shall arrive upon the coast of Virginea, they be not perswaded by the master or any other of the shipp in any case, or for any respect whatsoever to goe to James Towne, or to come wthin the com̄and of the fort at Poynt Comfort; unless they should be forct unto it by some extremity of weather (w^{ch} god forbidd) for the presevation of their lives and goodes, and that they find it altogether impossible otherwise to preserve themselves; But that they come to an anchor somewhere about Accomacke, so that it be not under the com̄and of any fort; and to send ashoare there to inquire if they cann find any to take wth them that cann give them some good informatione of the Bay of Chesapeacke and Pattawomeck River, and that may give them some light of a fitt place in his Lo^{pps} Countrey to sett downe on; wherein their cheife care must be to make choice of a place first that is probable to be healthfull and fruitfull, next that it may be easily fortified, and thirdly that it may be convenient for trade both wth the English and Savages.

"4. That by the first oportunity after theyr arrivall in Mary Land they cause a messenger to be dispatcht away to James Town, such a one as is conformable to the Church of England, and as they may, according to the best of their judgments trust; and he to carry his ma^{ties} letter to S^{r} John Harvie the Governor and to the rest of the Councell there, as likewise his Lo^{pps} letter to S^{r} Jo: Harvie, and to give him notice of their arrivall: And to have in charge,

upon the delivery of the Said letters to behave himself w^th^ much respect unto the Governor, and to tell him th^t^ his Lo^pp^ had an intention to have come himself in person this yeare into those parts, as he may perceive by his ma^ties^ letter to him, but finding that the setling of that buisness of his Plantation and some other occasions required his presence in England for some time longer than he expected, he hath deferred his own coming till the next yeare, when he will not faile, by the grace of god, to be there; and to lett him understand how much his Lo^pp^ desires to hold a good correspondency w^th^ him and that Plantation of Virginea, w^ch^ he wilbe ready to shew upon all occasions, and to assure him by the best words he cann, of his Lo^pps^ particular affection to his person, in respect of the many reports he hath heard of his worth, and of the ancient acquaintance and freindshipp w^ch^ he hath understood was between his Lo^pps^ father and him, as likewise for those kind respects he hath shewne unto his Lo^pp^ by his letters since he understoode of his Lo^pps^ intention to be his neighbor in thoe parts: And to present him w^th^ a Butt of sacke from his Lo^pp^ w^ch^ his Lo^pp^ hath given directions for to be sent unto him.

"5. That they write a letter to Cap: Clayborne as soone as conveniently other more necessary occasions will give them leave after their arrivall in the Countrey, to give him notice of their Arrivall and of the Authority and charge comitted to them by his Lo^pp^ and to send the said letter together with his Lo^pps^ to him by some trusty messenger that is like-

wise conformable unto the Church of England, wth a message also from them to him, if it be not inserted in their letter, w^{ch} is better, to invite him kindly to come unto them, and to signify that they have some buisness of importance to speake wth him about from his Lo^{pp} w^{ch} concernes his good very much; And if he come unto them, then that they use him courteously and well, and tell him that his Lo^{pp} understanding that he hath settled a plantacõn there wthin the precincts of his Lo^{pps} Pattent, wished them to lett him know that his Lo^{pp} is willing to give him all the encouragement he cann to proceede; And that his Lo^{pp} hath had some propositions made unto him by certaine m^{r}chants in Londen who pretend to be partners wth him in that plantation (viz) Mr. Delabarr, Mr. Tompson, Mr. Clobury, Mr. Collins, and some others, and that they desired to have a grant from his Lo^{pp} of that Iland where he is: But his Lo^{pp} understanding from some others that there was some difference in partnershipp between him and them, and his Lo^{pp} finding them in their discourse to him that they made somewhat slight of Cap: Clayborne's interest, doubted least he might prejudice him by making them any grant, his Lo^{pp} being ignorant of the true state of their buisness and of the thing they desired, as likewise being well assured that by Cap: Clayborne his care and industry besides his charges, that plantation was first begunn and so farr advanced, was for these reasons unwilling to condescend unto their desires, and therefore deferred all treaty wth them till his Lo^{pp} could truly

understand from him how matters stand between them, and what he would desire of his Lo^pp in it, w^ch his Lo^pp expects from him; that thereupon his Lo^pp may take it into farther consideration how to do justice to every one of them, and to give them all reasonable satisfaction; And that they assure him in fine that his Lo^pp intends not to do him any wrong, but to shew him all the love and favor that he cann, and that his Lo^pp gave them drections to do so to him in his absence; in confidence that he will, like a good subject to his ma^tie conforme himself to his higness gratious letters pattents granted to his Lo^pp whereof he may see the Duplicate if he desire it, together w^th their Comission from his Lo^pp. If he do refuse to come unto them upon their invitation, that they lett him alone for the first yeare, till upon notice given to his Lo^pp of his answere and behaviour they receive farther directions from his Lo^pp; and that they informe themselves as well as they cann of his plantation and what his designes are, of what strength, and what Correspondency he keepes w^th Virginea, and to give an Account of every particular to his Lo^pp.

"6. That when they have made choice of the place where they intend to settle themselves, and that they have brought their men ashoare w^th all their provisions, they do assemble all the people together in a fitt and decent manner and then cause his ma^ties letters pattents to be publickely read by his Lo^pps Secretary, John Bolles, and afterwards his Lo^pps Comission to them, and that either the Gov-

ernor or one of the Comissioners presently after make some short declaration to the people of his Lo^pps^ intentions, w^ch^ he means to pursue in this his intended plantation, w^ch^ are first the honor of god by endeavoring the conversion of the Savages to Christianity, secondly the augmentation of his ma^ties^ Empire and Dominions in those parts of the world by reducing them under the subjection of his Crowne, and thirdly by the good of such of his Countreymen as are willing to adventure their fortunes and themselves in it, by endeavoring all he cann to assist them, that they may reape the fruites of their charges and labors according to the hopefulness of the thing, w^th^ as much freedome, comfort, and incouragement as they cann desire; and w^th^ all to assure them that his Lo^pps^ affection and zeale is so greate to the advancement of this Plantacōn, and consequently of their good, that he will imploy all his endeavors in it, and that he would not have failed to have come himself in person along w^th^ them this first yeare, to have been partaker w^th^ them in the honor of the first voyage thither, but that by reasons of some unexpected accidents he found it more necessary for their good to stay in England some time longer, for the better establishment of his and their right, then it was fitt that the shipp should stay for him, but that by the grace of god he intends w^th^out faile to be w^th^ them the next year: And that at this time they take occasion to minister an oath of Allegeance to his ma^tie^ unto all and every one upon the place after having first publikely in the presence of the

people taken it themselves; letting them know that his Lo^{pp} gave particuler directions to have it one of the first thinges that were done, to testify to the world that none should enjoy the benefitt of his ma^{ties} gratious Grant unto his Lo^{pp} of that place, but such as should give a publique assurance of their fidelity and allegeance to his ma^{tie}.

"7. That they informe themselves what they cann of the present state of the old Colony of Virginea, both for matter of government and Plantacōn; as likewise what trades they drive both at home and abroade; who are the cheife and richest men, and have the greatest power amongst them; whether their clamors against his Lo^{pps} pattent continue, and whether they increase or diminish; who they are of note that shew themselves most in it, and to find out as neere as they cann what is the true reason of their disgust against it, or whether there be really any other reason but what, being well examined, proceedes rather from spleene and malice then from any other cause; And informe his Lo^{pp} exactly what they understand in any of these particulers.

"8. That they take all occasions to gaine and oblige any of the Councell of Virginea that they shall understand incline to have a good correspondency wth his Lo^{pps} plantation, either by permission of trade to them, in a reasonable proportion, wthin his Lo^{pps} precincts, or any other way they can, so it be cleerely understood that it is by the way of Courtesy and not of right.

"9. That where they intend to settle the Planta-

cõn they first make choice of a fitt place and a competent quantity of ground for a fort, withn w^{ch}, or neere unto it, a convenient house and a church or chappel adjacent may be built for the seate of his Lo^{pp} or his Governor or other Comissioners for the time being in his absence, both w^{ch} his Lo^{pp} would have them take care should in the first place be erected, in some proportion at least as much as is necessary for present use, though not so compleate in every part as in fine afterwards they may be; and to send his Lo^{pp} a Platt of it and of the scituation, by the next oportunity, if it be done by that time; if not, or but part of it, nevertheless to send a Platt of what they intend to do in it, that they likewise make choise of a fitt place neere unto it, to seate a towne.

"10. That they cause all the Planters to build their houses in as decent and uniforme a manner as their abilities and the place will afford, and neere adjoyning one to an other, and for that purpose to cause streetes to be marked out where they intend to place the towne, and to oblige every man to buyld one by an other according to that rule, and that they cause divisions of Land to be made adjoyning on the back sides of their houses, and to be assigned unto them for gardens and such uses according to the proportion of every ones building and adventure, and as the conveniency of the place will afford, w^{ch} his Lo^{pp} referreth to their discretion, but is desirous to have a particuler account from them what they do in it, that his Lo^{pp} may be satisfied that every man hath justice done unto him.

"11. That as soone as conveniently they cann, they cause his Lo^pps Surveyor, Robert Simpson, to survay out such a proportion of Land, both in and about the intended towne, as likewise w^thin the Countrey adjoyning, as wilbe necessary to be assigned to the present adventurers, and that they assigne every adventurer his proportion of Land both in and about the intended towne, as alsoe w^thin the Countrey adjoyning, according to the proportion of his adventure and the conditions of plantacōn propounded by his Lo^pp to the first adventurers, w^ch his Lo^pp in convenient time will confirme unto them by Pattent. And herein his Lo^pp wills his said Governor and Cōmissioners to take care that in each of the aforesaid places, that is to say in and about the first intended Towne, and in the Countrey adjacent they cause in the first and most convenient places a proportion of Land to be sett out for his Lo^pps owne proper use and inheritance according to the number of men he sends this first yeare upon his owne account; and as he alloweth unto the adventurers, before any other be assigned his part, w^th w^ch (although his Lo^pp might very well make a difference of proportion between himself and the adventurers) he will, in this first Colony, content himself, for the better encouragement and accomodation of the first adventurers, unto whom his Lo^pp conceives himself more bound in honor, and is therefore desirous to give more satisfaction in every thing than he intends to do unto any that shall come hereafter. That they cause his Lo^pps survayor likewise to drawe an exact

mapp of as much of the Countrey as they shall discover, together w^th^ the soundings of the rivers and Baye, and to send it to his Lo^pp^.

"12. That they cause all the planters to imploy their Servants in planting of sufficient quantity of corne and other provision of victuall, and that they do not suffer them to plant any other comodity whatsoever before that be done in a sufficient proportion; which they are to observe yearely.

"13. That they cause all sorts of men in the plantation to be mustered and trained in military discipline, and that there be days appointed for that purpose, either weekely or monthly, according to the conveniency of other occasions, w^ch^ are duly to be observed; and that they cause constant watch and ward to be kept in places necessary.

"14. That they informe themselves whether there be any convenient place w^th^in his Lo^pps^ precincts for the making of Salt; whether there be proper earth for the making of saltpeeter, and if there be, in what quantity; whether there be probability of Iron oare, or any other mines; and that they be carefull to find out what other comodities may probably be made; and that they give his Lo^pp^ notice, together w^th^ their opinions of them.

"15. That, In fine, they bee very carefull to do justice to every man w^th^out partiality, and that they avoid any occasion of difference w^th^ those of Virginea, and to have as little to do w^th^ them as they cann this first yeare; that they connive and suffer little injuryes from them rather then to engage them-

selves in a publique quarrel wth them, w^{ch} may disturbe the buisness much in England in the Infancy of it. And that they give unto his Lo^{pp} an exact account by their letters from time to time of their proceedings both in these instructions from Article to Article, and in any other accident that shall happen worthy his Lo^{pps} notice, that thereupon his Lo^{pp} may give them farther instructions what to doe; and that by every conveyance by w^{ch} they send any letters, as his Lo^{pp} would not have them to omitt any, they send likewise a Duplicate of the letters w^{ch} they writt by the last conveyance before that, least they should have failed and not be come to his Lo^{pps} hands."

In this interesting document we see the principles of Baltimore's policy, and the germs of the polity of Maryland. Religious toleration, "unity and peace" between members of different faiths, began on the Ark and Dove. Whether we attribute it to wise policy, to the cogency of circumstances (of which something will be said later), or to a liberal and tolerant spirit, in advance of his age, on the part of the proprietary, the fact remains the same that equal justice and Christian charity to both Catholic and Protestant was the key-note of his rule. When his government was temporarily overthrown, intolerance and persecution began, but ceased so soon as he was reinstated in his authority. No one, we think, can read these instructions without seeing that they proceeded from a wise, just, and generous man.

CHAPTER IV.

On November 22d, 1633, the Ark and Dove set sail from Cowes for their destination in the New World. A journal of the voyage, written in Latin and sent by Father White to Father Mucio Vitelleschi, General of the Jesuit order, has been preserved. After escaping the perils of a furious storm, they had pleasant sailing until they reached Barbadoes. They touched at several of the West India islands, and then steered for Point Comfort, Virginia, where they were kindly received. Departing thence, they sailed up the Chesapeake and ascended the Potomac, where the beauty of the scenery greatly impressed Father White. "Never," he says, "have I beheld a larger or more beautiful river. The Thames seems a mere rivulet in comparison with it; it is not disfigured by any swamps, but has firm land on each side. Fine groves of trees appear, not choked with bushes and undergrowth, but growing at intervals as if planted by hand, so that you might easily drive a four-horse carriage through the midst of the trees." Some leagues up this river they found an estuary which they named St. Clement's Bay, and in this bay a small island, covered with woods, offering a suitable site for a fort, where they disembarked, celebrated mass, and planted a cross

with solemn religious rites, in which all the Catholics joined. Governor Calvert's next step was to establish friendly relations with the Indians. Understanding that the "Emperor of Pascatoway" had a sort of suzerainty over the neighboring tribes, he set out to pay a visit to that potentate, who lived at Pascatoway, some seventy miles up the Potomac. Sailing up the river, he first came to a town, where a *werowance,* or king, lived. This chief was a child, and his uncle, Archihu by name, acted as regent. Archihu received them kindly, and at their departure begged them to return and live with him.

Leaving these hospitable savages, Calvert kept up the river to Pascatoway, where he found many Indians assembled, and among them an Englishman, Henry Fleete, who knew their language and acted as interpreter. Through him Calvert invited the emperor to a conference, who came on board and readily gave the English permission to settle in his territories. During this conference the Indians on shore grew uneasy for the safety of their prince; but on his showing himself on deck they were satisfied. The size of the Dove, though but of fifty tons burthen, struck them with amazement that any where a tree grew big enough to make so monstrous a canoe. In a word, nothing could have been kinder than their reception by these harmless people, who thenceforth remained the fast friends of the colonists.

They next sought a place for a permanent settlement, St. Clement's island being too small for that purpose; so by Fleete's advice they returned, and

sailed up a small river, now known as the St. Mary's, which empties into the Potomac about twelve miles above its mouth. Here they found an Indian town, the residence of a chief or king named Yoacomico, who received Calvert very kindly, entertained him over night, giving him his own bed to sleep on, and spent the next day in showing him the country. The site pleasing Calvert, he purchased it from the king and his head men for axes, hoes and cloth, and arranged with him that half the town should be given up to them at once, and corn for planting; and when the Indians had gathered in their crops, they would abandon the other half. They also entered into a treaty to live friendly and peaceably together, while they were neighbours.

The Indians were the more willing to relinquish their lands from the fact that they were continually and cruelly harried by the fierce Susquehannoughs and Senecas of the north, who came down the bay in fleets of canoes, so that they were even then preparing to seek safer abodes. Thus the colonists found themselves at once in possession of cleared fields and temporary habitations. Father White remarks: "One of these cabins has fallen to me and my associates, in which we are accommodated well enough for the time, until larger dwellings are provided. You might call this the first chapel of Maryland."

His account of these gentle Southern Indians is interesting. "They are a people of a frank and cheerful disposition, and clearly understand any

matter that is stated to them. They have a keen sense of taste and smell, and in sight they surpass Europeans. They live, for the most part, on a sort of pulse which they call 'pone' and 'omini,' both made of Indian corn, to which they sometimes add fish, or what they have procured by hunting and fowling. They strictly abstain from wine and hot drinks [ardent spirits], nor can they be easily brought to taste them, except indeed such as the English have infected with their own vices. With respect to chastity, I confess that I have never yet perceived, in man or woman, any act which even savoured of levity; yet they are with us and in our houses every day, and take pleasure in our society. They run to us of their own accord, with beaming faces, and offer us what they have taken in hunting or fishing; and sometimes they bring us of their own food, and oysters boiled or roasted. In sum, they have generous natures, and requite any kindness shown them."

It is pleasant to remember that the friendly relations thus established with these harmless Pascatoways and other southern tribes, were never broken. Treaties were made with them and renewed from time to time; and when the colonists made treaties of peace with the northern Indians, these "Friend Indians," as they came to be called, were always included in the stipulations. Laws were passed for their protection. Their choice of kings and "emperors" was submitted to the governor for ratification. Yet, for some unexplained reason, these in-

offensive people dwindled away. In 1670 they sent a deputation to the governor to renew the leagues between them, saying pathetically that they cannot offer any present worth accepting, for they are now reduced to a small number, and all they desire is to remain in peace and security under the protection of the English, and "that hereafter, when their nation may be reduced to nothing, they may not be scorned and chased out of our protection." To which the governor answered, bidding them have no fear, for so long as they kept the articles of the league of amity, "we should not scorn or cast off the meanest of them."

But while the relations of the colonists with the Indians were thus friendly, those with their fellow-subjects of Virginia were less pleasant. The governor, Sir John Harvey, was their fast friend; but his power to befriend them was not equal to his will. A bitter opposition to him had arisen in the assembly, which was to end in his violent and lawless expulsion from the colony. The heads of this faction were Thomas Matthews and William Claiborne. Both were hostile to Maryland; but the latter—the person to whom Baltimore referred in the fifth article of his instructions—was its unrelenting enemy, had been from the first, and was to remain so throughout the whole of his long life.

Claiborne was a younger son of a good English family, who had come out to Virginia some years before to seek his fortune. He had prospered in various ways, had acquired property, and risen to

be a member of the council. Having had some experience in dealing with the Indians for beaver and other skins, he became a partner or an agent of a firm of London merchants, and procured from Sir William Alexander, Secretary of State for Scotland, a license under the Scottish signet to trade with New England and Nova Scotia. He had established a trading-post on Kent Island in the Chesapeake, but did not secure any grant of land or attempt to cultivate the soil. The undertaking did not prosper, and a quarrel arose between him and his London principals, each side casting the blame on the other. The Londoners, as we have seen, applied to Baltimore for a grant of the island, apparently intending to oust Claiborne; but this he refused, being desirous, if possible, to make a friend of one who might become a valuable ally, or influential member of his infant colony.

Claiborne, however, was not to be conciliated. He and his party in Virginia were bent on driving Harvey away, and Harvey's well-known friendship for the Maryland colony was an excellent lever to use. The charge that he was a friend to Papists, was enough to excite the foolish populace, always easily led by a cry; and Harvey found his authority and influence waning day by day.

According to his instructions, Governor Calvert notified Claiborne at once that the post on Kent Island was in his brother's dominions, and Claiborne, who did not reside on the island but in Virginia, rose in his place in the council and asked what he

was to do. They said they saw no reason why the island should be given up, but advised him to do nothing for the present, and recommended that a good understanding should be kept up with the Marylanders. Harvey, in addition to his friendly inclinations, had received special orders from the king commanding him to suffer no Virginians to molest Baltimore's plantation, but to give it all the aid and encouragement in his power; but, as he said, he could do but little, with a majority in the council thwarting him at every step and determined to make his position untenable, who were, moreover, the vindictive and implacable enemies of Maryland, Mathews and Claiborne above all.

Governor Calvert, still following his instructions, waited a year without taking further steps. But in April, 1635, a pinnace commanded by Thomas Smith, sailing under Claiborne's orders, put into the Patuxent river to buy corn and furs from the Indians, and there Smith was arrested for trading in Maryland waters without a license. Smith and his crew were let go, but the vessel was detained.

News of this proceeding brought matters in Virginia to a crisis. The faction opposed to Harvey stirred up their followers in Jamestown, and the people began to collect in angry crowds, threatening open mutiny. Harvey had some of the noisiest arrested, and called the council together to decide what should be done with them. The majority showed plainly on what side their sympathies lay. Harvey saw that the time had come when the issue

must be made directly, not with the mutinous mob, but with their secret instigators, and he called upon each member to declare at once and openly what those men deserved who had gone about to seduce the people from their allegiance to the king in the person of his representative. This they refused to do, and an angry wrangle followed. Harvey, losing his temper, clapped one member on the shoulder, crying, "I arrest you on suspicion of treason," at which Councillor Utie exclaimed, "And we the like to you;" and Matthews, the leader of the faction, springing up, pinioned the governor and forced him into his chair. After matters had quieted down a little, the council desired a sight of the governor's commission and instructions, which being produced, the secretary was ordered to take charge of them until they had decided what next to do.

They next released the imprisoned mutineers, invited all who had grievances to speak them boldly out, and notified Harvey that he must go to England to answer the charges that would be laid against him; after which, without waiting for his departure, they proceeded to elect a new governor.

Shortly after this, in the same month of April, 1635, Claiborne, now thinking himself free to carry matters with a little higher hand, sent out an armed sloop with about thirty men on board, commanded by Ratcliffe Warren, with orders to capture any Maryland vessels he might find. Hearing of this proceeding, Calvert fitted out two pinnaces under the command of Captain Thomas Cornwaleys, to

cruise in the bay and look out for the enemy. The two expeditions met at the mouth of the Pocomoke on April 23d, and then and there was fought the first naval battle on the inland waters of America. At the first exchange of shots Warren and two of his men were killed, the Marylanders losing one man, and the sloop surrendered. A few days later there was another skirmish, in which the same Thomas Smith who had been arrested in the Patuxent, commanded a vessel of Claiborne's, and again there was bloodshed.

The port on Kent Island, which depended almost entirely upon barter with the Indians for its necessary supplies of provisions, was now reduced to great straits by the loss of its trading vessels; and at one time the people (as they afterward testified on oath) were compelled to devour oysters to sustain life. The London merchants, Cloberry and company, who were growing more and more dissatisfied with the management of the station, determined to be rid of Claiborne, who seems to have been rather an agent than a partner, and sent out their attorney, George Evelin, with full powers to take possession in their name of the station and all the property of the concern, both on the island and at Kecoughtan, Virginia, where Claiborne lived. Claiborne offered no resistance, but surrendered everything to Evelin, and sailed for England, where he was involved in a long lawsuit with his principals.

These merchants did not approve Claiborne's policy of resistance to Baltimore, and, as we have

seen, had applied to the latter for a grant of the island before the Ark and Dove had sailed. Evelin, their representative, willingly acknowledged the proprietary's jurisdiction. He called the people on the island together, explained the state of affairs to them, in which they acquiesced peaceably enough, and Governor Calvert confirmed his authority, appointing him commander of the island.

But Claiborne had left behind on the island his brother-in-law, John Boteler, or Butler, and Thomas Smith, who busied themselves in undermining Evelin's authority and stirring up disaffection among the people, until a dangerous spirit of revolt was aroused. Smith, in particular, began to fortify and garrison Palmer's island near the head of the bay. Governor Calvert, who had given them repeated warnings, now thought it time to put a stop to these proceedings, so set sail for Kent Island with an armed force, in February, 1638. His letter to his brother, giving an account of this expedition (of which hitherto nothing more than the fact was known) has lately been discovered, and is here given at length, from the original:

"Good Brother:—I have endeavored this last winter to bring the inhabitants of the Ile of Kent willingly to submit themselves to your government, and to incourage them thereunto I wrote unto them a letter in November, where amongst other motives I used to perswade them, I promised to free them from all question of any former contempts they had

committed against you, so that they would, from thence forward, desist from the like and submit themselves to the government; and to shew them greater favour, I gave them the choice to name whom they would of the inhabitants of the ileand to be their commander; but one John Butler, Cleyborn's brother in law, and one Tho: Smith, an agent of Cleyborne's upon Kent, was of such power amongst them that they perswaded them still to continue in their former contumacie. Upon notice given me here of, I presently appointed Capt. Evelin Commander of the Ileand, w^ch^ formerly I purposely omitted because he was had in a generall dislike among them; him they contemned and committed many insolencies against; wherefore findeing all faire meanes I could use to be in vaine, and that no way but compulsion was left, I gathered togeather about twenty musketteers of the colony of St. Maries, and appointing the command of them to Capt. Cornewallis whom I toocke as my assistant w^th^ me, I sat saile from St. Maries towards Kent about the latter end of November, intending to apprehend Smith and Butler if I could, and by the example of their punishment to reduce the rest to obedience; but it being then farre in the winter, the windes were so cross and the weather so fowle in the baye, that after I had remayned a week upon the water, I was forct to returne back and deferre that expedition untill some fitter tyme. Two months after, in the beginning of Februarie, I was given to understand that the Indians at the head of the bay called the Sasqua-

hannoughs intended in the spring following to make warre upon us at St. Maries, pretending revenge for our assisting of our neighbors Indians against them two yeares before (w^{ch} we never did, though they will needs thinck so) and that they were incouraged much against us by Thomas Smith, who had transplanted himselfe wth other English from the Ile of Kent the last summer to an Ileand at the head of the bay fower miles below the falls, called Palmer's Ileand, and understanding likewise that they had planted and fortified themselves there by directions from Capt. Cleybourne wth intent to live there independent of you (because they supposed it out of the limits of your Province) and that the s^{d} Smith, and Mr. Botler whom I have formerly mentioned, was then preparing to carrie a farther supply from Kent, both of men and necessaries to the s^{d} Ileand, I thought it expedient to stop theire proceedings in the beginnings; and for that purpose having advised wth the councell about the business, I set forth from St. Maries for the Ile of Kent wth thirtie choice musketteers, takeing Capt. Cornewalleis and Capt. Evelin in my company. To Capt. Cornewalleis I appointed the command of those soldiers I carried with me, and afterward arriving at the said Ileand, I landed wth my company a little before sunne rise, at the Southermost end thereof where Capt. Cleyborne's house is seated, wthin a small fort of pallysadoes; but findeing the gate towards the sea at my coming fast barred in the inside, one of my company, beeing acquainted wth the place quickly

fownd passage in at an other gate, and commeing to the gate w^ch^ I was at, opened unto me, so that I was arrived and entered the fort w^th^ out notice taken by any of the Ileand, which I did desire, the easilier to apprehend Boteler and Smith, the cheife incenduaries of the former seditions and mutinies upon the Ileand, before they should be able to make head against me; and understanding that Boteler and Smith were not then at the fort, but at their severall plantations, I sent to all the lodgeings in the fort and caused all the persons that were fownd in them to be brought unto me, thereby to prevent theire giveing untymely notice unto Boteler and Smith of my commeing, and takeing them all alongst w^th^ me, I marched w^th^ my company from thence w^th^ what speed I could towards Boteler's dwelling called the great thicket, some five miles from the fort, and appointed my pinnass to meet me at another place called Craford, and makeing a stand about halfe a mile short of the place, I sent my ensigne, one Mr. Clerck (that came once w^th^ Mr. Copley from England) w^th^ tenne musketteires to Butler to acquaint him that I was come upon the Ileand to settle the government thereof, and commaund his present repaire unto me at Craford, two miles distant from thence; w^ch^ the ensigne accordingly did, and brought Boteler unto me before I removed from where he left me; after I had thus possessed myself of him, I sent my serjeant, one Robert Vaughan, w^th^ six musketteires to Thomas Smith's, who lived at a place called Beaver Neck,

right against Boteler, on the other side of a creeck, wth like commands as I had formerly given for Boteler, and then marching forward, with your ensigne displayed, to Craford, by the tyme I was come thither Smith was brought unto me, where having both the cheife delinquents against you, I first charged them wth theire crimes, and afterward committed them prisoners aboard the pinnass I came in, and appointed a gard over them; after I caused a proclamation to be made of a generall pardon to all other the inhabitants of the ileand excepting Boteler and Smith for all former contempts against that should wthin fower and twenty howers after the proclaiming of the same come in and submit themselves to your governement; whereupon wthin the time appointed the whole ileand came in and submitted themselves. Having received theire submission, I exorted them to a faithful continuance of the same, and encouraged them thereto by assureing them how ready you would be alwayes, upon theire deserts, to condescend to any thing for theire goods. Afterward I gave order for the carrieing of Boteler and Smith to St. Maries in the pinnass I came in, and with them sent most of the soldiers as a gard upon them, commaunding them to be delivered into the custody of the sheriffe at St. Maries untill my returne, and my pinnass to returne to the ileand to me; where, till my pinnasses returne, I held a court and heard and determined diverse causes between the inhabitants. At the end of the s^{d} court I assembled all the inhabitants to make choise of theire delegates

to be present for them at a generall assembly then held at St. Maries for the makeing of lawes, w^{ch} they accordingly did; and before my departure from them I gave them to understand that every man that held or desired to hold any land in the ileand, it was necessarie they should take pattents of it under the seale of the Province, as holding it of you; w^{ch} they were all very desireous of, so that some tyme this summer I promised to come to the ileand and bring Mr. Lewger wth me, to survay and lay out theire lands for them, and then to pass grants unto them of it, reserving only such rents and services to you as the law of the Province should appoint.

"There is upon the ileand about one hundred and twentie men able to beare armes, as neer as I could gather; of the women and children I can make no estimate.

"In conclusion, appointing the command of the ileand to three of them, vist: to Mr. Robert Philpot as commander, and William Cox and Tho: Allen joynt commissioners wth him, I departed for St. Maries, where, after my arrivall, I called a grand inquest upon Smith, who fownd a bill against him for pyracie, whereupon he was arraigned before the assembly, and by them condemned to suffer death and forfeit, as by a particular act for that purpose assented unto by the whole howse, and sent unto you, you will perceive. I have omitted as yet to call Mr. Boteler to his tryall, because I am in hopes, by shewing favour unto him, to make him a good member; but I have not as yet released him, though

I have taken him out of the sheriffe's custody into my owne howse, where I intend to have him remayne untill I have made farther experience of his disposition; and if I can win him to a good inclination to your service, I shall thinck him fittest to take the commaund of the Ile of Kent; for those others w^ch^ have now that charge from me are very unable for it, nor is there better to be fownd upon the ileand; but least (Boteler demeaning himselfe otherwise then well) and that I should finde cause to thinck him fitter to be punished then pardoned, there should want meanes to give him condigne punishment for all his former offences, I desire you would send over an act the next yeare w^th^ your assent thereto, to be proposed to an assembly in Maryland, for theire assent, censureing Boteler, as Smith was, for pyracie, w^ch^ he committed at the head of the bay neer Palmer's Ileand, in the yeare 1635, upon a pinnasse belonging to St. Maries by takeing a great quantitie of trucking commodities from Jhon Tomkins and serjeant Robert Vaughan, who had the charge of her, and togeather w^th^ the s^d^ pinnass and goodes, carried the S^d^ Tomkins and Vaughan prisoners to Kent.

"Smith has solicited you, I suppose by his letters, for his pardon; but I shall desire you that you would leave it to me to do as I shall finde him to deserve; whereby (if it be possible he should be the better for it) it will take better effect w^th^ him when he shall continue at my mercie, under whose eye he is.

"Palmer's Ileand being already seated and forti-

fyed, and a good stock of cattle put upon it, I thought not good to Supplant; but understanding there were five men inhabiting it, Servants to Capt. Cleyborne and formerly under the command of Smith, I Sent serjeant Robert Vaughan and two others wth him from St. Maries to Set downe there, and to the s^{d} Vaughan gave the command of all the rest; and by reason Capt. Cleyborne hath been attainted of felony in the last assembly at St. Maries by particular act, and sentenced to forfeit all his Estate in the Provence, I gave Vaughan authoritie to take the servants and other goods and chattles belonging to Cleyborne upon the ileand into his charge, and to have them forth commeing when they shall be demaunded of him, togeather wth what profit shall be made by the serjeant's labors.

"I am informed that upon occasion of discourse given before S^{r} Jhon Harvey, Mr. Kempe, and Mr. Hawley, by Mr. Boteler, whether Palmer's Ile were wth in the Province of Maryland or no, Mr. Hawley did so weackly defend your title that Boteler grew more confident of proceeding in planting it for his brother Cleyborne, and I have some reason to thinck that Mr. Hawley did willingly let your title fall for some disigne sake of his owne upon trade wth the Sasquahannoughs, w^{ch} he might conceive better hopes to advance by it depenice [dependence] on Virginia then on Maryland. For when I sat in counsell at St. Maries about the expedition I made to Kent to stop the proceedings of that designe of Boteler and Smith's planting it, he earnestly dis-

swaded it by suggesting all the reasons he could to make your title doubtful to it the Ileand, and then how unlawfull an act it would be to hinder theire planting it; and though it was made appeare that theire seating there was most dangerous to the colony at St. Maries by reason that they had incouraged the Indians to set upon us, and might hereafter furnish them wth gunns to our further harme if we should suffer them to proceed, whereas otherwise, Boteler and Smith beeing removed, we might hope to make a peace wth these Indians, yet it seemed some designe he had upon their setting downe there was so deare unto him that he preferred it before the safetie of all, us and his owne family beeing included in the daunger, and would needs have perswaded it to be in Virginia, though the express words of your pattent limits the Province to the northward where New England ends; but it is apparent that the Ileand is wthin your Province, for the line of fortie by Smith's map, by w^{ch} the Lords Refferies [referees] lade out the bonds [bounds], lyeth right over the first falls, and this Ileand is fowre miles to the sowtherd below these falls, as I can witnes, for I was there the last summer and o^{b}served it.

"I beleeve the faire promises w^{ch} he made you in England when you procured the preferm^{t} he hath in Virginia, how usefull he would prove to your colony by it, will never be performed by him, for nothing moveth him but his owne ends, and those he intendeth wholly to remove from Maryland and

place them in Virginia, and intendeth shortly to remove his wife and family thither.

"I am sorry it was your ill fortune to be a meanes of so much good to him who is so ingratefull for it, for he disclaimes that he ever sought your help, or had any from you towards his preferm^{t}, for he thincketh you did not so much as know he pretended to the place he hath, nor that you knew he had it untill a long tyme after it was passed unto him; thus Capt. Cornewallis telleth me he hath heard him say, and he is of such greevance unto the Governor and Secretarie of Virginia, that they promise to themselves nothing but ruine by his draweing all the perquisites of theire two places from them, and do therefore wonder that you would be the meanes of procureing such a place for him. They do both intend by their letters to solicite your help for the removeing him, and it were well for both colonies that he were; for he can not have less power then too much in that colony, w^{ch}, (by impoverishing S^{r} John Harvey and draweing from him and the Secretarie the execution of all the cheife services w^{ch} the King's proffitts and the people's estates hath dependency on) he will bring unto himselfe; so that Maryland, wherein it shall have occasion to use Virginia, is like shortly to seeck for it onely to him, where there is nothing to be hoped for but what is unserviceable to his own ends; and nothing scapeth his designem^{t} though it be never so much beyond his reach to compass.

"The body of lawes you sent over by Mr. Lewger

I endeavoured to have had passed by the assembly at Maryland, but could not effect it, there was so many things unsuteable to the people's good and no way conduceing to your proffitt, that being they could not be exempted from others w^ch^ they willingly would have passed, they were desireous to suspend them all. The particular exceptions w^ch^ were made against them Mr. Lewger hath given you an account of in his dispatches to you: others have been passed in the same assembly and now sent unto you, w^ch^ I am perswaded will appear unto you to provide both for your honour and proffitt as much as those you sent us did.

"The trade w^th^ the Indians they wholly exempted themselves from and leaft it to you; onely Capt. Cornewallis I have promised should not want the most I could say unto you to procure leave for him that he might rent three twenty pownds shares in it yearely so long as he is a member of your colony, w^ch^ I did, as well to decline his hindrance of passing the whole to you, as also to give him incouragement for the many services he hath done you in the colony; for though it hath been his fortune and myne to have had some differences formerly, yet in many things I have had his faithfull assistance for your service, and in nothing more then in the expedicion to Kent this last winter.

"I would not wish you (now it is in your hands to dispose of) to intrest too many sharers in it, for that hath been hitherto the distruction both of the trade and the traders, for they never agreeing to

trade joyntly, did by theire severall trade prevent on [one] another's marcket, and by over bidding the prise for beaver, dayly spoiled the trade; whereas if it had been in one hand, or in so many as would have joyned, it might have made some profit to the adventurers; but in the way it hath been hitherto, they that have used it hath reaped nothing but losse; wherefore if you shall thinck good to let me have any share in it, I desire you would not interest any other besides Capt. Cornewalleis, for there is none else in Maryland that knoweth what belongeth to the trade, and therefore are not like to joyne in the wayes w^{ch} are most expedient for the good of it. If you would let it out to us two for two or three yeares, rent free, I am perswaded it would be brought to such a state by the way we should bring it in, that it would be farre more profittable and certaine then ever it was, for hereafter; or if you thinck good to use it all yourselfe, and send over truck for it, I shalbe ready to do you the best service I can; but you must cause boates and hands to be procured of your owne here and not put yourselfe to hyer them, for that will eat you out of all your profitt if not your principall; and you must designe to place factories as soone as you can on shore in some convenient places whereto the trade may be drawne, for the way of boating it, though the boates may be a man's owne, is very chargeable and uncertain.

"I have delivered some tobaccoes to Mr. Lewger, but whether it be sufficient or too much to ballance the accounts I am to passe, I can not yet tell, for

I have not had tyme since his commeing to make them up. It is not for any profitt to myselfe that I have purposely delayed it (as I hope you will do me so much right as to beleeve) but for want of leisure from the publike services of the colony, and the necessarie loockeing after some meanes of my own subsistance, w^{ch} is so difficult to compass here, as it requireth much tyme and labor. I meane this summer to pass all manner of accounts that are between you and me unto Mr. Lewger, for I have disposed all my other businesses so as I may have sufficient leisure to do it in. Mr. Lewger is a very serviceable and diligent man in his secretaries place in Maryland, and a very faithfull and able assistant to me.

"The cedar you writt for by him I could not procure to send this yeare, by reason there is very few to be fownd that are useful tymber trees. Two I heard of far up in Patuxent river, and two others upon Popelyes [Poplar] Iland in the bay nere to Kent; and the fraight and other charges for the shipping them will be so deer that I made a question whether you would thinck fitt to undergo it; it will stand in eight or tenne pownds a tunne fraight for England, besides other charges of transporting it to shipping from where it is felled; neither is there meanes in Maryland to transport it unless it might be split into clapboard, and whether it will not be made unserviceable to you by useing it so, I can not tell, because I do not know the use you designe

it for. By your next letters I pray informe me what you will have done in it.

"The matts w^ch^ you wrot for amounts to such a charge to be bought from the Indians that I had not sufficient means to purchase it. It is not lesse then fortie pownds worth of truck out of England will buy 350 yards of matt, besides the charge of seecking them in twentie severall indian towns; for unless they be bespocken there is very few to be had but such as are not worth buying to give a freind; and besides for the use you intend them it is necessarie they should all be of one make, otherwise they cannot flower a roome; and before I shall procure so many yards I must send all the Province over; but if you desire to have them and will provide truck to buy them, upon farther notice from you I will bespeack them, to have them all in as few places as I can, to avoid charge. I am sure my Brother Porttobacco, now Emperor of Paskattaway, will assist me in it as much as he can, for he is much your freind and servant, and hath expressed himselfe to me to be so, and giveth you many thancks after his Indian fashion for your guift sent him by Mr. Lewger. He hath within this two yeares stept into the Empire of the Indians by killing his eldest brother, the old Emperor, and enjoyeth [it] yet w^th^ peace through the good correspondencie he keepeth w^th^ me, w^ch^ aweth his Indians from offereing any harme unto him.

"I had procured a red bird and kept it a good while to have sent it to you, but I had the ill fortune

to loose it by the negligence of my servant, who carelesly let it out of the cage. The beaver which I sent you the last yeares belongeth unto the account of the stock Capt. Humber brought over.

"The Lyon I had for you is dead: if I can get another I will, and send it to you.

"I have had no leisure all this last winter to [go to] Virginia to procure an act to be made by the generall assembly then held there for the secureing of your right in the trade wth in your precincts; and thought it to no purpose to recommend it to Mr. Hawley's care after I had understood so much of him concerning Palmers Ileand; against there next asembly, w^{ch} will be at the returne of shipping next yeare, I will provide a bill drawne as effectual for that purpose as I can and endeavour what I may to get it passed.

"I have sent you herewth a letter from Mr. Robert Philpot of Kent (who hath at this present the commaund of the Ileand) to his father, the keeper of hygh parcke. I pray cause it to be delivered unto him, and finde some occasion to commend his sonne unto him for his faire carriage here, as he doth deserve, for he came in at the first claim I made of the Ileanders submission to your Pattent, and incourage his father, I pray, what you can, to supply him this yeare, for that I understand is the intent of his letter to him.

"I have writ unto you concerning the deer you sent for in an other letter by it selfe sent herewth as you appointed me. Thus wth best love and service

to my sister Baltimore, and my other two sisters, and my Brother Peasely, I rest

"Your most affectionate loveing Brother

"LEONARD CALVERT.

From Virginia this 25th of Aprill, 1638."

Boteler seems to have shown the good inclination that Governor Calvert hoped to find in him; and being a man of influence on the island, was appointed commander of the Kent militia; a position which shows how completely he had gained Calvert's confidence. This confidence was not misplaced: he continued faithful to the government, and held various offices of trust in the province until his death in 1642.

The Kent islanders, who were a peaceful folk, accepted the situation very cheerfully, had their lands, to which they had as yet no title, confirmed to them, and in all ways deported themselves as good citizens.

CHAPTER V.

The first assembly held in Maryland seems to have consisted of all the freemen in the province; but how summoned we cannot say, as the records are lost. The assembly of 1637–38 was composed also of all the freemen, present in person or by proxy. The mode of summoning them seems to have been compounded out of the two English methods of summoning the lords and the commons. The councillors, of course, were summoned by special writ; but certain of the planters, who were not councillors, were also summoned by writs to them directed; among others Fathers White and Altham, who excused themselves as sick. Again, writs were sent out for electing burgesses; as for example, Robert Evelin, commander of Kent, is summoned personally by writ, and also commanded "to assemble all the freemen inhabiting within any part of your jurisdiction, and then and there to proclaim and publish the said general assembly; and to endeavour to persuade such and so many of the said freemen as you shall think fit to repair personally to the said assembly at the time and place prefixed; and to give free power and liberty to all the rest of the said freemen either to be present at the said assembly if they so please; or otherwise to elect and nominate

such and so many persons as they or the major part of them so assembled shall agree upon to be the deputies or burgesses for the said freemen, in their name and stead to advise and consult of such things as shall be brought into deliberation in the said assembly."

Thus every freeman, whether especially or generally summoned, had a right to a seat if he chose to claim it; and the burgesses, so far as they were representative, were merely proxies, and so voted. For instance, on a question, Messrs. Clerke, Vaughan, Fleet and Parrie vote "yea," "being in all eighteen voices with their proxies." A freeman, who had given a proxy, presented himself in person, revoked his proxy, and took his seat. The idea was that of a purely popular assembly, in which every freeman was to have voice and vote, either personally, or by a personal, and not collective, representation; and therefore the number of burgesses was left optional with the electors.

The proceedings of this session of 1637–38 gave rise to that important change which transferred the initiative in legislation from the proprietary to the freemen. The charter, as we have seen, gave Baltimore the power of making laws, with the advice and consent of the freemen assembled for that purpose. At the time it was issued it was Baltimore's purpose to accompany his colonists; and though that was found impossible, he expected to remove to Maryland the next year. Thus the inconvenience caused by the long delay in the transmission

of laws was not anticipated. Whether he sent out any laws to the assembly which met in February, 1634–35, and passed sundry "wholesome laws and ordinances," we do not know. In his commission to the governor, dated April, 1637, he directs him to summon an assembly in the following January, and signify to them his dissent to all laws by them heretofore made. If this refers to laws passed in 1634–35, he must have kept the province waiting for his assent or dissent for more than two years. It may be noted that he does not, in this commission, specify any laws or the time of their enactment, but simply all laws by them heretofore made. It is not an unreasonable conjecture that the laws of 1634–35 had been dissented to long before, but that—considering the slowness and infrequency of communication with England at the time—he wished to provide against the possible contingency that an assembly had been called (perhaps on some emergency) and had passed laws without his having had a chance to hear of it, and so to have the ground cleared for his own code.

For this session of 1637–38 he sent out a body of laws by Secretary John Lewger; but on being proposed to the assembly they were rejected. Why rejected, we do not know: Calvert simply says there were many things in them unsuitable to the people's good. Cornwaleys writes that from both those sent out by Baltimore and those proposed by the assembly there were "just grounds to fear the introducement of laws prejudicial to our honour and freedom."

The question then arose, by what laws should the province be governed until they could hear again from England? Cornwaleys proposed "the laws of England;" but the commission of the governor being produced, it was found that he had no authority to punish any offenses the penalty for which touched life or member, except by the laws of the province, and at present there were none. Another suggested that it was hardly possible such enormous offenses should be committed except in the case of mutiny, and then they might be dealt with by martial law. After mature consideration, a small body of laws was drawn up, passed, and sent to the proprietary for his assent.

From Calvert's expressions, it would seem that in the main these laws were much the same as those Baltimore had sent out, only altered in certain particulars that seemed to the assembly objectionable. Indeed, from the character and scope of this code we can see that it was the result of long and mature deliberation, and had been drawn up by some one not only awake to the needs of the colony, but well versed in the common and statute law of England. There is every reason to believe that they were, to a large extent, the work of Secretary Lewger, who brought them over. Lewger was a Londoner, an Oxford man, who had been Bachelor of the Faculty in 1632, and had had ecclesiastical preferment, but following the example of his friend Chillingworth, had embraced the faith of Rome. The papers from his pen, of which there are many in the records, show

great ability and intimate acquaintance with English law. His friendship with Cecilius was, no doubt, formed at Oxford, where they were fellow-students, Cecilius having entered Trinity College on June 25th, 1621, and matriculated on July 16th. A careful search of the MS. records of the university fails to show that Cecilius ever proceeded to graduation. According to Anthony à Wood, Lewger lost his wife in Maryland, and soon after returned to London, where he died of the plague, contracted in visiting poor Catholics, in the dreadful year 1665.

These laws, however, never went into effect; from which it is inferred that the proprietary dissented to them, notwithstanding his brother's recommendation. The province now seemed in danger of being left without any laws at all. Baltimore, however, thought it wiser to waive his chartered right than imperil the welfare of his colony or appear to antagonize their interests, and in the following August he sent out a new commission to the governor, authorizing him to give his assent to any laws enacted by the freemen, which assent should make them temporarily valid until his own confirmation or rejection should be received. Thus, from this time forth the initiative in legislation remained with the representatives of the people.

Owing to these peculiar circumstances this assembly, which was composed of all the freemen of Maryland, present in person or represented by proxy, to the number of about ninety, found itself in a dilemma which is perhaps unexampled. Dur-

ing the session, as we have seen, Governor Calvert made his expedition to Kent, leaving Lewger to preside in his absence, and sent down Boteler and Smith to be held in custody of the sheriff until his return. On his return and reassumption of his place, he called up Smith for trial on the charges of piracy and murder. But there was no prison in the province to hold him, no grand jury to indict him, no court to try him, and no law to try him by.

The assembly solved this problem in a masterly way. The governor impanelled twenty-four members of the assembly as a grand inquest, and they brought in an indictment. The assembly then resolved itself into a high court of justice, with Secretary Lewger as attorney-general (he holding a commission to that effect), gave the prisoner liberty of challenge, heard the evidence, and found him guilty; though whether under a law of 1634–35 making murders and felonies punishable as by English law, or under the common law of England, does not appear. Smith demanded privilege of clergy, but it was disallowed, and a special act was passed confirming the sentence. The assembly then resolved itself into a coroner's jury and inquired into the deaths in the fight on the Pocomoke, and passed an act attainting Claiborne of piracy and murder committed by his subordinates acting under his orders, and declaring forfeit his life and property in the province.

What became of Smith, we do not certainly know. We have seen that he petitioned Baltimore for a pardon, and that the governor wished to keep him

a while on probation, to see if he were a fit subject of clemency. It was alleged by some of the Kent Islanders, some years later, that he was executed, and this may have been the case; though the fact does not appear in the records, and the character of those allegations is not such as to command much confidence.

Some particulars of what was going on in the province at this time have been preserved in a long letter from Father White to the proprietary, dated February 20th, 1638–39. The time of service of the indented men who came over in the first immigration was now expiring, and as they became freemen they either received land from their employers * or took it up from the proprietary; thus plantations increased, and large crops of corn and tobacco were raised. On the other hand, they have had much sickness of an epidemic kind, and lost sixteen of the colony; rather, he thinks, by following the physician's advice, "eating flesh and drinking hot waters [spirituous liquors], than by any great malice of their fevers," for those who were abstemious in their diet soon recovered. He then gives his lordship his views as to the causes of the fevers in question: "Really, my lord, I take the cause of the sickness here to be the over-goodness of land, which maketh the viands so substantial that if due regulation be not used in

*A decision of the Provincial Court in 1648 declares "the custom of the country," or what a servant who has served his time is entitled to receive from his employer, viz., "one cap or hat, one new cloth or frieze suit, one shirt, one pair shoes and stockings, one axe, one broad and one narrow hoe, fifty acres land, and three barrels of corn."

the time of summer, when the heat of stomachs is commonly weakest, either they lie undigested and so breed agues, or are thoroughly digested and so breed great quantities of blood and vital spirits, which taking fire, either from the heat of the season (our buildings being far unfit for such a climate) or from some violent exercise, beget fevers troublesome enough where we want physic, yet not dangerous at all if people will be ruled in their diet, which is hard for the vulgar unless we had an hospital here to care them and keep them to rule perforce; which some worthy persons of this place do think upon."

He has himself been twice given over, he says, but is none the worse for it, except a slight deafness, which is not only a hindrance "in an office I have" —by which guarded expression he means hearing confessions—but also in learning the Indian language, which has "many dark gutturals" and slurs final syllables in an awkward way.

The reservation to his lordship of the monopoly of the trade for beaver with the Indians, he thinks discouraging to new adventurers, especially as the Indians had not as yet "deserted the land and left it to our division." In fact, certain gentlemen who had proposed to bring five hundred men into the colony, had given up the idea when they heard of this restriction. He thinks that an impost of five per cent on all trade for seven years, afterward to be lowered to one per cent, would easily be borne, and would be more profitable in the end. Other suggestions he has to make; for example, that Bal-

timore should send over an indented brick-maker, from whom all the colonists should buy their bricks; and so for other trades. In brief, he planned a complete system of monopolies, according to the economical ideas of the time, when men had not learned that the way to insure a large revenue is to encourage industries, not to hamper or restrict them.

Another and better idea of his is to see if something cannot be done in the way of making native wines. "I have drunk wine," he says, "made of the wild grapes, not inferior in its age to any wine of Spain. It had much of muscadine grape, but was a dark red inclining to brown. I have not seen as yet any white grape excepting the fox-grape, which hath some stain of white; but of the red grape I have seen much diversity." And he suggests that his lordship plant vineyards and monopolize the wine-making. All these suggestions are offered to tempt the proprietary either to abandon his monopoly of the beaver trade, or to grant licenses on more favorable terms than ten per cent on the cloth and beaver for five years.

Baltimore, however, judged wisely that it was better to leave all domestic industries to develop themselves free and unshackled, reserving the Indian or beaver trade to himself, and granting licenses to whom he pleased. This regulation was relaxed in 1650, when all the inhabitants were free to apply for and receive licenses from the governor, on giving security to pay the ten per cent, and not to sell

arms and ammunition to the Indians or breed any quarrels with them.

The proprietary's revenues from his province, it may be mentioned here, though they varied at different times, were mainly derived from four sources: his quit-rents; licenses to trade with the Indians, and some other licenses; half a tobacco-duty of two shillings per hogshead on all exported (the other moiety being used for the defense of the province; that is, providing arms and ammunition, paying and feeding the militia and rangers when on duty, and so forth); and port duties on all vessels that entered the ports. Out of these revenues he had to pay the salaries of the governor, councillors, and some other officers. What his average income from the province was in the time of which we are writing cannot be stated; but it could not at that, or indeed at any, time have been very large.

One source of revenue—namely, that derived from felons' forfeitures, waifs and strays, and deodands—must have been more nominal than real. Felons were usually pardoned; and as for deodands, there is but one instance in the records, that of a tree which, having fallen on a man and killed him, was found by the coroner's jury to have "moved to the death of the said John Bryant," and therefore to be forfeit to the proprietary.

On the other hand, his English revenues must have been considerable; though here too we have no means of estimating their amount. He had inherited all the landed estates of his father in Eng-

land and Ireland; and his father-in-law, Lord Arundel, conveyed to him several manors in Berkshire, Wiltshire, and probably Oxfordshire, among which were the manors of Tisbury and Semley. On the manor of Tisbury, Wilts, was Hook House, Lady Baltimore's dower-house, where she and her husband resided. Hook House is still standing, a substantial double house of stone, in a plain style of Tudor architecture, with an air of solidity and of unostentatious comfort.

It is probable also that Baltimore had other domestic sources of revenue than the rents from his estates, for in an indenture still extant he covenants for a certain sum to supply William Catchmayd, of London, fishmonger, with the salmon caught in the Avon and other specified places, which right of fishery he had received from Lord Arundel.

Baltimore seems at this time to have had serious apprehensions that the persistent solicitations for a renewal of the Virginia patent were likely to succeed, and their success meant the ruin of Maryland. Casting about for a way to meet this threatening danger, it occurred to him that perhaps he might obtain the government of Virginia himself. He broached the matter to his friend Secretary Windebank, asking him to suggest it to the king as if of his own motion, and not as coming from Baltimore. He was to assure the king that if this might be done, the royal revenues from Virginia would be much increased. Probably Windebank threw cold water on the idea: at all events, we hear no more of it.

Claiborne's alleged grievances were too valuable a weapon in the hands of Baltimore's enemies to be readily let drop; and although his pretensions had been decisively set aside, they could be used to disquiet and trouble. He now petitioned the king for redress, and the matter came to a hearing before the Privy Council on April 4th, 1638.

Claiborne's allegation now was that in virtue of a commission from the king he had discovered and planted the isle of Kent, and that now Baltimore was seeking to dispossess him and debar him of his discovery; and furthermore had seized his boats, killed his people, and defamed himself.

He now begs to make a proposition to the king in the name of himself and partners: that they will pay into the exchequer £150 annually for Kent Island and Palmer's Island, provided they may have a grant in fee of a strip of territory twelve leagues broad on both sides the Chesapeake Bay from the sea to the mouth of the Susquehanna, and on both sides the Susquehanna to "the Grand Lake of Canada."

The council again reviewed the whole case, all parties being present. Claiborne had obtained a letter from the king to Baltimore, commanding him not to molest the people on Kent Island. But it appeared that this letter had been obtained on the representation that the island was outside of Baltimore's dominions; whereas it was shown at the hearing, and indeed was confessed by Claiborne himself, that the island was within the limits of Baltimore's

patent; that his own so-called grant was only a license, under the Scottish signet, to trade, giving him no title to the soil nor permission to plant and settle. The council accordingly confirmed their order of July, 1633, and once more declared the right and title to the territory in question to be absolutely in the Lord Baltimore, with the sole authority to grant licenses to trade. Touching the injuries alleged, they saw no occasion to interfere, and again left the parties to the ordinary course of justice.

As Baltimore had been, as the instructions show, anxious to make a friend of Claiborne, whose influence and knowledge of the country would have made him a valuable member of his young colony; as he would willingly have granted him what land he wanted on terms at least as liberal as any he could have expected from Virginia; as Maryland had a great advantage over Virginia in being free to trade with foreign nations, which Virginia was not, it is not easy to see why Claiborne should have chosen to pursue a fruitless policy of hostility and vexation which brought him no advantage. Some writers have imagined an old quarrel in England; but this is pure phantasy: it is most likely that Claiborne was the cat's-paw of those members of the old Virginia company and their powerful abettors who were never wearied in their attempts to overthrow Baltimore's charter.

This view is still further confirmed by the fact that as late as 1676, circumstances being somewhat favourable for the renewal of attacks upon the char-

ter of Maryland, we find Claiborne, then in his old age, signing a memorial to Charles II., in which he, the fierce parliamentarian, Bennett's colleague and Cromwell's commissioner, tries to pose as an old broken cavalier, calls himself a "poor old servant of your majesty's father and grandfather," and speaks of Charles I. as "your father of glorious memory" to whom he had been secretary of state; as if Charles would never know that he had renounced that office to accept it again from hands red with that father's blood.

Lovers of historic paradox in recent times have tried to defend the cause and course of Claiborne, but it can only be done by ignoring the facts. In the first place, as has been already pointed out, Claiborne never had a grant of land, either from the crown or from Virginia, of any land north of the Potomac. What he had was merely a license to trade with the Indians, the Dutch, and the English plantations to the north. He never took up, but simply "squatted" on, the land in Kent Island where he had fixed his trading-post; and having no title himself, he could give none to his men who resided at the post. He himself had no residence there. This fact, that he had no ownership of the soil, was insisted on by his witnesses in his lawsuit with his principals, the London merchants, as one cause of the ill-success of their adventure. The merchandise and other property of the concern, in both Kent Island and Virginia, were seized, not by Baltimore, but by Evelin, the merchants' attorney, and for their

use. It is true his life and personal goods in Maryland were declared forfeit by the assembly of 1637–38; but not until after every attempt had been made to establish friendly relations with him, which he had requited, first with defiance of the law, and then by sending his servants to commit piracy and murder. If we could find him striking one manly blow, or even once putting his person in danger, we might perhaps have some imperfect sympathy with him; but not for one who stirs up strife and then gets safely out of the way before the fighting begins, leaving all the risk to be taken by others who have nothing to gain.

CHAPTER VI.

In addition to these troubles and vexations, Baltimore was now confronting a serious problem, requiring all his prudence and all his firmness, the decision of which shaped the whole future policy of Maryland.

Both he and his father had planned to make Maryland a refuge for their persecuted fellow-believers, without making it a distinctively Catholic province, which, of course, would have resulted in its ruin. The only safe course open to him was to make the toleration universal. His son Charles states this distinctly in his answers to the inquiries of the Board of Trade in 1678: "My father, albeit he had an absolute liberty given to him and his heirs to carry thither any persons out of any of the dominions that belonged to the crown of England who should be found willing to go thither, yet when he came to make use of that liberty he found very few who were inclined to go and seat themselves in those parts, but such as for some reason or other could not live with ease in other places; and of these a great part were such as could not conform in all particulars to the several laws of England relating to religion. Many there were of this sort of people who declared their willingness to go and plant them-

selves in this province, so as they might have a general toleration settled there by a law, by which all of all sorts who professed Christianity in general might be at liberty to worship God in such manner as was most agreeable with their respective judgments and consciences, without being subject to any penalties whatever for their so doing, provided the civil peace were preserved. And that for the securing the civil peace, and preventing all heats and 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 law be made penal to give any offense in that kind. These were the first-planters of this province; and without the complying with these conditions, in all probability this province had never been planted. To these conditions my father agreed; and accordingly soon after the first planting of this province these conditions, by the unanimous consent of all who were concerned, were passed into a law; and the inhabitants of this province have found such effects from this law, and from the strict observance of it, as well in relation to their quiet as in relation to the farther peopling of this province, that they look on it as that whereon alone depends the preservation of their peace, their properties, and their liberties."

Those who could not conform in all particulars were, of course, the Roman Catholics; and doubtless in this matter they were guided by the counsel of their spiritual heads. To these the proprietary's

palatinate jurisdiction, exempting the province from the operation of the statute law and from all parliamentary legislation, enabled him to hold out the prospect of peacefully enjoying, under a friendly government, their religious liberties, and those not depending on the arbitrary will or caprice of Baltimore or his successors, but firmly secured by statute. The law referred to must have been one passed in 1634–35; as the act of 1649 would hardly be referred to as the immediate result of this understanding.

Baltimore's undertaking was favoured and assisted by the leading men among the English Catholics, a number of whom were men of high rank and great influence. On the other hand, the enemies of the new enterprise took every occasion to speak of Maryland as a popish colony, dangerous to England and to the Protestant English in America. Baltimore had to steer a wary course: to repel Catholics was to give up the design he had at heart, to frustrate hopes he had raised, and to cut off one great source of colonization; while to favour them too markedly was to play into the hands of an already powerful and dangerous opposition. The only way open was to let it be known that all professors of the Christian faith should stand upon an equal footing in the new colony.

Before sending out his first colony, he took counsel with Father Richard Blount, the provincial of the Jesuit order in England; and that official, after thoroughly weighing the matter, determined to give the support and influence of the society to the new

undertaking, and to send out Jesuit priests to officiate among the Catholic colonists and labour as missionaries among the Indians. The three chief officers of the colony, Leonard Calvert, Jerome Hawley, and Thomas Cornwaleys, were Catholics, and so were many of the leading settlers; though the greater number of the colonists were Protestants. But of these again a large part were persons indentured or otherwise held to service, who, not ranking as freemen, had neither seat nor voice in the assembly. So the majority in the assembly of 1637–38 were Catholics, while the council was composed altogether of members of that faith. Three of the burgesses summoned were the Jesuits, Fathers White and Altham, and Mr. Copley, but they excused themselves from attending.

The next assembly, that of 1638–39, which had been raised in the way we have seen to the position of a genuine legislative body, drew up a code of thirty-six acts, but for some unknown reason they never passed to a third reading. In fact, they were too cumbrous and complex for the infant state of the colony. It was too early yet to establish county courts, a court of chancery, a "pretorial" court, and the other machinery of a populous State. It was in this unadopted code that the provisions occur that the lord of a manor should be tried by a jury composed of lords of manors, and if convicted of a capital offense should suffer death by beheading instead of hanging, which have led some historians to assert that at first there was a privileged class in Maryland; but such was not the case.

In place of these the assembly passed a brief code in the form of a single act. Its first section provided that "Holy church within this province shall have all her rights and liberties;" the second, that a general oath of allegiance to the king should be taken; the third confirmed the rights and prerogatives of the proprietary, and the fourth, fifth, and sixth provided that the inhabitants should have all their rights and liberties, according to the great charter of England, the right to the common law, and the benefit of trial by jury. By these sections of the act, which are really a bill of rights, the fundamental relations between the Christian church, the king, the proprietary, and the people are broadly defined, and a firm foundation laid for all future legislation.

To the phrase relating to "holy church," no Protestant could reasonably object; it was the first clause of Magna Charta, promulgated when there could be no question as to what was meant by "holy church," and still cherished as the palladium of English liberty. And, of course, no Catholic would object. Like the phrase "God's holy and true Christian religion," in the charter, it could be accepted by all believers in Christianity; though in strict fact the phrase "holy church" was never applied to the Protestant Church of England.

Other sections provided for the calling of assemblies, and for the civil jurisdiction in matters testamentary or involving the estates of decedents.

Thus this act, while providing, in a general phrase,

for the rights of the church, placed the whole population, cleric as well as lay, under the civil law.

The reading of this act must have given Baltimore anxious thought. It was all very well to provide for the rights and liberties of the church; but when it came to a decision what was the church contemplated by the act, and what were these rights, a false step might be disastrous. In England, testamentary matters, the appointment of administrators, etc., were under the jurisdiction of the ecclesiastical courts. In Maryland, as yet, there were no ecclesiastics but the Jesuits: were they to have control over all orphans' estates? One of the rights most strongly asserted by the Church of Rome was that priests and church property were amenable to ecclesiastical law only: were they to be put on the same footing as laymen—to be liable to summons, arrest, or distraint, to civil or criminal process in the ordinary courts of law?

However he might decide, he was sure to be involved in trouble.

And again, were there to be two laws, two jurisdictions, in the province; another authority than his own; courts that neither administered his laws nor acknowledged his writ?

He must have seen that as his colony grew, it would grow numerically more and more Protestant. As the time of service of the apprentices and indented servants expired, and they became freemen, electors, and eligible to office, the assembly must show an increasing, and even preponderating, Pro-

testant element. He was bound in both justice and policy to look to the future.

Another important point had arisen. Jesuit priests, as we have seen, had come out with the first colonists, and others had arrived since. They were not numerous at any time, none of the letters mentioning more than five; but they were full of zeal in their labours, and surrounded themselves with a band of devoted disciples. They travelled as missionaries among the Indians, teaching and converting them, in which they were signally successful. In return, the kings and chiefs had given them immense grants of land, which, in addition to those taken up under the conditions of plantation, were held by Thomas Copley, one of their members, to the use of the order. Here was another danger. Were lands in Maryland to be held by any other title than as grants from the proprietary? Were great estates to grow up, held in mortmain, always increasing, and never reverting to secular hands?

Uneasy lies the head that wears a crown; and Baltimore, by virtue of his charter, a regulus, or little king of a petty dominion, was confronted by the same problems that had vexed the souls of John, of the third Edward, and the second and eighth Henries.

Secretary Lewger, whose recent conversion to the faith of Rome had not eradicated the old Protestant leaven in his habits of thought and views of the relations of the individual to the state, held strongly that the civil law should be supreme over all; that

all should stand on the same footing in secular matters, and that all grants from the Indians should be vacated. Of his proceedings Copley bitterly complained in a long letter to the proprietary, written in the hope of procuring his dissent to the new laws. He points out that if the Jesuit fathers are to hold their lands as manors under the conditions of plantation, they will never be able to pay the quit-rent of 20 shillings per thousand acres, besides the obligation of finding fifteen freemen at public musters or in case of war. But especially is he grieved that no favour is to be shown to ecclesiastical persons, but they are to be treated in all respects like laymen, as if *jus divinum* had never been heard of.

"There is not," he complains, "any care at all taken to promote the conversion of the Indians, to provide or show any favour to ecclesiastical persons, or to preserve for the church the immunity and privileges which she enjoyeth everywhere else; but Mr. Lewger seemeth to defend opinions here that she hath no privilege *jure divino.* That bulls, canons, and casuists are little to be regarded in these cases, because they speak for themselves, as if others opposing them had no self-interest; and therefore must know better what belongs to the church than she herself. That privileges are not due to the church until the commonwealth in which the church is, grant them. And therefore, while they grant none, I doubt that not only Mr. Lewger, but also some others that I fear adhere too much to him, conceive that they may proceed with ecclesiastical

persons as with others; and accordingly they seem to resolve to bind them to all their laws, and to exact of them as of others; and in practice already they have formerly granted warrants against some that dwell with us, whom though the sheriff (who hath formerly been a pursuivant, and is now a chief Protestant) desired me to send him down, yet he added (even before the governor, if I be not mistaken) that he must otherwise fetch him down. Again, even already, before your Lordship hath confirmed the laws, Mr. Lewger hath demanded of me to be paid this year fifteen hundred weight of tobacco toward the building a fort; whereas I dare boldly say that the whole colony together never bestowed on me the worth of five hundred weight. One would think that even out of gratitude they might free us from such kind of taxation, especially seeing we put no tax upon them but help them gratis, and help them also in such a manner that I am sure they cannot complain."

He earnestly advises Baltimore "to read over and ponder well the Bulla Cœnæ," that is, the famous bull *In Cœna Domini*, which denounces excommunication against all those who attempt to violate, deny, or curtail the ecclesiastical rights of the Roman see and church, and affirms the pope's absolute supremacy over both spiritual and temporal powers.

He asks, in conclusion, that Baltimore will send him a private order that ecclesiastics might, while the government is Catholic, enjoy the following privileges:

1. That the church and their houses might be sanctuary.

2. That they and their domestic servants, and at least half of their planting servants, might be free from public taxes and services, such as militia-training and the like. And adds: "And that the rest of our servants and our tenants, though exteriorly they do as others in the colony, yet that in the manner of exacting or doing it, privately the custom of other Catholic countries may be observed as much as may be." To this is appended a marginal note in Baltimore's own handwriting: "All their tenants, as well as servants, he intimates here ought to be exempted from the temporal government."

3. That though publicly they should allow their causes to be heard and tried by the civil authoritites, yet that it should be with the private understanding that these authorities acted but as arbitrators and defenders of the church, because the ecclesiastical jurisdiction was not yet settled.

4. That they may go freely among the Indians without a license.

5. That they may take up and hold so much land as they should find requisite, under the first (or most favourable) conditions.

6. That though they should relinquish the use of many ecclesiastical privileges when they judged it expedient so to do, yet that the determination of that expediency was to be left entirely to their discretion.

On this letter Baltimore has indorsed with his own

hand: "Mr. Tho. Copley to me from St. Maries. Herein are demands of very extravagant privileges."

Cornwaleys, though a layman, wrote at the same time to much the same effect. He anticipates trouble from the new laws, if Baltimore "be not more wary in confirming than we have been wise in proposing." And adjures him, with great emphasis and solemnity, "not to permit the least clause to pass that shall not first be thoroughly scanned and resolved by wise, learned, and religious divines to be no ways prejudicial to the immunities and privileges of that church which is the only true guide to all eternal happiness." He reminds him of his "first pious pretense for the planting of the province," alluding to the opening phrase of the charter, to the effect that the grantee is incited by a pious zeal for the extension of the Christian religion; and that his own security of conscience was the first condition he expected from this government, and if that is not to be had, he must, at whatever cost, betake himself elsewhere. He ends by a warm defense of his friend Mr. Hawley, who, probably from the suspicions intimated in the governor's letter, stood in some discredit with the proprietary, and pronounces a glowing eulogy on Madam Eleanor Hawley, "who, by her comportment in these difficult affairs of her husband's, hath manifested as much virtue and discretion as can be expected from the sex she owns; whose industrious housewifery hath so adorned this desert, that should his discouragements force him

to withdraw himself and her, it would not a little eclipse the glory of Maryland."

The present writer confesses that it is with a glow of satisfaction he thus for the first time makes public this tribute to the virtues and graces of a worthy gentlewoman, whose existence has, as he believes, been unremarked by all previous historians. Mr. Hawley died in July, 1638, and his widow survived him.

Such an appeal, coming from one of the men on whom he most relied, who had been one of the first to adventure his fortunes in the new colony, and was its bravest and most energetic defender, must have carried great weight: but Baltimore evidently either feared the power or disliked the influence of the Jesuit order in Maryland, and he was not to be moved from his course either by threats of papal bulls, hints that his purposes will be suspected, or gloomy presages of divine judgment.

He applied to the Propaganda in Rome to issue authority to a prefect and secular priests to take charge of the Maryland mission. The Jesuits, with some justice, appealed to the Holy See, pointing out that they were the first in the field, had laboured diligently and endured much hardship, and now it hardly seemed fair that others should step in and reap the fruit of their labours. Baltimore's request, however, was granted: he was authorized to remove the Jesuits, two secular priests were sent out, and the mission was placed under the control of Dom Rosetti, titular archbishop of Tarsus.

In 1641 Baltimore issued new conditions of plantation. The first conditions provided that every one of the first adventurers who brought out five colonists should have a manor of two thousand acres, at a yearly rent of four hundred pounds of wheat; for a less number than five, a hundred acres per man (himself included) and fifty acres for every child, at a rent of ten pounds of wheat per acre. Adventurers who came in after 1635 received a manor of a thousand acres for each five persons at a rental of twenty shillings, payable in the commodities of the country. For less numbers the same as before, at twelve pence rental for fifty acres. The lord of a manor had the right of holding courts baron and courts leet, and forms for proceedings in these courts were sent out. The conditions of 1641 granted two thousand acres to each adventurer of British or Irish descent who brought over twenty emigrants, the grant to be held at an annual quit-rent of forty shillings; and for a less number, fifty acres per head for adults, and twenty-five for children, at a quit-rent of sixpence for each twenty-five acres, all payable in commodities of the country.

To these, two other conditions were added which do not appear on the record, but have been preserved in the archives of the Jesuit society at Stonyhurst. Whether they were published in the province or not is not known. These conditions provided that no corporation, fraternity, or political body, ecclesiastical or lay, should have the power of acquiring or enjoying any lands in Maryland, either imme-

diately or held in trust for them, without special license in each case; and that no person should give or alienate any lands or tenements to any such society, or to trustees for its use, for any of the uses prohibited in the statute of mortmain, without special license from the proprietary.

These conditions were accompanied by an oath to be taken by all who took up lands under them. It was to the effect that the grantee would not accept or hold any lands in the province under any title except one derived by grant from the proprietary.

When these conditions arrived, the governor and secretary—no doubt in pursuance of instructions from Baltimore—visited the Jesuit fathers and held a conference with them. The article which brought all the property they had acquired under the statute of mortmain presented the first difficulty; but Calvert explained this as only applying to future acquisitions, and not to lands already acquired or promised under the old conditions; with the clause, however, that no concession of fresh grants under the new conditions would be made, unless all previous grants were also brought under their operation. With this understanding, the fathers thought that as they were not to be deprived of any rights or privileges already possessed, but were simply offered conditions for the future which they were free to take or leave, this article did not conflict with the bull In Cœna. The oath, however, they thought could not be taken or administered with a safe conscience. Moreover, the fifth article, which discriminated against ecclesiasti-

cal bodies, making them incapable of acquiring lands, seemed to them in direct conflict with the bull.

The secretary then propounded a series of questions drawn up by Baltimore, evidently with great care, and covering the whole ground. The real question at issue was: What should be the relations of the church and ecclesiastical bodies to the civil authority in Maryland? The situation was peculiar, and indeed unprecedented. On the one hand, Baltimore was a Catholic nobleman, who had founded his colony with—as one motive at least—the design of providing a refuge for himself and those of his own faith from the persecutions and humiliations to which they were subjected in England. We say for himself, for there can be no reasonable doubt that he had intended to accompany his first colonists; but finding that impossible, resolved to follow them the next year. The persistent attacks upon the charter, the constant defamation of him to the Privy Council, the exhaustless resources of malignity that welcomed all calumnies, however frivolous, and gave them countenance and importance—these made his presence in England always necessary. So far as can be seen, he took no active part in English affairs, considering it his first duty to watch and guard the interests of his colony and his colonists.

His palatinate jurisdiction, as has before been said, gave him powers to protect his fellow-believers which he would not otherwise have possessed. With these views the enterprise had been promoted by the leading Catholics of England, one of whom,

Lord Arundel of Wardour, was Baltimore's father-in-law. With these hopes Catholic gentlemen had thrown in their fortunes with the new colony, the ecclesiastical powers had favoured it, and priests had accompanied it, full of zeal and faith.

But Maryland was in allegiance to a Protestant sovereign; its colonists were members of a Protestant—and jealously Protestant—nation, and themselves for the most part Protestants; they were surrounded by Protestant neighbours; powerful and vigilant enemies on both sides of the Atlantic were watching for any loop-hole of attack, any pretext to work the ruin of the infant colony.

Baltimore, though a sincere Catholic (for his profession of Protestantism would have given him at once an unassailable position), had seen and was daily seeing the baleful effects of religious discord at home, where the nation was fast drifting into civil war. In this very year, 1641, Strafford, his father's fast friend and his own, was executed, and the Grand Remonstrance signed. In two months Charles would leave London, only to return as a prisoner, and in six months open war was to break out. These were times that craved wary walking.

There is little doubt that at this critical juncture Baltimore had the advice of Father Henry More, the wise and liberal-minded provincial of the Jesuit order in England, who had succeeded Father Blount in 1638; and it is more than probable that it was after consultation with him that he framed the questions to be propounded to the Jesuit fathers, which

were sure to be referred to the provincial for his opinion. These questions were in substance as follows:

1. Whether a Catholic layman could serve as a magistrate in any country where all the rights and immunities of the church were not preserved.

2. Whether the exemptions and immunities of the clergy were due to them *jure divino*, or by specific concession from princes and states.

3. Whether the erection of tribunals belonged to the power of the Keys (reserved to the church) or the power of the Sword (conceded to the laity); and whether a prince could erect an ecclesiastical tribunal without special commission from the pope.

4. Whether Catholic legislators could assent to laws placing matters testamentary and the distribution of the estates of decedents under the control of secular courts.

5. Whether Catholic legislators could consent to a law annulling all gifts or conveyances to ecclesiastical bodies made without special license from the prince.

6. Whether Catholic legislators could assent to laws placing matrimonial matters in the jurisdiction of the civil authorities.

7. Whether Catholic legislators could assent to a law prohibiting women from holding lands, unless they married within a stated period. (They understood this law to be intended to prevent women from making vows of celibacy, and donating or devising their lands for pious uses.)

8. Whether a Catholic secular judge could try and punish the clergy for crimes or misdemeanors without incurring the censures of the bull In Cœna.

9. Whether Catholic legislators could enact, or a Catholic judge enforce, laws imposing taxes for public uses upon members of the clergy or ecclesiastical bodies without express license from the pope.

Father White reported these proceedings to the provincial, and submitted the questions, somewhat amplified and drawn up in the form of cases of casuistry, for his decison. Father More referred them to the Propaganda, with a memorial explaining the circumstances. He, however, certified that the new conditions of plantation did not contain anything subjecting Catholics who accepted them to the censures denounced by the bull In Cœna; and he executed a release to the proprietary of all lands in the province granted by Indians or others to the society, or held in trust for their use, except such as had been or should be granted by the proprietary himself. This point being satisfactorily adjusted, the order of the Propaganda authorizing the removal of the Jesuits from Maryland was rescinded.

An agreement or treaty between the provincial and Baltimore was drafted, in which the former engages, on behalf of the Jesuit order in Maryland, that no one of them will in future acquire any territory in the province except in due form under a grant from the proprietary; that they will acquire no lands for any uses comprised in the statute of mortmain; that they will claim no privileges nor ex-

emptions in temporal matters on the ground of their spiritual office; that no Jesuit should be sent to Maryland without the proprietary's license, and that if he wished any member of that order removed from Maryland, such removal would be made, Baltimore paying the expense.

Whether this compact was ever signed, we have no means of knowing. The proprietary was in a position to dictate his own terms; and the widespread dislike and fear of the Jesuit order, which were by no means confined to Protestants, must tell heavily against his colony if it could, with any show of truth, be represented as controlled by Jesuit influences. Letters from Mrs. Peaseley and her husband preserved in the archives of the English Jesuits show how zealous were their endeavours to move Baltimore from his resolution; but in the main points at least he stood firm.

The whole transaction has left lasting impressions upon the institutions of Maryland. In Maryland alone of all the States, no land can be held by an ecclesiastical body or for a religious use without special enabling legislation; no priest, clergyman, or minister of the Gospel can sit, or has ever sat, in the legislature; and — what seems singular — no marriage is valid without a religious sanction. Civil marriage, as it is called, is unknown in the State, though, at one time at least, it seems to have been known in the colony.

The clauses forbidding lands to be held by any guild, society, or political body, ecclesiastical or

other, without special license, and prohibiting all secret trusts, were embodied in the conditions of plantation of 1649.

It may be added here that the assembly of 1638–39 took another important step in its own development. Instead of the burgesses being merely proxies, or representatives of individuals, they became collective representatives, two being elected from every hundred (the electoral district), and the word "proxy" disappears from the records. At this election the writs were addressed to the freemen of the hundred, and the date and place of holding the election named. These met and chose two burgesses for every hundred, all the electors signing the certificate of election, agreeing at the same time what contribution they would allow them for giving their time and labour to the public service. Yet the old idea so far remained that two citizens of St. Mary's, who presented themselves and claimed seats on the ground that they had not assented to the election and were therefore not represented, had their claim allowed. It must have been at once seen that this would involve the anomaly that any two men might cancel the vote of an entire hundred; and as there were in all but five hundreds represented, eleven individuals so presenting themselves would constitute a majority of the whole province. The case does not occur again. The councillors were still summoned by special writ.

To get more perfectly into parliamentary shape, they adopted rules of order. The governor was to

be president and enforce the rules. All speech was to be addressed to the president, and the speaker was to stand bareheaded. No uncivil terms were to be used, and no member was to be named except by a circumlocution. The house was to sit every day, holidays excepted, and members were finable if absent at roll-call. All bills were to be read three times, the third and final reading being on the last day of the session, when they were adopted or rejected.

In 1639 Baltimore had the misfortune to lose his excellent wife, by birth Lady Anne Arundel, third daughter of Thomas, Lord Arundel of Wardour. A portrait of this lady, by Vandyck, is preserved at Wardour Castle, by which it appears that she was of great personal beauty.

CHAPTER VII.

It will be remembered that Governor Calvert, when he laid the new conditions of plantation before the Jesuit fathers, explained that they did not apply to lands already granted or promised. It appears that he had conceived himself bound by express or implied promise to make considerable additional grants, as we find his brother taking him to task for violating his orders, in this letter of November 23d, 1642:

"Good Brother:—Just now I understand that notwithstanding my prohibition to the contrary, another member of those of the Hill there hath by a sleight got aboard Mr. Ingle's ship in the Downs to take his passage for Maryland, which for divers respects I have reason to resent as a high affront unto me, wherein if you do not that right unto me, as I require from you in my instructions dated 20 October last, I shall have just case to think that I have put my honour there in trust into ill hands. . . . This gentleman, the bearer hereof, Mr. Territt, will acquaint you more particularly with my mind herein and with the opinion and sense which divers pious and learned men here have to this odious and impudent injury offered unto me, and with what is law-

ful and most necessary to be done in it, as well for the vindication of my honour as in time to prevent a growing mischief upon me; unto whom, wherefore, I pray give credit. Mr. Gilmett will, I know, concur in opinion with him, for upon divers consults had here before he went, he was well satisfied what might and ought to be done upon such an occasion. In case the man above-mentioned, who goes thither in contempt of my prohibition, should be disposed of in some place out of my Province before you can lay hold of him—for they are so full of shifts and devices as I believe they may perhaps send him to Pattomack town, thinking by that means to avoid your power of sending him back into these parts, and yet the affront to me remain, and the danger of prejudice also be the same, for (whatsoever you may conceive of them, who have no reason, upon my knowledge, to love them very much if you knew as much as I do concerning their speeches and actions here towards you), I am (upon very good reason) satisfied in my judgment that they do design my destruction; and I have too good cause to suspect that if they cannot make or maintain a party by degrees among the English, to bring their ends about, they will endeavour to do it by the Indians within a very short time by arming them, &c., against all those that shall oppose them, and all under pretense of God's honour and the propagation of the Christian faith, which shall be the mask and vizard to hide their other designs withal. If all things that clergymen should do upon these pretenses should be ac-

counted just and to proceed from God, laymen were the basest slaves and most wretched creatures upon the earth. And if the greatest saint upon earth should intrude himself into my house against my will and in despite of me, with intention to save the souls of all my family, but withal give me just cause to suspect that he likewise designes my temporal destruction, or that being already in my house doth actually practise it, although withal he do perhaps many spiritual goods, yet certainly I may and ought to preserve myself by the expulsion of such an enemy, and by providing others to performe the spiritual good he did, who shall not have any intention of mischief towards me; for the law of nature teacheth this, that it is lawful for every man in his own just defense, *vim vi repellere.* Those that will be impudent, must be as impudently dealt withal. In case, I say, that the party above-mentioned should escape your hands, by the means aforesaid (which by all means prevent if possibly you can), then I pray do not fail to send Mr. Copley away from thence by the next shipping to those parts; unless he will bring the other new-comes into your power to send back again; and this I am satisfied here that I may for divers reasons cause to be done. . . . The princes of Italy who are now up in arms against the Pope (although they be Roman Catholics) do not make any scruple of conscience by force of arms to vindicate the injury which they conceive he would have done unto the Duke of Parma, by wresting a brave palace not far from Rome called Copreroly,

with a little territory about it, from the said Duke for one of the Pope's nephews; nor do they much esteem his excommunications or bulls in that business, for they believe them to be unjustly grounded, and therefore of no validity. . . .

"I understand that notwithstanding my prohibition the last year you did pass grants under my seal to those of the Hill, of St. Inigoes and other lands at St. Mary's and also of a hundred acres of land at Pascataway, some of which, as I am informed, you conceived in justice due unto them, and therefore thought yourself obliged to grant them, although it were contrary to my directions, which to me seems very strange, for certainly I have power to revoke any authority I have given you here, either in whole or in part; and if I had thought fit to have totally revoked your power of granting any lands there at all in my name, certainly no man that is disinterested could think that you were bound nevertheless in conscience to usurp such an authority against my will, because in justice divers planters ought to have grants from me; for when I have revoked the power I gave you for that purpose, any man else may as well as you undertake to pass grants in my name, and have as much obligation also in conscience to do it. . . . If those persons had had any just cause of complaint by having grants refused them, it had been your part only to have referred them unto me, who knew best my own reasons why I gave the aforesaid directions. . . . And for aught you know some accident might have happened here that

it was no injustice in me to refuse them grants of any land at all, and that by reason of some act of this state it might have endangered my life and fortune to have permitted them to have had any grants at all; which I do not, I assure you, mention without good ground. . . . And I do once more strictly require you not to suffer any grants of any lands for the future to pass my seal here to any member of the Hill there, nor to any other person in trust for them upon any pretense or claim whatsoever, without especial warrant under my hand and seal to be hereafter obtained from me for that purpose. So I rest your most affectionate loving Brother.

"The masters here of those of the Hill there did divers ways importune me to permit some of theirs to go this year thither, insomuch as they have, God forgive them for it, caused a bitter falling-out between my sister Peaseley and me, and some discontentment also between me and her husband about it, because I would not by any means give way to the going of any of the aforesaid persons."

By "those of the Hill," the Jesuits are signified, and by "their masters," the provincial and other high officers of the order in England. The expression about "providing others, who shall not have any intention of mischief" is an allusion to his design of having the Jesuits replaced by secular priests. What grounds he had for his bitter feeling against the order and his conviction that they had evil designs toward him, it is hard to surmise. Even sup-

posing that they conceived themselves unjustly treated by him, to have overthrown his power would have been merely suicidal. But he was irritated at their attempts to elude the agreement and their endeavours to enter the province by stealth; and he was constantly aware that any action which gave a colour to the charge that he was making Maryland a seminary of Jesuits, would be used with ruinous effect in England. Even had there not been this danger, we can clearly see that he meant to be master in his own house.

He now reorganized his government, issuing new commissions to the governor and council, and making Secretary Lewger, who had been active in the negotiations with the Jesuits, judge in all causes testamentary and matrimonial, thus placing these important matters definitely in lay hands.

From the foundation of the colony, until King William took the government into his hands in 1692, the relations of church and state were as they have been since the American Revolution. All forms of Christianity were allowed; all Christians stood on an equal footing; and all churches, chapels, and ministers were supported by voluntary contributions.

In the letter above cited, which is very long, there are many other interesting particulars, some of which we quote, as we have hardly anything from the pen of Cecilius that is not formal and official, and also because the letter is a recent discovery. He writes: "I pray hasten the design you wrote unto me this year, of bringing all the Indians of that province to

surrender their interest and right to me, for I understood lately from a member of that body politic whom you call those of the Hill there, that Mr. White had a great deal of land given him at Pascattaway not long since by Kitamaquund, before his death, which he told me by accident, not conceiving that that place was within my Province, or that I had anything to do with it, and I had some difficulty to satisfy him that it was within my Province. By this you may perceive what ways these men go, and of what dangerous consequence they are to me. I pray do not forget also to prosecute effectually the business of the tribute from the Indians, and the discovery of the red earth, and to send me the quantity I desired with speed."

Kitamaquund was the emperor of Pascataway, the same chief whom Leonard called his "brother Portobacco." He succeeded to his barbaric throne by murdering his brother Wannas, and died without leaving brother or sister, nominating his daughter as queen. This the Indians rejected as contrary to immemorial usage, as the royal dignity always descended in the female line, the parentage of the mother being certain, but that of the father uncertain. Hence the lawful heir of a chief was his uterine brother or sister, or failing those, a sister's son or daughter. In this case the direct line was broken for the first time in thirteen generations, and the Indians elected another descendant of the royal stock. The rejected princess was educated by Mrs. Margaret Brent, who named her Mary Brent, after

her sister.* The "red earth" is probably a reference to a passage in Captain John Smith's narrative of his second voyage, where he says that near the mouth of a river (the Patapsco) he observed a red clay like bole armeniac.

"The colony of Virginia hath this year by their petitions hither desired several things of the King, which move but slowly here, for their new agent, Sir John Berkeley, is no very good solicitor, and regards little but his own subsistence, in which he finds employment enough for his thoughts, his fortune being very necessitous. I believe that I could stand them in some stead here in their business if they would deserve it of me; but it seems I have been so disobliged this year by them, that I have little reason to trouble myself in their behalf. I have deserved better of them, for they had long since, I dare say, been reduced under that company which it seems by their late protestation they so much abhor to come under, had it not been for me."

It was natural enough that the people of Virginia should dread to come again into the hands of those who had dealt so ill with them before; and Baltimore offers to help them in England if the assembly will make a friendly agreement between the colonies, and disclaim all part in the attacks made on the Maryland charter; but that they cannot reasonably expect much service from him if they continue doing all in their power to harm him.

* She afterward married one Fitzherbert, who failing in his expectations of "a great portion," we are informed, "civilly parted with her."

In August of this year, 1642, the royal standard was set up at Nottingham, and all loyal subjects were summoned to rally round it. The Parliament replied by denouncing as traitors all who gave assistance to the king. How Baltimore avoided being drawn into the whirlpool, we do not know; but that he did so avoid it is evident. The Arundels of Wardour, into which family he had married, were devoted royalists; and Lady Blanche Arundel, his wife's mother, lives in history for her heroic defense of Wardour Castle in 1643 against the Parliamentary army. Her husband was at Oxford with the king, and she had but twenty-five men for the defence, while the besieging force amounted to thirteen hundred; but when summoned to surrender she replied that her husband had ordered her to hold it, and this she meant to do. The besiegers offered quarter for the women and children, but the offer was rejected with scorn. For six days and nights without intermission the artillery of the besiegers played on the castle, and it was only surrendered when two mines had been sprung and the place was no longer tenable. This heroic woman died in 1649 at the age of sixty-six.

That Baltimore had any political relations with the royalist party, there is no evidence and little probability. The obligations of his charter compelled him to have relations with the king, as his colony was, as we have seen, dependent on the king only, and entirely independent of parliament. His communications with Charles on matters lying alto-

gether outside of the subjects of controversy could hardly have been considered an offence, so long as the king was not held to have forfeited his crown. We find that Charles, on February 28th, 1643–44, issued a commission under the great seal to Leonard Calvert, empowering him to treat with the Virginia Assembly for laying certain export duties on merchandise, which customs, when established, should be leased to Baltimore on certain specified terms. Leonard is referred to in the Clarendon letters about this time as the king's commissioner; but the commission could never have gone into effect.

Leonard, on a summons from his brother, had sailed for England in April, 1643, leaving Giles Brent as his deputy, with full powers. It looks much as if Baltimore, about this time, entertained thoughts of taking refuge in Maryland; for in March, 1643, he was cited before the Lords and placed under bonds not to leave the kingdom; showing, at all events, that some such purpose was suspected.

In the following year, Leonard being still in England, one Richard Ingle, master of a trading vessel from London, came to Maryland and put into St. Mary's for a cargo. Ingle was a rampant parliamentarian, given to treasonable vapouring on his own quarter-deck, and sworn information was laid before Brent that he had used such language as that "the king was no king;" that he was "a captain for the Parliament against the king;" that "if he had Prince Rupert on board he would flog him at the capstan," and other swaggering words of the

same sort, accompanied with flourishes of his cutlass and talk of cutting off heads. Ingle was a ruffianly braggadocio, but a serious issue was forced upon the Maryland authorities. To let him go his way in peace was to commit the province to the side of Parliament: to arrest him as a traitor was to commit it to the side of the king. The somewhat singular proceedings that followed look very like an ingenious device to slip between the horns of the dilemma. Brent had him arrested and given into the custody of the sheriff, a guard put on board his ship, and a proclamation nailed to the mainmast. The sheriff, having, as he phrased it, "no prison but his own hands," was in some perplexity how to dispose of his prisoner, when Cornwaleys and another councillor, Mr. Neale, came and took Ingle with them on board his ship, where, saying "all is peace," they withdrew the guard, and Ingle at once took command and sailed triumphantly out of the harbour without waiting for his clearance. The attorney-general laid an indictment before the grand jury, which they ignored. For their proceedings in this affair Cornwaleys was fined and Neale temporarily suspended from the council. And in this way the authorities probably flattered themselves that they had slipped out of a ticklish business. A few days later Cornwaleys went on board Ingle's ship when it was lying in St. George's River, and departed for England.

When Governor Calvert came back in 1644, trouble was brewing in the province. Claiborne had

been making secret visits to Kent Island, and doing his best to stir up insurrection. As the islanders had all been peaceably confirmed in their holdings, it was idle to tell them that a tyrannical popish government was going to turn them out of their land; and in the controversy between king and Parliament, they were inclined to take the king's side. But these trifles were nothing to a man of Claiborne's fertility of resource: he assured them that he was acting by the king's orders, and even produced a parchment which he averred to be a royal commission to himself, empowering him to seize the government of Maryland. He mustered the fighting population, and proposed that they should attack Mr. Brent's house on the island, which he coveted for himself. But the islanders, doubting his statements and justly skeptical about the commission, dispersed; whereupon he sailed back to Virginia.

This was about Christmas, 1644, but in February Ingle came back with a band of marauders and seized St. Mary's, Governor Calvert being at that time in Virginia. For two years he and his gang, with such lawless persons as they could get to join them, had possession of the southern part of the province. The loss of the records, or the fact that none were kept in this time of anarchy, leaves us much in the dark as to what was done in these distracted years; but from later evidence it is clear that they made no attempt to form a regular government, but devoted themselves to mere brigandage, pillaging houses and plantations and carrying off every-

thing they could lay their hands on, even to the irons of mills, locks of doors, and glass of windows. The missionary stations were broken up, and the venerable Father White and Father Fisher sent prisoners to England.

Cornwaleys, who had rendered such good service to Ingle in getting him and his ship out of the sheriff's hands, met with but a shabby return, for Ingle plundered his plantation, killed his cattle, and carried off his household goods and other property, damaging him to the extent of three thousand pounds sterling, all which booty he carried off to England. Here Cornwaleys had him arrested and imprisoned, and Ingle petitioned Parliament for relief, averring that he had plundered nobody but papists and malignants, and pointing out that it would be a great discouragement to the cause if the well-affected were not to be free to plunder papists and malignants without running the risk of suits for damages.

Similar proceedings went on in Kent Island, under the instigation of Claiborne. He came over from Virginia with a force, took possession of Mr. Brent's house, and mustering the islanders in a field, proposed that they should go down and seize St. Mary's. They asked to see his authority, and as he had none to show, they refused to budge. He urged them to go down with his cousin Tompson, saying that he himself would go back to Virginia and send them reinforcements; but nothing would move them. On the whole, it seems most likely that Claiborne himself took no hand in the rough work that went on,

his policy being rather to stir up strife and then to get out of the way, leaving others to do the fighting; but his friends, acting in his name, plundered Kent as Ingle plundered St. Mary's, and no doubt he received much more than Mr. Brent's house as his share of the plunder.

Though Governor Berkeley, Maryland's friend, was at this time in England, there seems to be no evidence that the Virginians had any hand in Ingle's maraudings; and it is pretty plain that they disapproved of him as a Roundhead, and were displeased at Claiborne's real or supposed alliance with him, for after these proceedings Claiborne's name is dropped from the roll of councillors.

One fact must be borne in mind as a key to many of these complications. There were two causes, both dear to the hearts of most Virginians, and these causes did not always run parallel; and there was a fixed determination which often worked at cross-purposes to the other two. One cause was that of the King or the royalists as against Parliament; and from this point of view the Bennett faction, to which Claiborne now seemed disposed to attach himself, were rebels and traitors. But then there was the cause of Virginia against Maryland, and the rancour of Protestant against Papist, and from this point of view the enemies of Maryland and of Baltimore were the champions of Virginia. Then there was the fixed determination never to come again under the rule of the old Virginia Company, always striving to have its charter renewed. These men in England,

seeing the drift of things, had taken the Parliamentary side, and were now urging that to take Virginia out of the King's hand would inflict a heavy blow upon the royal cause. As their success would have been fatal to Maryland, Baltimore was constantly exerting all his influence to defeat their purposes, and in this respect was the powerful ally of the Virginians. Shifting circumstances brought now one, now another of these aspects more prominently into view, and the attitude and conduct of the actors varied accordingly.

Baltimore, in 1646, sent out a power of attorney to his brother, whom he designates simply as Leonard Calvert, Esq., and to Secretary Lewger to collect his rents and all debts due him. Historians have hitherto looked upon this as evidence that Baltimore considered his province as lost, and was merely anxious to save what he could out of the general wreck. But it by no means of necessity bears this interpretation. There are no instructions in it to sell any of his live stock or other property, or to remit all funds to England; but simply to collect, give receipts, and, if necessary, sue in his name, and to retain the amounts collected, to be disposed of as he should, from time to time, direct. His previous instructions to his brother had been directed to him in his capacity of governor. The fact that Leonard was now no longer governor *de facto*, and was no doubt looked upon by many as finally ousted from that office, might have been used to avoid payment of debts by those who doubted either the effi-

ciency of his powers or the validity of his receipt. So Baltimore declares that he will recognize all such receipts as valid.

As there was no recognized authority in the province, Calvert, while still in Virginia, gave a commission to Edward Hill, a Virginian, to act as his deputy, and on his arrival he was elected by the council, called an assembly of Protestants, and seems to have done something toward restoring order and preserving the province for the proprietary.

Calvert, however, in Virginia had found a good friend in that stout royalist Sir William Berkeley, who, notwithstanding the battle of Naseby in the previous year had ruined the prospects of the royal cause, still held that province for the king. He gathered his friends together, suddenly returned to St. Mary's in the winter of 1646–47 with an armed force, and took possession of the government, apparently without resistance. Kent also submitted, and a general pardon was proclaimed. Thus the proprietary government was restored and the whole province pacified. The assembly called by Hill was continued in session by Calvert.

A few months later, on June 9th, 1647, Governor Leonard Calvert died. On his death-bed he appointed Thomas Greene, a Catholic and royalist, as his successor, and left his kinswoman, Mistress Margaret Brent, as his executrix. He had pledged his own and his brother's estates to pay the soldiers who had helped him to recover the province, and as this payment was delayed by his death, the sol-

diers grew mutinous, and trouble might have followed had not Mrs. Brent sold enough of Baltimore's cattle to satisfy their claims.

As one of the charges continually brought against Maryland was that it was a popish province, ruled by Papists, where the Protestants (though largely outnumbering the Catholics) lived in terror and oppression, the proprietary removed Greene and replaced him by William Stone, a Protestant well affected to the Parliament. At the same time he reconstructed the council so as to give the Protestants a majority. As the whole control of the government had now passed into Protestant hands, he sent out new oaths of office for the governor and councillors, binding them to molest or discountenance no one, and in especial no Roman Catholic, on account of his religion.

As the great seal of the province had been lost or stolen in "the plundering time," as Ingle's anarchy was called, the proprietary sent out a new one, of massive silver, like the former. It bore the Calvert and Crossland arms, quarterly, surmounted by the cap or coronet of a count palatine and above this the Calvert crest. The supporters were a farmer and fisherman, and beneath, on a scroll, was the Calvert motto, *Fatti Maschij Parole Femine.* Behind was a mantle, and surrounding all the legend *Scuto Bonæ Voluntatis Tuæ Coronasti Nos* (Ps. V. 12, Vulgate). This device is to this day the seal and symbol of Maryland. On the other side was the effigy of the proprietary on horseback and in full armour, sur-

rounded by a legend bearing his name and titles: *Cæcilius Absolutus Dominus Terræ Mariæ et Avaloniæ, Baro de Baltimore.*

During all this time Baltimore seems to have warily kept clear of the political strife in England. One curious anecdote relating to him is found in the autobiography of Alice Thornton, and we give it for what it is worth. The day before the execution of Charles I., it is said Mr. Rushworth asked her uncle to let him have the private use of a large room for that day for himself and certain friends, which was granted. Feeling some curiosity as to the purpose of this secret conclave, he watched the persons who entered and recognized, among others, Lord Baltimore and Lilly, the almanac maker, "and others suspected to be papists and fanatics, which strange mixture did much surprise him." Asking Mr. Rushworth about it a few days later, he was told that the assemblage was "the close committee" met to consult about the king's execution, and that he and another were sent to the king in prison to entreat him to recede from his persistent protestation of his innocence, and acknowledge himself to have been to some extent at fault, in which case those from whom they came would save his life and replace him on his throne. The king, however, was firm; declared that he could not do this without wrong to his honour, his cause, and his conscience; and "if he could not have his life but upon such base compliance, he was content to die." The messengers then sadly left him to his fate.

CHAPTER VIII.

In the year 1649 the Maryland Assembly passed the famous Act concerning Religion, or Act of Toleration as it is often called, which enforced by statute what had been, as we have seen, the policy of Maryland from its foundation. Some of its phrases clearly show the presence of a puritan element in the assembly. It provides penalties for the profanation of "the Sabbath, or Lord's day, called Sunday," for blasphemy against any Person of the Trinity, and for reproachful speeches against the Virgin Mary, Apostles, and Evangelists. It also punishes all who shall call others by reviling names on account of religious differences, as Puritan, Jesuit, Papist, etc.; and "the better to preserve mutual love and amity among the inhabitants," no person professing belief in Jesus Christ shall be "in any ways troubled, molested, nor discountenanced for or in respect of his or her religion, nor in the free exercise thereof." It is evident that this act was a compromise between Providence and St. Mary's, or the Puritan and Catholic parties. What it would have been had the Catholics been unrestricted, we cannot say; what it would have been in an assembly of Puritans is not left to conjecture, as we have the thing itself in the act of 1654.

These Puritans were mostly new-comers. As early as 1619 there had been a small company of that sect in Virginia, where they were by no means looked upon with favour. At the time of Berkeley's arrival there was a congregation, probably in Nansemond county, who had been supplied with ministers from Boston; and these schismatics Berkeley and the council determined to root out. In 1643 the Assembly decreed that all who would not conform to the Church of England should be expelled from the colony. Claiborne at this time was a leader of the royalist party; his name stands at the head of the council, and as a special mark of the King's favour he had been appointed Treasurer for life. The council eagerly set about carrying out the edict. The pastors, Durand and Harrison, were forced to flee, and the congregation had to make the choice of imprisonment or exile. Some went to join their brethren in New England; others, while evading the law by secret meetings, turned their eyes toward that home of the persecuted—Maryland. About 1648 a number of them applied to Governor Stone, stating their situation and soliciting admission. Their petition was favourably received; the conditions of plantation were explained to them, by which nothing was demanded of them but fidelity to the proprietary, submission to the civil law, and the usual quit-rents. Absolute liberty of conscience was assured them, with the right to choose their own officers and hold their own courts; and a whole county of the most fertile and pleasantly situated land in the province

was placed at their disposal. They joyfully embraced the offer, took up lands on the Severn, and with overflowing hearts named their new home Providence. The next year this settlement was erected into a county, called Anne Arundel after Lady Baltimore.

Here they dwelt in peace and prosperity, and their numbers rapidly increased. But they soon found that they were not as happy as they thought they would be. While joyfully accepting freedom of worship for themselves, they overlooked the fact that their neighbours, of a different way of thinking, had freedom of worship also. In coming under a government that granted them all they asked, they were left without a grievance or ground for disaffection.

Such grounds were soon found. They were hardly well warm in their new abodes, when they began raising difficulties about the terms under which they held them, alleging scruples of conscience to this and to that, and in particular to the oath of fidelity —though really that seems an over-niceness, since no scruple, apparently, intervened to prevent their breaking it when taken. The fact also that the government which they had agreed to support was bound not to molest Roman Catholics, caused them many searchings of heart lest they should be incurring the guilt of permission. Singularly enough, the simple remedy of abandoning lands which they could not hold with an easy conscience seems not to have occurred to them.

In 1649 Governor Stone left the province on a temporary absence, leaving as his deputy the late governor, Greene, who signalized his brief interim by a remarkable act of folly. After the execution of Charles I., on the previous January, the Commons had passed an ordinance declaring it treason to say that his son was king. Greene seized his opportunity, and on November 15th proclaimed Charles II., with the accompaniments of public rejoicing and a general pardon. Stone quickly came back and displaced Greene, but the act was not forgotten.

Matters now looked ominous for the province. Ingle was besieging Parliament with petitions, complaints, and charges; Claiborne was loud in his boasts that the charter would be annulled and he would have Kent Island; the Indians to the north were threatening, as they always were when Claiborne was busy; the enemies in Virginia were full of hope; the malcontents of the Severn, though in the assembly they passed an act thanking the proprietary for the beneficence of his rule, acknowledging, with strong expressions of gratitude, the peace and happiness they enjoyed, recognizing his title and pledging themselves to defend it "to the last drop of their blood," were waiting for a favourable opportunity to renounce and overthrow it.

The mode of attack was now somewhat changed. It was represented that Maryland was entirely under the control of papists, and that Protestants had no security for their religion, and were groaning under

popish tyranny. This in face of the fact that the Catholics were but a small minority in the province,* and that the governor and a majority of both the council and the lower house were Protestants. To answer this charge, a declaration was drawn up and signed by the governor, the Protestant members of the council and lower house, including those from Providence, and by a number of the leading inhabitants, all Protestants, to the effect that none of them were in any way troubled or molested on account of their religion, in which they were protected by both the law of the land and the strict injunctions of the proprietary.

As if to add a comic element to these serious matters, Charles II., then a fugitive in the island of Jersey, was pleased to take umbrage at the fact that the Puritans from Virginia had found an asylum in Maryland; and on February 16th, 1649–50, gave a commission to the poet Sir William Davenant to proceed to Maryland, dispossess the proprietary, and take the government himself, justifying this summary action on the ground that Baltimore "doth visibly adhere to the rebels of England, and admit all kind of schismatics and sectaries and other ill-affected persons into the said plantation of Maryland."

What gallant deeds that knight would have

* What was the exact proportion of Protestants to Catholics at this time, we have no means of knowing. Charles, Lord Baltimore, reported to the Privy Council in 1677 that three-fourths of the population were Protestant non-conformists, the remaining fourth being Churchmen and Catholics. A little later we find the Catholics estimated at one-twelfth of the population.

achieved had he crossed the Atlantic, the world will never know: he was captured by a Parliament ship and thrown into prison, from which he barely escaped with life. This commission, however, stood Baltimore in good stead when his case was before a parliamentary committee in 1652.

Parliament now resolved to reduce to obedience Barbadoes and Virginia, where royalist sentiments still prevailed. Although in this ordinance Maryland, where there was certainly no open opposition to the Parliament, was not named, yet there was wide-spread apprehension at St. Mary's and hope at Providence that she would be included in its operation. Indeed, the settlers on the Severn were so sanguine that they refused to send burgesses to the assembly of 1650–51; an act tantamount to open rebellion against the proprietary, whose rights they had pledged themselves, one year before, to defend, if necessary, with their blood. Baltimore, on hearing of this, directed Stone to exert his authority to punish such contumacy if repeated, after due warning given.

In May, 1651, the parliamentary fleet intended for the reduction of Barbadoes and Virginia was getting ready for sea. Baltimore had great difficulty in preventing the name of Maryland from being inserted in the commission, as his enemies used Greene's proclamation with telling effect. In fact it had been so inserted; but he showed that the offensive act was the doing, not of his governor, but of a temporary substitute; that Stone was well known as a

friend of Parliament; he proved by unimpeachable Protestant testimony that non-conformists were unmolested in Maryland, that many had sought and found a refuge there from persecution in Virginia, and that the late king's son had used this very fact as a pretext for attempting to deprive him of his province. The committee were satisfied, and ordered that the name of Maryland should be stricken out of the instructions. His enemies then, relying upon the imperfect geographical knowledge of the committee, contrived to have the phrase, "the plantations within the Bay of Chesapeake" inserted, which would serve their purpose as well.

The vessels intended for Virginia—or rather one of them, for one, bearing Dennis and Stagg, the chief commissioners, was lost by the way—after many delays, arrived at Jamestown in March, 1652, and Berkeley surrendered. He was wise enough to know that continued resistance was impossible; while, on the other hand, Curtis, the surviving commissioner, was conscious of a weakness in his position. The two chief commissioners were lost and their commission with them; and what Curtis had was only a copy, which Berkeley might lawfully have declined to obey until he could communicate with England.

Claiborne was now in his glory. He had been royalist and parliamentarian, churchman and nonconformist, as suited his interest at the time, and we now find him an avowed Puritan and one of the commissioners. "A man," to use Carlyle's apologetic phrase for one of his heroes, who "advances

spirally; face now to east, now to west, with his own private aim sun-clear to him all the time." He was firmly loyal to success, whatever flag it might fly.

The commissioners, Curtis, Bennett, and Claiborne, having settled the government of Virginia, next proceeded to Maryland, where they demanded from Governor Stone recognition of their powers and submission to their authority. Stone demurring, they declared all commissions void and all offices vacant, and placed the government in the hands of six commissioners. All writs and processes were now to run in the name of the Keepers of the Liberties of England; all officers and electors were to take the engagement of fidelity to the commonwealth, and this was to be in force until the Council of State in England had been heard from.

The proprietary rule was thus completely overthrown. Claiborne went back to Virginia, where he received the position of Secretary of State, the second office in the province, his fellow-commissioner, Richard Bennett, reserving that of Governor for himself.

In June Bennett and Claiborne remodelled the government of Maryland. As there was nothing objectionable against Stone, and as there was, as they admitted, a strong desire among the inhabitants to see him reinstated, he was replaced as governor, under the excuse that he had been "left out upon some misunderstanding;" and he resumed the office with the understanding that he reserved his

fidelity to the proprietary until the higher powers in England had been heard from. As in their proclamation of the settlement it had been declared to be merely provisional until approved by the Council of State, this proviso could not reasonably be objected to. As, moreover, their only authority was a copy of a lost commission which had never reached them, as the name of Maryland did not appear in the commissioners' instructions, and as Maryland had not denied or opposed the authority of Parliament, it might well be doubted whether that body would sanction such arbitrary doings.

Matthews had been sent to London as a commissioner from Virginia to obtain a ratification from Parliament of the settlement there. In these articles they had inserted a condition that Virginia should be restored to its ancient boundaries before the creation of the province of Maryland; in other words, that Maryland should cease to exist. The committee who had the matter under consideration saw the injustice of this demand, and refused to be hurried to a decision. Baltimore laid before them a memorial called Reasons of State concerning Maryland, in which he points out the impolicy of uniting the two provinces. These were, in brief, that in case of any defection in the one, the other might continue faithful; that it was better to encourage emulation between them; that the fact that Baltimore had an estate and residence in England made him, as it were, a hostage for the good behaviour of his province; that it was well known that he

had ordered his officers to acknowledge the authority of Parliament when all the other plantations, except New England, held out against it, and had sheltered the friends of the Commonwealth when obliged to flee from Virginia; and to deprive him of his province under these circumstances would certainly be a discouragement to other plantations in a similar exigency. Whether these reasons or others prevailed, the demand of the Virginians was not granted and the charter left unimpeached.

Cromwell was now Lord Protector, and his voice was all-potent in these matters. He announced his intention to settle all disputes between Baltimore and the commissioners with justice and equity so soon as he should have been informed thoroughly of the case; and he admonished Bennett and the rest, until his further pleasure should be known, to cherish love, concern themselves about religion, and diligently intend the public peace. Their commissions ran in the name of the Keepers of the Liberties of England; but the Keepers had vanished on that memorable 20th of April when the stern Protector—

> "— wept and swore,
> Turned out the members and made fast the door;
> Ridding the house of every knave and drone,
> Forced—though it grieved his soul—to rule alone."

And with the Keepers had vanished all authority derived from them or running in their name. Baltimore felt sure enough of his cause to order Stone to replace the government on its old footing, and to

administer the oath of fidelity. Stone also proclaimed the Protectorate in the proprietary's name.

These proceedings did not suit Bennett and Claiborne, so they proceeded into Maryland "to root out the papists." They were supported, of course, by the settlers on the Severn, and had an interview with Stone, who, to avoid bloodshed, resigned his powers, under protest, until the Protector's pleasure should be known. They then appointed a commission of their friends, with Captain William Fuller at their head, to administer the affairs of Maryland, and empowered them to summon an assembly, to which no Roman Catholic was to be admitted.

The assembly, thus purged, met in October, and almost their first action was to pass "An Act concerning Religion," of which this is the text:

"It is enacted and declared in the name of his Highness the Lord Protector, with the consent and by the authority of the present General Assembly, that none who profess and exercise the Popish religion, commonly known by the name of the Roman Catholic religion, can be protected in this Province by the laws of England formerly established and yet unrepealed, nor by the government of the Commonwealth of England, Scotland and Ireland and the dominions thereto belonging, published by his Highness the Lord Protector, but are to be restrained from the exercise thereof.

"Such as profess faith in God by Jesus Christ (though differing in judgment from the doctrine,

worship and discipline publicly held forth) shall not be restrained from, but shall be protected in the profession of the faith and exercise of their religion, so as they abuse not this liberty to the injury of others, or the disturbance of the public peace on their part. Provided that this liberty be not extended to popery or prelacy, nor to such as under the profession of Christ hold forth and practise licentiousness."

Cromwell was by no means satisfied when he heard of these doings. The commissioners had concerned themselves less with love, justice, and the public peace and more with religion than he had intended. His wise policy, for the provinces as well as for England, was to promote peace, goodwill, and content with his government as now established. He was drawing further and further from the independents and the fanatical wing of his party. In his memorable speech of September 24th, he had pleaded earnestly for liberty of conscience. "Liberty of conscience," he there says, "is a natural right; and he that would have it ought to give it. . . . This, I say, is a fundamental." With this feeling we can see how he must have been irritated with Bennett and the rest kindling the flames of persecution anew.

In January, 1654–55, he addressed the following letter to Bennett:

"Whereas the differences between the Lord Baltimore and the inhabitants of Virginia concerning the

bounds by them respectively claimed, are depending before our Council and yet undetermined; and whereas we are credibly informed you have notwithstanding gone into his plantation in Maryland and countenanced some people there in opposing the Lord Baltimore's officers, whereby, and with other forces from Virginia, you have much disturbed that colony and people, to the endangering of tumults and much bloodshed there, if not timely prevented:

"We, therefore, at the request of the Lord Baltimore, and of divers other persons of quality here, who are engaged by great adventures in his interest, do for preventing of disturbances or tumults there, will and require you and all others deriving any authority from you, to forbear disturbing the Lord Baltimore, or his officers or people in Maryland; and to permit all things to remain as they were before any disturbance or alteration made by you, or by any other upon pretense of authority from you, till the said differences above mentioned be determined by us here, and we give farther order therein."

This letter, at a stroke, undid all Bennett's and Claiborne's laborious work. It commanded them to restore all things to the old standing, and leave the proprietary and his officers undisturbed, until the rights of the matter were fully understood in England. Baltimore was evidently informed of the Protector's intentions, for even before this letter was written he had sent a letter to Stone censuring him

for submitting without resistance, and ordering him to resume the government once more.

Stone at once reorganized the government. The new commissioners had fixed their seat of government at Patuxent, and he sent an officer thither, who went, as he reports, "unarmed amid those sons of thunder," and despite their threats, brought off the records of the province in triumph.

He next proceeded to reduce the settlement at Providence. Having mustered a force of about a hundred and thirty men, he moved northward from St. Mary's, part of his forces marching by the bay shore, and part being transported in small vessels. Fuller and the commissioners who were now at Providence became alarmed when they heard of Stone's approach, and sent messengers with proposals to acknowledge him as governor and submit to his government, provided they might have indemnity for the past, and that such as chose might leave the province unmolested.

It would have been better had Stone accepted this capitulation; but he thought himself strong enough to compel an unconditional surrender. Detaining the messengers, that they might not give the alarm, he kept on his way. The messengers, however, escaped, and hastening with the news to Providence, Fuller made preparations for defense.

A surprise being now impossible, Stone sent two ambassadors in advance to assure Fuller's party of his pacific intentions; but as they made no definite proposals, no answer was returned.

There was lying in the harbour a large ship, the Golden Lyon, commanded by one Heamans; and as this vessel carried guns, Fuller summoned the captain, in the name of the Protector, to help in the defense, which Heamans was very willing to do.

In the evening of March 24th, 1654–55, Stone's little fleet, on which he had now embarked his whole force, sailed up the Severn, and made its appearance off Providence. When they came within gunshot of the Golden Lyon, the gunner fired a shot at them, upon which they sheered out of range, and made their way to a point of land, where they disembarked and drew up in military array, with drums beating, and the black-and-gold ensign of Maryland displayed in front.

Heamans was now joined by a New England ship, also armed, and both opened fire upon Stone's party, killing one man and throwing them into some confusion. In the mean time Fuller, with a force of a hundred and seventy men, had crossed the river about six miles higher up, and making a circuitous march, appeared on the flank and rear of Stone's party, marching under the flag of the Commonwealth.* The word was given on each side: "God is our strength," being that of Fuller's men, and "Hey for Saint Mary's" that of Stone's party.

The engagement was brief: the Marylanders, outnumbered and outgeneralled, gave way and fled,

* The standard of the Commonwealth was, quarterly, 1st and 4th, on a field argent, a cross gules, for England; 2d, on a field azure, a saltire (or St. Andrew's cross) argent, for Scotland; and 3d, on a field azure, a harp, or, for Ireland.

with loss of a few killed and wounded. Many surrendered as prisoners on promise of quarter, and among the rest Stone himself, who had received a wound in the shoulder.

A day or two later Fuller held a court-martial and condemned ten of his prisoners, Stone included, to death, notwithstanding his promise of quarter. He carried out this sentence by shooting in cold blood William Eltonhead, a member of the council, Captain William Lewis, John Leggatt, and John Pedro. He would, no doubt, have dealt out the same measure to the rest, but for the intercession of some good women of Providence and the remonstrances of his own soldiers, who were indignant at this wanton cruelty and breach of faith.

The wounded governor was thrown into prison, and for some time not allowed to see, or even receive a letter from, his wife; and though they afterward, as he seemed likely to recover, allowed his wife to nurse him, yet they sequestered his estate and those of the other wealthier men.

Thus disastrously for Maryland ended the first land engagement within her borders. By displaying the flag of the Commonwealth the victors had put Stone into the position of an armed rebel, although as good a friend of the Commonwealth as themselves, and thus gained a show of justification for their lawless proceedings. It was not to establish the authority of Parliament or the Protector that they invaded a province where the one was acknowledged without question and the other had been

publicly proclaimed, but to seize Maryland for Virginia, and what property they could for themselves and their adherents. They now began to assume the rights of conquerors, sequestering estates, arming their friends, disarming those whom they chose to consider suspected, and consolidating their power as best they could.

One drawback remained. The Protector, as we have seen, had written to them explicitly in January not to disturb Baltimore's government or his officers, and leave all things as they were before the disturbances began. They did not dare openly to disobey him, but they might mystify him and keep him in the dark. Maryland was very far away, and Oliver's thoughts were fully occupied with matters of high importance very near at hand. The first Parliament under the Protectorate had been dissolved in January, 1655; an insurrection was smouldering underground throughout England and had to be stamped fiercely out; England was districted and put under military rule; the terrible massacre of the Protestants in Piedmont prevented the signature of a treaty with France; a fleet was sent out to demand reparation from the dey of Tunis for the piracies of his subjects—in a word, the Protector could have had no time to think about what was doing in Maryland. So Bennett and Matthews, having ignored the Protector's orders sent out in January, and worked their will in Maryland in defiance of them, wrote on June 29th to ask exactly what the orders meant, as if they had been anxiously pondering them the

whole time. The Protector, we may be sure, referred the matter to his council, where the Virginia commissioners had serviceable friends, and most likely they drafted the reply:

"WHITEHALL, 26th September, 1655.

"It seems by yours of the 29th of June and by the relation we received by Colonel Bennet, that some mistake or scruple hath arisen concerning the sense of our letters of the 12th of January last; as if by our letters we had intimated that we would have a stop put to the proceedings of those commissioners who were authorized to settle the civil government of Maryland. Which was not at all intended by us; nor so much as proposed to us by those who made addresses to us to obtain our said letter; but our intention (as our said letter doth plainly import) was only to prevent and forbid any force or violence to be offered by either of the plantations of Virginia or Maryland, from one to the other, upon the differences concerning their bounds; the said differences being then under the consideration of Ourself and Council here, which, for your more full satisfaction, we have thought fit to signify to you; and rest

"Your loving friend

OLIVER P."

If we compare this with the letter of January 12th, which it professes to explain, we cannot wonder that Carlyle calls this "a very obscure American trans-

action." In fact, it is absolutely unintelligible except we assume that Cromwell relied upon others and signed what they drew up for him. Though his language is often cumbrous and obscure, it is not self-contradictory; and it is impossible that, after charging them to disturb nothing in Maryland, and to leave everything as it was before they meddled with it, he could have said that the plain import of that letter was that that should continue their proceedings.

Consistent or not, this letter would have suited the commissioners perfectly but for one thing, and that was the reminder that the whole matter was under consideration in England, where the question of right had yet to be determined.

Baltimore, it would seem, had reason to expect that the decision of the referees, Whitlock and Widdrington, commissioners of the great seal, would be in his favour, for he commissioned Josias Fendall as governor in Stone's place. Fendall had been active on his side in the late troubles, had commanded a party sent to seize some arms and ammunition at Patuxent, and had been imprisoned under Fuller's rule as a dangerous person. On receipt of his commission he was acknowledged at St. Mary's, while Fuller and his party still ruled at Providence. Both sides kept the peace while awaiting the decision from England.

In 1656 the referees reported as to the matter of right to the Committee for Trade, to whom also Baltimore's complaint against Bennett and Claiborne

for the massacre at Providence had been referred, "under particular reference from his highness." It is evident that their report was altogether favourable to Baltimore, for on its receipt the Board of Trade ordered Bennett and Matthews (then both in England) to make proposals for a settlement. It seems probable that the Protector gave them to understand what his will in the matter was, for their proposals were equivalent to a surrender. An agreement was drafted by virtue of which the proprietary government was to be restored, and Baltimore completely reinstated in his rights and authority, he engaging, on his part, not to bring any of the insurgents to justice in his courts, but to leave all offenses committed by them to be judged in England; to confirm titles of lands to such settlers on the Severn as had not taken the oath, on their taking a modified engagement of fidelity, and pledging himself never to assent to the repeal of the Toleration Act of 1649. With this understanding Matthews, having been fully empowered by the Assembly, formally abandoned Virginia's claim and surrendered Maryland to Baltimore on November 30th, 1657.

Articles drawn up in conformity with this agreement were laid before Fuller and his friends in March, 1658, and accepted by them; Fendall's commission was read and a General Assembly summoned, and thus, after six years of trouble and civic dudgeon, Maryland passed again under the rule of her founder.

Hostile critics have censured Baltimore as a time-

server because he adapted his policy to the emergencies of the time; but there seems no sufficient ground for the charge. Which side should he have taken in that controversy? Should he have drawn the sword against a king who had been his own and his father's friend, and to whose bounty he owed his province? Should he, on the other hand, have helped Charles to overthrow the ancient liberties of England? Those were times when the wisest and best hesitated as to what was the call of duty.

Baltimore's first duty was to his colonists who had trusted their lives and fortunes to him and to the safeguards of his charter. To commit Maryland to either side was to bring upon it probably civil war, and almost certain ruin if the adverse side succeeded. His colonists also were divided in opinion. His clear duty was to shield them, if possible, submitting to the logic of events. He recognized the rule of Parliament, the rule of Cromwell, and the rule of Charles II., as the will of the people of England, and he broke no obligation to either. It was not with Maryland as with an English county: Maryland was a little kingdom in itself, owing no obedience to Parliament and no service to the king; and an attitude of neutrality, had that been possible to assume, would have been her true policy. Baltimore's temporizing policy was the nearest to this that circumstances would admit; and it succeeded in saving Maryland.

Had he become a partisan of the winning cause, had he used his influence to attack or injure his

enemies, he might stand condemned with Claiborne; but his memory is clear from that reproach. All that he asked from King, Parliament, or Protector was that his charter should be respected until he could be shown to have violated it.

Upon recovering his government, Baltimore was not forgetful of those who had suffered for their fidelity to him. In his first instructions to the governor and council he charges them "that they do take special care of those widows who have lost their husbands in and by the occasion of the late troubles there, viz., Mrs. Hatton, Mrs. Lewis, and Mrs. Eltonhead, whom his Lordship would have his said lieutenant to cause to be supplied out of such rents and other profits as are due to his Lordship, and can be got, for their present relief and subsistence in a decent manner, in case they stand in need thereof; and that they let his Lordship know wherein he can do them any good there in recompense of their sufferings, of which his Lordship is very sensible; and that they assure them on his Lordship's behalf that he will continue his utmost endeavours, by soliciting his Highness [Cromwell] and Council, for the procuring of justice to be done them for the lives of their husbands, and satisfaction for their losses from those who have done them so great injuries, which he doubts not but will be at last obtained."

The sequestered lands were restored, but the attempts to bring Fuller to justice in England came to nothing, if any were made. He kept in hiding, or

went secretly about trying to foment another rebellion, so that a warrant for his apprehension was issued the next year. He eluded pursuit, however, and seems to have found friends among the Quakers; at least if we can believe certain depositions made in 1664, the witnesses testifying that at a conclave of Quakers much sympathy was expressed for Fuller, and one, probably a new convert to the faith, declared that he could as freely fight to have him among them as he could have done "when he was one of the world." He was never called upon, however, to be guilty of this heinous backsliding, for from this time forth Fuller's name disappears from the records.

CHAPTER IX.

Fendall at first seemed zealous enough for the interests of the province and the proprietary. For one thing he organized the militia, districting the whole province, and appointing commanders for each district, to whom instructions were sent for due mustering and training of the whole fighting population. This had been very much neglected: several of the officers had died and not been replaced; training-days were unattended; arms and ammunition were not looked after; and in case of a sudden alarm few knew the place of rendezvous, or were sure that there would be any officers to command them if they assembled. Stone, in the affair at Providence, instead of summoning all the fighting men of the province, simply marched with the men of St. Mary's, as if it had been a squabble between two counties. This was all now amended: there were two regiments organized, for the southern and northern halves of the province; and these were made up of local companies, each having its proper officers and rendezvous.

By the agreement with Bennett and Matthews a modified engagement of fidelity to the proprietary was drawn up, intended for the relief of those who had scruples about the former oath; and the gover-

nor bestirred himself to have this taken, as the law prescribed, by all who took up lands or settled in the province. This gave rise to the only instance of persecution of Quakers under the proprietary rule, if indeed that may be called persecution which was inflicted, not for religious belief, but for open defiance of the law of the land.

Certain missionaries of the sect had come in 1657 from Virginia, where they were harshly treated, into Maryland, where they were unmolested, and began to make converts. They were perfectly aware of what the law demanded of residents; and had their aims been merely of a religious kind, they could have made proselytes, established societies, and visited them frequently, without any breach of law and without molestation from the civil authorities. This, however, did not suit them. Perhaps they thought that their testimony would be lacking in clearness unless they passed through the fires of persecution; and as there were no penal statutes to defy, all that was left to them was to break the civil law.

A year passed, and then, as it seemed that they were disposed to fix their residence in Maryland, they were called upon to take the engagement binding them, so long as they should remain in the province, to submit to the authority of the proprietary and his officers, and to take no part in any attempts to overthrow his government or impair his title. This they refused to do; and not content with this, persuaded some who had already taken it,

to disown and renounce it, alleging that "they were to be governed by God's law and the light within them, and not by man's law." For this they were ordered either to subscribe the engagement or depart the province. Thomas Thurston, the leader of the sect, accordingy departed, but came back the next year more zealous than ever, dissuading the people from coming to the militia drills, from giving testimony in courts of justice, and generally from acknowledging any law or ordinance but their own interior illumination. For this an order was passed (apparently under the impression that he had fled) that if any of the "vagabond and idle persons known by the name of Quakers" presumed to come again into the province, they should be whipped from constable to constable until they were out of it. On this order Thurston was arrested; but he pleaded that the ordinance did not apply to him, as he had not come into the province since its publication, but was already in it at the time. This plea was allowed; but he was banished under penalty of flogging if he remained or returned. He did, however, return; and we find him living, certainly unflogged and apparently unmolested, in Anne Arundel in 1664. No further action seems to have been taken on the order; and there is no record that any Quaker suffered for his religion in Maryland.*

The Dutch having made some settlements on the

* A Thomas Thurston, "principal military officer in Baltimore County," was removed from his office and charged with disorderly conduct in 1692. If this was a son of the missionary, here was a sad falling-away.

Delaware after their conquest of the Swedes who had settled there in 1638, Baltimore sent orders to the governor to have his northern and eastern territories surveyed, and all settlers upon them brought under his jurisdiction. The matter being laid before the Maryland Council, it was ordered that Col. Nathaniel Utie, who lived on Spesutia Island, at the head of the Chesapeake, and who had had some intercourse with the Dutch, should proceed to the Delaware and give notice to the authorities and people there that they were in the province of Maryland; which he did accordingly, to their no small discomposure.

When news of this was carried to Governor Stuyvesant at New Amsterdam, he was furious, rated soundly the officers at Altona and New Amstel for letting Utie go about unmolested, and sent an armed force down to seize him. Before they came, however, Utie had departed, after giving warning to the Dutch that they had not by any means heard the last of the business.

Stuyvesant, after writing to Fendall to complain of Utie's proceedings, sent two ambassadors, Augustine Herman and Resolved Waldron, to visit Maryland and see what could be done by negotiation. They were hospitably received by the governor and council, and after dinner the subject was broached, Stuyvesant's envoys urging the Dutch occupation of the New Netherlands, and the Marylanders responding with the English grants, which fixed the northern boundary of Maryland at the southern limit

of New England. The Dutchmen naturally asked where, then, were the New Netherlands to come in? to which the Marylanders as naturally replied that they did not know. The English tracing back their title to Sir Walter Raleigh, the Dutchmen gravely responded that theirs went back, through Spain, to Columbus himself. Beyond pleasant politenesses, nothing came of the interview: each party remained firm, and the question was referred to the authorities in England and Holland. Baltimore instructed his agent in Holland to inquire of the Dutch West India Company if they would or would not admit his claims to lands on the Delaware. The company memorialized the States General, Baltimore took the precaution to obtain a confirmation of his patent from Charles II., and thus this matter rested for a while.

It seemed to be the fate of Maryland never to be long at peace. When external foes ceased to trouble, she was vexed by internal faction. Fendall had been made governor for his unshaken fidelity to the proprietary and his firm attitude during the Bennett and Claiborne usurpation, and now he began to plot treason.

There was always a disaffected element among the burgesses, or lower house, as they were now called, who were ready to join in any attack upon the proprietary's rights; and to check these malcontents and keep them within bounds, had been the duty of the governor and council, who were the sworn conservators of Baltimore's rights. It would seem that

Fendall entered into their schemes with the idea of making himself independent of the proprietary. The plan being all arranged, the first step was taken by the burgesses, who, on March 12th, 1660, sent a message to the governor and council declaring "that this Assembly of Burgesses, judging themselves to be a lawful Assembly, without dependence on any other power in the Province now in being, is the highest court of judicature. And if any objection can be made to the contrary, we should be glad to hear it."

In other words, that they were the government, that the proprietary had no more political rights than any private citizen, and that the upper house had no share in legislation.

The governor treated this treasonable demand as if it were a delicate and interesting question in casuistry. Before venturing to give an answer, he begged to be informed, first, whether the paper was intended for the governor and council as such, or for the same parties sitting as the upper house of the assembly; secondly, whether the lower house meant that they considered themselves a complete assembly without the governor and upper house; and thirdly, whether they considered themselves independent of the proprietary. On these nice points there was a conference between the two houses.

The next day the governor declared his opinion, which was that in all assemblies the proprietary had a right to be present in person or by deputy, and that as governor he had only power to confirm laws

temporarily until the proprietary's assent or dissent were known. But that he did believe the king in his patent (which gave the initiative in laws to the proprietary) really meant that the burgesses should enact the laws and publish them in his lordship's name, which laws should be valid, whether he approved them or not. In this opinion (which irresistibly reminds one of Lord Peter's views on the momentous question of the silver lace) two of the councillors concurred, one salving his conscience, however, by saying that he did so as a private man, and not as a member of the council, while the secretary, Philip Calvert, and two others dissented and protested.

In the afternoon, the burgesses took another step. Headed by their speaker they proceeded to the upper house and notified them that they could not allow them to be an upper house at all; but that they might take seats with them, if they liked, as part of an assembly of a single chamber. The secretary then reminded them that if the whole assembly sat in one house, the governor must be the presiding officer, and the speaker's office would be vacant; upon which they withdrew to deliberate upon that delicate point.

The next day they proposed an arrangement: the two houses were to sit as one body, the governor to be the president and to have a vote in the proprietary's name; but they would reserve their speaker and assume the power of adjourning or dissolving the assembly. To these terms Fendall

agreed, the secretary and Councillor Brooke protesting and quitting the house.

Next, to complete the revolution, Fendall surrendered his commission to the lower house, and received a new commission from them, thus leaving the proprietary without a representative and without authority in his own province. The council now being reconstructed to their mind, to establish their rule, this assembly of a single house repealed all former acts, and made it felony to disturb the government as they had settled it.

Upon what support Fendall relied, since he knew these proceedings would be sternly called to account by Baltimore, we cannot tell. The leniency of the proprietary government, and the easiness of escape into Virginia, seem to have encouraged malcontents; and there were several caves of Adullam in the province where the disaffected drew together. We know that he had the countenance of the leading spirits at Providence, the same who sat in the court-martial that condemned and executed Eltonhead and the other prisoners, and whom Baltimore had engaged himself not to bring to justice in his courts for that murder. He may perhaps, not knowing the course things were taking in England, have hoped to be supported by Parliament.

But this revolution was short-lived, even for Maryland. Baltimore, so soon as he heard of it, revoked Fendall's commission, and appointed his half-brother, Secretary Philip Calvert, governor in his place, instructing him to proceed against Fendall

and his accomplices either in the courts or by martial law, as he should see fit. Fendall was on no account to be allowed to escape with life. Charles II., who had just been restored to the throne, also sent letters to the governor and council of Virginia, directing them to assist Calvert in re-establishing his government.

Their aid was not necessary. The revolution collapsed at once. Fendall at first assumed a bold air, but finding himself unsupported, surrendered himself and made his submission. The provincial court which tried him spared his life, but banished him from the Province and declared his estates forfeit. He petitioned the council for pardon, promising fidelity for the future, and his petition was granted to the extent that his sentence of banishment was revoked and his estates restored; but he was disfranchised and declared incapable of holding office. With this light sentence he escaped, to plot treason again and be brought to trial again twenty years later.

From this time forth the constitution of the assembly was fixed as it remained until the American Revolution. It was composed of two houses, the upper house being the appointees of the proprietary, and the lower house the elected representatives of the people. The electoral district was no longer the hundred, as in the earlier days of the colony, but the county; and each county sent two or more burgesses. The right of appearing in person or by proxy had ceased some time before.

When not sitting as an upper house, that body was the council or executive department, of whom the governor was president, and all matters of administration came before them. They were also the sworn guardians of the rights of the proprietary.

Almost from its beginning the colony had suffered for want of a sufficient supply of money for domestic circulation, and various substitutes for a currency had been tried to some extent. The Indian shell-money, or "peak" as it was called, circulated freely with the savages, and was used to some extent by the colonists in their dealings with one another. It consisted of small cylindrical beads cut from the shell of the mussel or the clam, and was of two colors, purple and white, the purple being worth twice as much as the other. These beads were bored and strung on cords; and payments were computed in arm's-lengths or in fathoms of these strings. Sometimes the strings were united into a flat band, and these were called "belts." "Roenoke" was an inferior kind of peak. In 1643 an arm's-length of roenoke was worth ten pounds of tobacco, and a pound of beaver was worth a hundred pounds. Tobacco, however, as the staple production of the province, soon became the universal circulating medium, with which all domestic debts were paid and in which all accounts were kept. Rents, salaries of officers, the public levy, judicial fines, were all in pounds of tobacco. In 1639 tobacco was worth three pence sterling per pound; but over-production and the inferior quality of much which was forced

on the market brought about serious depreciation, while at all times the value of the currency, or its purchasing power, fluctuated with the prospects of the crops or the news from England. Thus for want of a stable medium of exchange, all business was carried on at a disadvantage. Attempts to limit the production of tobacco were made again and again, but they did not remedy the evil. The tobacco-growing colonies tried to agree upon a limitation of the time of planting; but the difference of seasons prevented an arrangement, and the English government looked with disfavour on the plan as likely to impair their revenues. Laws were, however, passed compelling the cultivation of corn; so that the province soon became an exporter of that cereal.

Payments of considerable sums could be made by bills of sale, bills of lading, or the actual delivery of the hogsheads, but for small transactions this would not do; and the lack of a small currency caused great inconvenience and fostered a general system of credit-dealing which led to much litigation. To remedy this state of things Baltimore, at the request of the colonists, proposed to provide a colonial currency. He had dies cut for shillings, sixpences, and groats, and forwarded specimens to Governor Fendall. To Secretary Philip Calvert he wrote that if his coinage was acceptable to the colonists, he would supply all that was needed; but that it was not to be forced upon the people, nor to go into use unless the assembly was willing to accept it and would pass a law giving it currency.

Fendall's plot put a stop to further proceedings for the time, but after the reorganization of the government the assembly passed resolutions to the effect that the proprietary be petitioned to set up a mint in the province, to coin silver equal to sterling in fineness, the coins to be intrinsically worth not less than three-fourths of their nominal value. Their object seems to have been to have a token-currency which would be kept in the province.

Baltimore then sent over a quantity of the Maryland money, as it was called, and an act passed in 1662 compelled each free householder to take ten shillings of it for each taxable person belonging to his household or in his service, at twopence per pound of tobacco. If this act was enforced, a very considerable sum, estimated by some as high as £2,500, must have been put into circulation at once. If this was so, it is difficult to understand why these coins are now so excessively rare. The act of 1661 provided for their acceptance by the proprietary for rents and all other dues to him; and though it does not expressly say at their nominal value, it can hardly have had any other meaning. The result then, apparently, must have been that this coinage went almost entirely into the hands of the collectors, as there was no limitation of the quantity that might be tendered. But as the remittances to the proprietary were made in sterling bills, and these had to be purchased from the shippers or others who could draw on England, the coinage must still have stayed in the province. On the whole, it seems most likely

that the act of 1662 went but very partially into effect, and that the coinage was soon discontinued; and this view is supported by the letters of Charles Calvert in 1662–64, which, while giving minute particulars of collections, disbursements, and remittances in bills and tobacco, make not the slightest allusion to the Maryland money. In fact, it was a bad piece of financiering every way. For average tobacco, owing to over-production, was only worth about a penny per pound in 1662; so that a quantity of Maryland money worth nominally £1,000 and intrinsically £750, if exchanged for tobacco at twopence per pound under the act, would bring in but 120,000 pounds, which would buy only £500 sterling exchange at par, leaving the proprietary £250 out of pocket by the transaction; while on all sums subsequently received for rents or dues he must have lost twenty-five per cent.

These coins, of which a few specimens are preserved in museums, have on the obverse the proprietary's effigy with his name and titles, and on the reverse the Calvert arms, surrounded by the legend *Crescite et Multiplicamini.* They were struck in England, no mint being set up in the province. The officers of the London mint laid information before the Privy Council, and an order was issued for apprehending Baltimore, softened, however, almost immediately into a simple request that he would appear before the council. It would seem that his explanations were satisfactory, as the records have no further allusion to the matter. He could not

have been liable to a charge of counterfeiting the coin of the realm, for the coins bore no resemblance to the coinage of England, nor were they used in England. There was also an opinion that his palatine authority gave him the right of coining money (or at least tokens) for his own province. It has been supposed by some, on the evidence of a coin or medal of doubtful authenticity, that George Calvert had struck a copper coinage for Avalon.

In the latter part of 1661 the proprietary sent out his only son and heir, Charles Calvert, as his governor, his uncle Philip being next to him as deputy. Things were quiet in the province: there were occasional troubles with the northern Indians, and the over-production of tobacco was a general grievance; but on the whole the people prospered.

We can catch but few glimpses of the proprietary at this time: he seems to have shunned publicity all his life and devoted himself to his private affairs and the business of his province. He was curious to get birds, animals, and other productions of Maryland, which he had never visited, and we find allusions to these fancies of his scattered throughout his son's correspondence. Charles regrets that he cannot send him elk calves and other deer and birds; will send him hawks, but does not think them worth sending. Does send gifts of choice tobacco; dried peaches of his wife's own preparation; will send cheese, if he can get some of Mistress Spry's making, but not otherwise; and "little Cis" (his son Cecilius who died young) sends his grandfather two

wild cat skins. Squirrels are also sent, and black walnut planks, out of which "a noble shovel-board table" was made. The father, in turn, sends him presents of plants, seeds, and vines; books and an elaborate cabinet full of "fine contrivances;" choice wine, and a cap, feather, sword, and belt for little Cis; and, what was probably most prized of all, his mother's picture. Charles grieves at the news of his sister's death—Mrs. Blackstone, who died in 1663.

Under the wise and equitable government of Charles Calvert the province prospered and discontents were allayed. In recognition of his services the assembly passed an Act of Gratitude, in which, "acknowledging the many benefits they receive by his care and solicitude," they confirm the tobacco duty to him, after his father's decease, for his natural life.

During the last years of his life Cecilius seems to have lived altogether in retirement, and few references to him, other than official, are to be found. Charles visited him occasionally, and the exchange of gifts and messages was kept up.

On November 30th, 1675, Cecilius Calvert, the founder of Maryland, died at the age of sixty-nine. His life had been in many ways one of trial and anxiety; he had passed through dangers and difficulties when far more than his own happiness and fortune was at stake, and by his patience, prudence, and moderation he had preserved safe his own rights and the franchises of his people. He had reaped but little advantage from his province; he had had the

bitter experience of finding treachery where he had a right to look for fidelity, and ingratitude from those who owed their fortunes to him.

Under his rule the little settlement of about three hundred colonists, sheltered in Indian wigwams at the mouth of the St. Mary's River, had increased to a community of between sixteen and twenty thousand souls, living in ten counties, each of which was provided with a complete civil and military organization. Agriculture and commerce flourished, and all the necessary handicrafts were practised. The principle of religious toleration, which had been the policy of the colony from its foundation, and was never violated except when the proprietary government was in abeyance, had wrought good effects in liberalizing the people. Alsop, writing about 1660, expresses his admiration at beholding Protestants and Catholics living together in perfect amity. Even the occasional jealousies and jars between the colonists and the proprietary government bore some good fruit: they trained the people to be jealous of their rights, to watch the government with unceasing vigilance, to forestall a wrong before they felt its effects, and thus nurtured that "fierce spirit of liberty" which Burke, a hundred years later, fixed on as the characteristic quality of the American people.

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