Lord Baltimore's Charter and the Definition of the English-Colonial Relationship in the Seventeenth Century

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LORD BALTIMORE'S CHARTER AND THE DEFINITION OF THE ENGLISH-COLONIAL RELATIONSHIP IN THE SEVENTEENTH CENTURY

by

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ABSTRACT

LORD BALTIMORE’S CHARTER AND THE DEFINITION OF THE ENGLISH-COLONIAL RELATIONSHIP IN THE SEVENTEENTH CENTURY

Christopher D. Purnell
Old Dominion University, 2008
Director: Dr. Jane T. Merritt

In the years 1650 to 1658 the Maryland colony faced severe political instability as a result of the conflict between Proprietor Cecilius Calvert and the Puritan population settled in Ann Arundel County. The roots of the conflict were found in the colony’s royal charter, which conferred the Catholic proprietor with extensive powers of government. The Puritan population found this concentration of authority in the hands of a Catholic government intolerable and appealed to the English Commonwealth to void Baltimore’s colonial charter. Instead Lord Protector Oliver Cromwell allowed the charter to stand, and in doing so ratified the differences in conditions between the colony and the homeland that allowed Catholics to exercise legal authority in Maryland. The Puritan population interpreted this difference in conditions to equate with an inferior political status but accepted the decision of the English authorities and negotiated a settlement with Lord Baltimore. However, the dispute revealed deeply rooted tensions in the English ideology of colonialism that foreshadowed later disputes over the political status of colonial subjects and ultimately led to the American War of Independence.
ACKNOWLEDGEMENTS

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CHAPTER I
INTRODUCTION

Maryland under Proprietary rule in the 17th century developed an enviable reputation for religious toleration as an island of Catholic sanctuary in a resolutely hostile English state. Under the Lords Baltimore that sanctuary was extended to cover most Protestant sects that diverged from the theology of the Church of England, as part of a broader toleration remarkably ahead of its time. That is not to say that toleration in Maryland was perfect or emerged fully-formed at the beginning of colonial history, or that no religious intolerance ever darkened Maryland’s early record. Quakers were harried at their first appearance in the colony, and the 1649 law formally establishing religious tolerance applied only to Christians professing orthodox views on such matters as the nature of the Trinity. The Jew Jacob Lumbruzo was prosecuted for blasphemy in 1658 for denying the divinity of Christ and saved only by the general pardon issued for the accession of Richard Cromwell as Lord Protector. But as time passed the Quakers became a valuable part of the Maryland colony and no further trouble was seen with regards to the small community of Jews established during the colonial period.¹ The policy of toleration was not without its critics at the time, and featured as a constant source of civil conflict until a fully Protestant government was imposed in 1689.

The legal foundation for Lord Baltimore’s policies in Maryland was the royal charter granted in 1633 by King Charles I, which gave the Proprietor sweeping powers over his colony and which failed to require the adoption of England’s full suite of laws and political structures. Baltimore’s right to allow religious toleration for Catholics and other dissenters was based on that royal charter and the absolutist political structure it created. The land was outside of the bounds of the realm, held by a feudal contract between the King and his “well-beloved” subject, and as such Baltimore could claim that the laws of England did not reach to his province. The policy of religious toleration and Proprietary absolutist power were thus inextricably linked, with opposition to the one provoking opposition to the other. The most serious challenge to both charter and toleration emerged in the period 1649-1658, when Puritan refugees from Virginia entered the state and, defying a prior agreement with the government, took control over the province. They appealed to the militantly-Protestant government of the English Commonwealth to overthrow the charter and with it Lord Baltimore’s absolutist authority and the aberrant toleration of Catholicism in English territory.

The struggle between Baltimore and his Puritan opponents sustained a public debate in England about the situation, where the status of the colonists was raised explicitly. The debate drew out the specific Puritan complaint that the political subordination required by the Charter’s grant of power to the Catholic Baltimore denied them the rights and status fitting to Englishmen as established by the late Civil War. Baltimore and his partisans responded instead with practical argument for providing different government arrangements and political structures for the colonies based on the requirements of settlement and the need to reward investment in them, even when those
arrangements would be unacceptable inside the realm proper. The royal charter was upheld as the legal basis for Baltimore’s political authority despite the monarchical forms it took, and in the end the English government refrained from revoking it. In doing so the English government sanctioned not only Baltimore’s continued authority and toleration of Catholicism but also ratified the separation between homeland and colony inherent in the logic of the charter. The underlying causes of the Puritan complaints, the separation of legal conditions between the colony and England and the difference in status that it implied, remained intact and would echo dramatically in later colonial American history.

MARYLAND’S EARLY HISTORIANS

The modern historiography of Maryland began in 1879, with the publication of J. Thomas Scharf’s three volume History of Maryland. Scharf, a former Confederate veteran, had had custody of Maryland’s archival materials as part of his work in the state bureaucracy and incorporated those primary sources into his historical narrative. The History covered Maryland from the founding and settlement to then-contemporary times, and included extensive direct quotes from Scharf’s sources as well as text references to the work of other authors. In his careful citation and exhaustive treatment of the history Scharf established a standard for future Maryland historians, and clearly distinguished himself from earlier antiquarians. He envisioned Proprietary Maryland as a uniquely progressive state due to Lord Baltimore’s policy of religious toleration and claimed credit for it on behalf of the Catholic Church. He framed the constant religious and political disputes between Baltimore and his Protestant subjects as a contest between
enlightenment and bigotry. His focus on the conflict of religions would prove to be extremely influential on future Maryland historians.²

At the same time that Scharf’s publication was winning the approval of the Maryland legislature, which purchased 330 copies for various institutional libraries, another strong impetus to the development of Maryland history was maturing. Johns Hopkins University had recently begun publishing scholarly works under its Johns Hopkins University Studies in History and Political Science Series with local history well represented among its work.³ Daniel R. Randall’s 1886 monograph *A Puritan Colony in Maryland* was one of the first monographs put out under the Johns Hopkins imprint, and presented a very different perspective. Randall located the origins of early Maryland’s Puritan population in neighboring Virginia, and followed their travails as they settled in Maryland and clashed with the proprietary government. Unlike Scharf, Randall downplayed the role of religion in sparking the conflict and instead focused on the absolutist political control exercised by the Proprietary authorities under Baltimore’s royal charter. In doing so Randall envisioned the Puritan forces as prototypes of the American revolutionaries of 1776 and cast Baltimore as an oppressive tyrant against whom rebellion had been fully justified.⁴

Between Scharf’s first volume of history covering Maryland’s settlement and early colonial period, and Randall’s work on the Puritans, an enduring split in Maryland historiography emerged. Both authors were convinced that Maryland had contributed

⁴ Randall, *A Puritan Colony in Maryland*. 
greatly to the ideals and historical patrimony that formed the national identity of the United States. Even at the dawn of professional American History studies, a predominant focus on New England and the Puritan experience in the Northern colonies was evident. Both authors evidenced some defensiveness in how they compared Maryland to New England, and invariably found that either Maryland had surpassed the Northern colonies or had been a similar exemplar of proto-American virtues. Scharf, the practicing Catholic, held up the policy of religious toleration on the part of the Lords Baltimore as Maryland’s contribution to America. Randall instead saw the resistance of the Puritan settlers to the putatively autocratic and feudal structure of colonial Maryland’s government as the primary way in which Maryland history had foreshadowed the American Revolution and independence. Both visions presented a lofty position for Maryland’s historical importance to the development of the United States but were incompatible and invited occasionally facile analysis.

The questions raised by Randall’s interpretation of Maryland’s early colonial history as a struggle between reactionary feudal forces and progressive proto-republican forces featured prominently in later Maryland histories. The exact nature of Lord Baltimore’s government and the intentions of the founders of Maryland have been of recurring interest to social and economic historians even to present times. Different authors have explained Maryland’s colonization as a deliberate attempt to reconstruct a lost pre-Tudor feudal social structure, or as a cutting-edge capitalist venture. The broad

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5 Meyers and Perreault, eds., Colonial Chesapeake, xii-xiii.
6 Randall, A Puritan Colony in Maryland, 44-47.
7 Examples of diverse interpretation include Francis Edgar Sparks, Causes of the Maryland Revolution of 1689, Johns Hopkins Studies series XIV nos. 11-12, (Baltimore: Johns Hopkins University, 1896); John Krugler, English and Catholic: The Lords Baltimore in the Seventeenth Century, (Baltimore: Johns Hopkins University Press, 2004); Russell Menard and Lois Green Carr, “The Lords Baltimore and the Colonization of Maryland,” in David Quinn ed., Early Maryland in a Wider World, (Detroit: Wayne State
powers granted to Lord Baltimore in Maryland’s charter clearly made it a palatinate, a species of quasi-royal feudal demesne, and led to frequent struggle between the government and its settler population throughout the seventeenth century. The significance of Proprietary Maryland’s political structures and their relationship to the rebelliousness of the colony in the early period of settlement has been a major concern of Maryland history ever since. It is clear that the powers of the Proprietary represented a very different political order than the colonists perceived in England, and that had significant consequences for relations between the colonists and the colonial authorities.

Scharf’s conception of Maryland as an early refuge of religious toleration has likewise become an issue of contention among historians of Maryland. Scharf assigned moral credit for the policy of religious toleration to the enlightened attitudes of Lord Baltimore and the English Catholic settlers in Maryland and contrasted the policy with the English state’s anti-Catholic discrimination. Randall in turn argued that Lord Baltimore had no choice but to separate church and state given the prevailing opinion about Catholics in England and even made the dubious claim that Baltimore’s Puritan opponents were more religiously tolerant by comparing their leader William Durand to Roger Williams. The late nineteenth century historians of Maryland could agree that it represented a unique case of religious tolerance but wrangled furiously over assigning credit for the enlightened policy. The preoccupation with proving the virtue of the

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9 Scharf, A History of Maryland, 1:29, 155-159.

10 Randall, A Puritan Colony in Maryland, 31-32.
Catholic or the Protestant side represented a significant weakness in the early historiography and left social and commercial developments under-represented.

In spite of their unseemly partisanship and tendency to reduce complex issues to simple matters of credit or opprobrium, Scharf and Randall fixed upon the central themes that would dominate Maryland historiography. Maryland was a province with a Catholic proprietor who effectively separated church and state and imposed religious toleration at a time when religious persecution was a virtual rule in the rest of the English domains and in Christendom at large. It also had a charter with uniquely feudal structures and assumptions embedded in it, allowing the Baltimores the degree of autonomy and power required to enforce their religious policies as well as to manage the colony. In other things, such as social structure or economics, colonial Maryland was not too different from its neighboring Virginia but the feudal pretensions of the Lords Baltimore, their Catholic faith, and the religious policy they consequently pursued, were taken together most singular. And in the heady period of American growth and reunification following the Civil War, when a growing sense of nationalism colored the work of almost all historians and New England threatened to monopolize the story of American history, such vehement efforts on the part of Maryland historians to distinguish their native state should not be a surprise.11

A somewhat later group of Maryland historians built productively upon the work of Scharf in particular with the compilation of the Archives of Maryland, an exhaustive collection of the records of the government of Maryland that includes many primary sources from the early colonial period. Even today, the Archives are the starting point for

11 Tate, “The Chesapeake and Its Modern Historians,” in Tate and Ammerman, eds., The Chesapeake in the Seventeenth Century, 11-12.
any research on colonial Maryland’s government, and the entire evolution of the politics of the early colony can be traced within the documents it encompasses. The original editor was William Hand Browne, the author of a biography of George and Cecil Calvert, 1st and 2nd Lords Baltimore, and *Maryland: The History of a Palatinate*. The Maryland state legislature in 1882 had assigned the task of collecting and publishing the records and documents of Maryland’s colonial government to the Maryland Historical Society. Browne published the first volume in 1883, with the final volume of the original series published nearly nine decades later in 1972. Browne himself died in 1912, and was succeeded as editor by two other important Maryland historians, Clayton Colman Hall and Bernard C. Steiner.

Browne, Hall, and Steiner were associated with the Maryland Historical Society and Johns Hopkins University, and represented a more professional stance on Maryland history than that of Scharf but generally shared his sympathy for the Baltimores. Hall in his work *The Lords Baltimore and the Maryland Palatinate* echoed Browne in *History of a Palatinate* in finding responsibility for the political upheavals of Maryland before the Glorious Revolution in the jealousies and enmity of a handful of Protestant leaders, particularly William Claibourne and John Coode, whose actions they argued were motivated by self-interest. Hall was also notable for collecting and editing several primary sources in *Narratives of Early Maryland 1633-1684*, which included political pamphlets, Jesuit accounts, colonization tracts, and other materials unsuitable for

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13 Maryland State Archives, *Archives of Maryland Online* [website online]; available from http://www.aomol.net; Internet; accessed 10/30/2007.
inclusion in the *Archives* but still valuable to the historian. Steiner was the most prolific of the three, writing several works for the Johns Hopkins Studies series and treading outside of Maryland history to write, among other things, histories of slavery and education in Connecticut. Steiner was the most objective of the three but retained the distinctive emphasis on Maryland's exceptionalism that marked the rest of the group of early Maryland historians.

While Browne, Hall, and Steiner represented the strong pro-Baltimore current in Maryland historiography, the anti-Proprietary countercurrent that found expression in Randall's *A Puritan Colony in Maryland* did not dissipate. Francis Edgar Sparks in his *Causes of the Maryland Revolution of 1689*, another Johns Hopkins series work, articulated a similar viewpoint to that presented by Randall much earlier. The persistence of the Protestant critique of the Baltimore government allowed Sparks to make the same argument as Randall, that political instability in Maryland was a result of the reactionary and obsolete feudal structure of Calvert rule and presaged the assertion of the rights of the American colonists nearly a century later. Sparks would influence later narratives of the Glorious Revolution in America, but the overall tenor of Maryland historiography in the early twentieth century was set by Browne, Hall, and Steiner. Later works such as James Walter Thomas's *Chronicles of Colonial Maryland* and Matthew Page Andrews's *The Founding of Maryland* were relatively conventional general histories, with real

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innovation waiting until the emergence of truly professional, modern histories of the Chesapeake region in the 1960s."^{18}

**THE CHESAPEAKE HISTORIANS**

The late 1960s saw the emergence of a new, consciously social historiography in America that presented alternatives to the traditional, political-centered themes of colonial development. The integration of the history of slavery was clearly a spur to the re-evaluation of American history in general and that of the Chesapeake region particularly. Notably, black historians such as W.E.B. DuBois had particularly focused on the social and cultural experiences of African-Americans under slavery since the turn of the century, and the late 1950s saw such topics move to the forefront of colonial studies. American historians of the 1960s adopted many of the techniques of the historians of slavery and applied them to the established regional histories, and in doing so shifted the focus of historical research to details of social organization and everyday life and away from political maneuvering and warfare. A revival of interest in Virginia and Maryland history during the time led to the emergence of a new Chesapeake history that took a revisionist view of the earliest American colonies and undermined the heavy focus on New England previously established in American studies. The distinctive nature of the Chesapeake experience was widely acknowledged by the 1980s, and historians had managed to recreate that experience far more fully than ever before."^{19}

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The most important early work of Chesapeake social history was Edmund Morgan's *American Freedom, American Slavery*, which consolidated the new trends and opinions about the distinct Chesapeake history into a brand new historical narrative. Morgan distilled the results of careful study of the demographics of the Chesapeake, political instability, and the development of slavery into a less than flattering view of the Chesapeake region in the seventeenth century. Morgan was inspired by the disconnection between American rhetoric of freedom and the reality of slavery and traced the origins of this seeming contradiction in the Chesapeake experience. He examined the social and economic conditions of the early Chesapeake and discovered his answers in the planter class that emerged. The labor demands of tobacco cultivation and the appalling high mortality rates of English settlers in Virginia made slavery a dominant feature of the economy and consolidated power in the hands of elites modeling themselves on the English gentry. The constant threat of violence and social upheaval associated with slavery and the white lower classes led the colonial elites to develop an ideology granting putative equality to white men in exchange for assistance in controlling restive slave populations.\(^{20}\) The conditions that Morgan described as leading to the American dichotomy of freedom and slavery shaped narratives of the early Chesapeake, promoting a view of the period as mortality-wracked, violent, politically unstable and excessively masculine.\(^{21}\)

Morgan set a substantial part of the agenda of later historians by looking beyond the political status to the social and economic milieu within which the early Chesapeake


settlers lived. *The Chesapeake in the Seventeenth Century* edited by Thad Tate and David Ammerman followed on the heels of Morgan and displayed a similar interest in the details of life in the Chesapeake and their impact on social organization. Tate and Ammerman explored the factors of stability and instability in the region, reinforcing Morgan's overall narrative while establishing a more nuanced picture of Chesapeake colonial life. Essays on disease mortality in the Chesapeake settlements, the social background of indentured servants, patterns of planter settlement, the social consequences of the major gender imbalance of the early settlements, and the formation of the local creole elite all found their way into the volume and demonstrated the breadth of view of the social historians. The practice of history after the late 1960s was thus very different from what had come before and would be reflected in the choices of subjects and approaches that has dominated Maryland history ever since.22

*Colonial Chesapeake Society*, another major milestone in defining the new Chesapeake history, was published in 1988 through the efforts of editors Lois Carr, Philip Morgan, and Jean Russo. The book's essays took trends in social history to their logical conclusion by focusing heavily on individual locales within the Chesapeake and on specific social groups that had previously been neglected by historians' focus on political elites. The relationships between settling whites, native Indians, and enslaved blacks received significant attention in the choice of essays, as did such "subaltern" groups as free blacks and town craftsmen. The attention to detail and search for primary sources that had marked much of the earlier social history was also well-represented in Jean Lee's examinations of bequeathing practices in colonial wills and in Russell Menard's use of English port records in his essay on estimating immigration to the Chesapeake.

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22 Tate and Ammerman eds., *The Chesapeake in the Seventeenth Century*. 
Horn contributed an essay foreshadowing his later work in Atlantic History that compared local society in the Berkeley Vale of Gloucestershire with the lower Western Shore settlement of Maryland. On the whole essays focused heavily on localized exploration of individual phenomena through painstaking research or the application of scientific techniques.23

The social construction of race, class, and gender had been a significant interest of social historians since Morgan and gradually came to dominate later social histories of the Chesapeake. The 2006 collection Colonial Chesapeake: New Perspectives, edited by Debra Meyers and Melanie Perreault, was no exception to the trend and in particular focused in on the racially charged relationship between the natives and English, the adaptations to gender roles demanded by colonial settlement, and the economic roots of the Chesapeake’s distinctive culture. Meyers’s own 2003 work, Common Whores, Vertuous Women, and Loveing Wives, reflected the development of gendered histories of the Chesapeake region and contrasted the social roles and freedoms of women in different Maryland religious communities.24 Trevor Burnard’s Creole Gentlemen looked again at the social construction of class and the stabilization of Maryland society following the Glorious Revolution, but in an important shift he focused his work on the role of the American-born planter elite.25 Edward Terrar, in his exhaustive 1996 survey Social, Economic, and Religious Beliefs Among Maryland Catholic People During the

23 Meyers and Perrault, eds., Colonial Chesapeake, xviii; Carr, Morgan, and Russo, eds., Colonial Chesapeake Society.
Period of the English War 1639-1660, perhaps best captured the spirit that drove the original social historians.\textsuperscript{26}

Social historians have however been returning to the traditional interest in religion and political upheaval that marked the earlier period of Maryland history, with Meyers and Burnard both offering examples. By the 1990s a new trend in Chesapeake history had clearly emerged that favored integrating multiple issues of colonial society into broader narratives and began to once again treat with the old issues of politics and war, the fruits of which would be seen with the emergence of Atlantic histories. Religion in particular is obviously an important part of social organization and identity and was never quite neglected even when more interest was focused on the details of the different religious communities and less in their conflicts. Most recently, John Krugler in his 2004 monograph English and Catholic: The Lords Baltimore in the Seventeenth Century applied social history techniques to the issue of settler and English reactions to the Baltimore policy of religious toleration. Krugler’s work also traced the political conflict between the Baltimores and their Maryland and English opponents, with a strong focus on the religious nature of the conflict. Burnard had considered the conflict as a pivotal background to the development of the Maryland creole elite and in his brief examination of it echoed Lois Green Car and David Jordan in Maryland’s Revolution in Government, explaining the political upheaval as the emergence of new native Protestant elites that lacked ties to the Calvert family and so which were excluded from top positions of authority.\textsuperscript{27}

\textsuperscript{26} Edward Terrar, Social, Economic and Religious Beliefs among Maryland Catholic People during the Period of the English War 1639-1660, (Bethesda, MD: Catholic Scholars Press, 1997).
ATLANTIC HISTORY AND MARYLAND

In any event, the field of colonial history has moved away from the more focused examinations of social history towards a more integrated view of human interaction across the entire Atlantic basin. When discussing the trends of Chesapeake history in Colonial Chesapeake: New Perspectives, Meyers and Perreault mentioned the "new" project of situating the region in an "Atlantic context." Atlantic history represents the latest development in American historiography to impact Maryland historical narratives, and grew out of nascent trends in the social history of the 1980s. Defining "Atlantic History" as a discreet school of analysis is difficult because it is still in its formative years and thus the subject of much foundational research, debate, and scholarship. As the name suggests, Atlantic History focuses on the maritime interconnectedness of peoples along the Atlantic, linking the Americas to Europe and Africa and presenting a broader perspective of the topics first explored by the social historians of previous decades.

Bernard Bailyn, one of the leaders of the social history revolution of the 1960s, wrote of an "Atlantic system that involved the interaction of the peoples of the four continents that frame the Atlantic basin, and we will understand it best within that large inter-hemispheric, transnational perspective." The ambition is even more grandiosely expressed by John H. Elliot, in conceiving the entire Atlantic world of colonial empires as a homogenous unit, subject to and reacting to the same pressures between homeland and settlement.

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28 Meyers and Perrault, eds., Colonial Chesapeake, xviii.
30 Bernard Bailyn, preface to Armitage and Braddick, eds., The British Atlantic World, xix.
The problem facing Atlantic historians is not the lack of a definition, but rather a lack of an agreement on what a definition of “Atlantic history” would look like. David Armitage’s conception of Atlantic history fitting into three self-reinforcing modes may help clarify matters in the field. He posits first a “circum-Atlantic” history involving the ocean as a zone of exchange and interaction between diverse cultures, integrated by European naval technology. Unlike a strictly maritime history, it retains interest in the lands that bound the Atlantic and the societies that they support, with obvious parallels to Fernand Braudel and La Méditerranée obliquely acknowledged by Armitage. “Trans-Atlantic” histories represent another level of examination, comparing linked but distinct populations and societies with the results being either international or intra-imperial in nature. The comparisons are rendered meaningful rather than simply arbitrary because of the links between the regions or places through the maritime nexus of the Atlantic. “Cis-Atlantic” history is the most narrowly focused level of analysis postulated by Armitage, dealing with a particular locale within the Atlantic world and placing it in a relationship to that broader zone of interaction. The three types of history provide data and analysis to stimulate the others, and together provide something of a “three-dimensional” picture of the Atlantic world.32

In practice, Atlantic History has often been concerned with matters that social historians examined earlier, but places those issues in the broader context of an Atlantic nexus that the historians have constructed. Early Maryland in a Wider World, one of the first Atlantic histories specifically concerned with Maryland, was published in 1982. The essays collected by editor David Quinn were mostly general and included such material

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as two perspectives on Spanish exploration of the Chesapeake, but broached many questions of interest to social historians of the region. Lois Carr and Russell Menard, both distinguished in the field of Chesapeake history, contributed a nuanced evaluation of the colonization plans of Lord Baltimore. John Bossy looked at the state of the Catholic community in England during the Jacobean era and their involvement in Elizabethan colonial schemes, while David Quinn provided an overview of the motivations and English identity of settlers, and G.R. Elton addressed the mentality of seventeenth century Englishman. An early focus on the identity of colonial subjects was thus established in Atlantic history treatments of Maryland and the subject of identity was explained by David Armitage and Michael Braddick as being an important part of the links binding together the Atlantic World.

Other Atlantic and quasi-Atlantic histories, as outgrowths of examinations of particular subsets and groups within the Chesapeake history framework, have furthered the trend towards examining the nature and sources of regional identity. Michal Rozbicki, a Polish historian, blended a focus on the commercial and economic aspects of the Chesapeake region that developed out of the history of the slave trade into a thorough examination of class structure and cultural identity in the 1988 monograph Transformation of the English Cultural Ethos in Colonial America. Michael Zuckerman in an essay for Colonial Identity in the Atlantic World echoed similar themes of cultural inheritance while tracing the development of American identities from the disconnection in experiences of the settlers with those of the English homeland.

33 Quinn ed., Early Maryland in a Wider World.
34 Armitage and Braddick, eds., The British Atlantic World, 6.
35 Michal Rozbicki, Transformation of the English Cultural Ethos.
population. Trevor Burnard looked to the cultural influence of the standards of the homeland in the formation of the self-image of Maryland's creole planter elite, while Debra Meyers could examine the perpetuation of particular ideas about the role of women brought over to Maryland by religious groups originating in England. The collection of essays by David Armitage and Michael Braddick, *The British Atlantic World* likewise addresses such issues of social history. April Hatfield contributed to the understanding of intra-colonial ties of trade and movement and their influence on the development of the early Chesapeake in her monograph *Atlantic Virginia*.

The emphasis on placing identity into a broader context has also led historians to reengage with political structures and relationships. The Atlanticist focus on interactions between peoples naturally required some attention to issues of law, authority, politics, and formal structures despite the risk of being seen as a new Imperial History. James Horn's survey of the English roots of Chesapeake society, *Adapting to a New World*, examined such traditional topics as political upheaval and colonial warfare and integrated them to posit the development of a unique colonial identity from English cultural roots.

John Elliot's recent *Empires of the Atlantic World*, which compared the origins and evolution of the British and Spanish empires in America, presented yet another example of how the Atlantic historian could integrate traditional topics of politics, government

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38 Armitage and Braddick, eds., *The British Atlantic World*.
structures and warfare into a study of the development of social relationships. Both studies provided broader examinations of social dynamics but with a cognizance of the role of political relationships and imperial structures in creating conditions and terms.

This evaluation of the contest between Lord Baltimore and the Maryland Puritans for control of the colony is a much more focused project than the examples above, but presents a unique opportunity to contribute to Atlantic history. The nature of Maryland’s relationship to the mother country was at the heart of the legal and political struggle between Baltimore and his opponents. The dispute is useful primarily as a case study at the dawn of the British Empire, a cis-Atlantic history in Armitage’s classifications. That the dispute involved issues between Virginia and Maryland and was ultimately settled in England highlights the interconnected nature of English colonial activity in the period. The issues at stake were not merely vital, but definitional in establishing the basis of how England and her colonies overseas would relate to one another. The implicit decision of English authorities to sustain Baltimore’s charter reaffirmed the distant, socially ambiguous relationship of overlord to vassal inherent in the charter rather than proclaim the colony an integral part of the English nation by imposing English law and government practice.

Scharf and Randall’s contention may that events in Maryland during the period had some connection to 1776 seems to have some merit, in so far as the perception of an inferior colonial status led to the estrangement between Britain and the American colonies. The dispute between Lord Baltimore and the Puritans brought the question of the relationship between England and her colonies to the fore when a revolutionary

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government held sway. Oliver Cromwell and Parliament had mandated the death of the King for treason; stripping away a royal charter and proclaiming that colonial subjects would not be held to arrangements Englishmen would find intolerable within the homeland would have been a far less drastic step to take. And yet, the older feudal arrangements embodied by Baltimore’s charter were sustained at a moment they were most vulnerable to being swept away. That fact alone says something profound about the way that the relationship between England and the colonies had been conceptualized from an early date. In the end the parameters of the relationship revealed in Baltimore’s charter would remain intact until the colonials took matters into their own hands and rejected English arbitration of their future in the War for Independence.
CHAPTER II

ORIGINS OF MARYLAND GOVERNMENT AND SETTLEMENT

King Charles I formally granted a royal charter for colonization in the Chesapeake region to his vassal Baron Cecilius Calvert of Baltimore on 20 June 1632.1 Baltimore received such symbols of sovereignty as the right to print his own money, establish his own aristocracy, and grant land holds in his own name rather than in the name of the King as English law required. For this extensive grant of land and power Cecilius was obliged to provide his sovereign with “two Indian arrows” and the usual royal fifth of all gold or silver produced in the province.2 While King James had agreed to grant considerable autonomy to colonial settlements in Virginia and New England, their charters were viewed as contracts for a commercial endeavor than as models for new commonwealths outside England.3 Baltimore’s Maryland by contrast formed a separate province connected to the English state only through the few legal obligations of the charter and the personal relationship between Proprietor and Crown. That Baltimore was a Catholic recusant made the situation truly unique and rendered the charter a subject of controversy in the heightened atmosphere of religious conflict during and after the English Civil War. Later Puritan immigrants to Maryland would seize upon Baltimore’s Catholicism as a justification for rebellion against his charter authority, and would appeal to the Protestant authorities of the English Commonwealth for the end of Maryland’s distinct political status.

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1 All dates are expressed in the Old Style Julian calendar then in use in England unless otherwise noted.
2 Browne, Maryland: The History of a Palatinate, 17-19.
A general interest on the part of the English establishment in colonizing the New World can be traced back to the 16th century, with gentleman-adventurers like Sir Walter Raleigh well represented in the vanguard of English efforts. Enthusiastic propaganda for settlement put forth by Richard Hakluyt the Elder and his cousin Richard Hakluyt the Younger established a theoretical premise for English colonial expansion centered on opposition to the Spanish Empire and the potential benefits of goods produced in North America to English commerce. The failure of English colonial efforts during the period was foreshadowed in the hostility of the adventurers and their propagandists towards Spain. The war between England and Spain that dominated the reign of Queen Elizabeth and went on into the reign of King James left few resources available for colonizing adventures. The idea that colonial expansion could provide the resources to expand English power and counter the advantages given to Spain by its own vast North American empire was nonetheless well-established in elite English political circles.4

The English relied to some extent on Spanish models of colonization for their own theoretical philosophy of colonialism. The catastrophes of the Jamestown colony established in 1607 are proverbial, and in some sense emblematic of the earliest adventures of English gentlemen-colonists. The early Virginian colonists, expecting to discover a densely settled and easily conquered native population, were thus unprepared to truly settle down and suffered appalling mortality rates over the winters that followed. The Hakluyts in their tracts however had articulated an early version of mercantilist theory where colonies provided raw and exotic materials and absorbed the manufactures

of the home country, which the later cultivation of tobacco in the Virginia colony vindicated. Another model of settlement, rooted in the exploitation of commercial crops and goods as part of an integrated system of trade, was thus available to the English. The joint-stock company model of the original Virginia settlement provided another example of how to structure the colony as an investment rather than as an expedition of conquest in the example of Cortez and Pizarro.5

The war with Spain brought another problem to the fore, the presence of a highly entrenched-population of English Catholics willing to defy the Elizabethan religious settlement. Elements of the Catholic community had been linked to pro-Spanish plots against Queen Elizabeth, which had done nothing to reassure the central government of the loyalty of recusants. No less a figure than Sir Francis Walsingham speculated on the value of transplanting Catholics from England to the New World as a means of diluting the threat of their perceived divided loyalties posed to the Crown. Various Catholic courtiers and figures seized upon the idea of transportation to the New World as a means to contribute to the rise of English power and thereby prove their loyalty to the Crown while investing in a potentially profitable endeavor.6 Thomas Arundell, the father-in-law of Cecilius Calvert, was involved in earlier colonial speculations and would later provide his son-in-law with significant financial support for Maryland. But, as with other English colonizing projects of the Elizabethan period nothing came of the idea, and no great enthusiasm for such measures could be detected among the Catholic population at large as it settled down under intermittent but not intolerable persecution under King James I.7

5 Rozbicki, Transformation of the English Cultural Ethos; Horn, Adapting to A New World, 4, 121-31.
7 Krugler, English & Catholic, 129-151.
Thus several factors inspired the project of Maryland as a center of Catholic religious settlement, as a commercial venture, and as a patriotic effort to expand the power of England. Cecilius’s father George Calvert provided the drive to establish his family’s domains on the other side of the Atlantic, and most importantly had the political connections to insure significant support from the English establishment. George had risen quickly in government service as a protégé of Robert Cecil, Walsingham’s replacement as “spymaster” or _eminence grise_, during the end of Elizabeth’s and the beginning of James’s reign. Serving in various positions with the Privy Council brought him into contact with the King, and he was assigned missions on the Continent as a political agent of the monarchy. Eventually King James appointed Calvert Secretary of State in the Council, where served as a prominent diplomatic advisor to the monarch during James’s pursuit of a rapprochement with the Spanish and negotiations for a Habsburg bride for the heir-apparent Prince Charles. The collapse of the pro-Habsburg policy in 1625 following a disastrous intervention in Spain by Charles and the Duke of Buckingham led to Calvert’s disgrace before Parliament and exit from office.\(^8\)

The King had knighted Calvert and in 1623 had awarded him an Irish estate with the title of Baron of Baltimore as a reward for his previous performance and stalwart loyalty. James retained confidence in Calvert despite the failure of his Spanish policy, thus ensuring that he remained a member of the Privy Council despite the displeasure of Parliament. Calvert had also become the friend of Thomas Wentworth, later King Charles’s prime minister as the Earl of Strafford, and retained numerous other influential contacts in the English government. His announcement of conversion to Catholicism following his retirement as a Secretary of the Council did not seem to injure those

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relationships. The continued confidence of the King and his extensive contacts at Court notwithstanding, his status as a recusant eliminated him from playing an active role in government. In his retirement, he found a new purpose in pursuing colonial adventures, with which he had already been acquainted with in a somewhat limited fashion. Calvert had owned shares of the Virginia Company that colonized Jamestown and prior to his conversion had obtained a grant to establish a colony on Newfoundland from King James in 1623. Calvert’s still strong ties to the Court and lack of other outlets for his services placed him in an excellent position to devote his energies to investment in colonization projects.9

His initial foray was with the Newfoundland patent at a colony he called Avalon on a peninsula that still bears the name. Calvert had left business on Newfoundland in the hands of appointed agents who had significantly misrepresented conditions in the colony. When he decided to throw himself into managing the colony in 1625 he established a residence during the long and mild summer at a comfortable manor, but a single desperate winter in the colony was enough to convince him to look elsewhere for colonial opportunities. Avalon would remain in the hands of appointed agents until the grant of other charters to Newfoundland entangled George’s son Cecilius in interminable lawsuits.10 On the whole, the experience was far from encouraging and prompted George to petition the new King Charles for another grant in the more hospitable climate of the Chesapeake Bay. Agents for the Virginians in London vigorously opposed the grant of any lands to the Catholic baron, but the King was easily convinced of Calvert’s case and

granted the charter shortly before George’s death. The formal seal was not made until after he had passed on and left the business of colonizing Maryland to his heir Cecilius.

In spite of the dismal conditions in Newfoundland the experience of the Avalon colony was not entirely wasted and may have informed particulars of the Maryland project. The Avalon settlement had a solid financial rationale; Newfoundland was a major fisheries area, and salting of fish could be done on the peninsula to prepare it for the European market. The Avalon settlement’s economic base was rather practical compared to the original Virginia colony’s settlement, which rested on the hopes of rapidly discovering sources of gold and silver. And during his time at Avalon, Calvert established a balance between Catholic and Anglican religious services, providing a crucial precedent for the most striking aspect of the Maryland colony. The earlier colonization project demonstrated both some measure of commercial sense and a commitment to religious toleration that would mark the Maryland project. The charter of Avalon was also largely carried over to the new colony and established much of the ground of contention between Cecilius Calvert and the more zealous of his Protestant subjects.

The precise balance of personal ambition, financial consideration, and religious idealism that drove George and Cecilius Calvert in the founding of Maryland has been a subject of much debate. Cecilius certainly expected to make a profit by continuing his father’s colonial plans, though the colony overall was a major drain on his finances. He was forced by financial desperation to vigorously assert control over the fur trade within the colony, a policy that earned Calvert the enmity of influential Virginian William

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11 Scharf, History of Maryland, 1:47-60.
12 Krugler, English & Catholic, 77-102.
At the same time Cecilius intended to establish a new aristocracy in the New World through the development of a manorial system that aped the increasingly obsolete functions and privileges of the feudal countryside of England. On more idealistic grounds he established policies of religious toleration and planted an English Catholic presence in the New World, but efforts to convert the Indians suffered from the mistrust of the Protestant population.

Many historians have argued Calvert was primarily motivated by a visionary idea of religious toleration to construct a more appealing historical figure and improve the status of Maryland in the popular imagination. Historians who have taken a dim view of Calvert and his absolutism instead stress his ambitions to recreate a feudal society or to exploit the country through settlement. The balance of evidence suggests that all three considerations were present, and the mixed motives clearly did not inhibit the governance of the colony. However it seems clear that some elements of mercantilist ideology were already present at the time of founding, which in turn heavily influenced how Baltimore saw the relationship between Maryland and England. Calvert’s stress on the fur trade and the unplanned but rapid adoption of an economy based on tobacco suggests that, although details changed, the commodity-based economic model identified by Rozbicki was inherent in the design for the colony.

Whatever the design of the Calverts for Maryland was, all of their authority to pursue it rested in the royal charter granted by King Charles. That charter clearly

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14 Horn, Adapting to a New World, 368-370; Sparks, Causes of the Maryland Revolution, 108; Randall, A Puritan Colony in Maryland, 44-45; Browne, Maryland: The History of a Palatinate, 15-26.
15 Krugler, English & Catholic, 120, 138-139.
established the Proprietors of Maryland as figures with nearly royal power and laid the groundwork for the economic and political organization of the province. It was within the charter that the relationship between England and Maryland was laid out, and the underlying assumptions and principles of the project were rendered most visible. Opponents of absolutism and Catholicism had many reasons to attack the charter, but Lord Baltimore could ultimately appeal to it without fear to justify his actions as ruler of Maryland. The charter clearly established Maryland as a separate sphere from England where different rules could apply, creating the basic conditions for Baltimore’s religious toleration and for the later dispute over whether or not such a status was fitting within the English Commonwealth.

MARYLAND'S ROYAL CHARTER

Maryland was created by the grant of land and authority by King Charles I to his vassal Cecilius Calvert in the royal charter of 1632. It was a binding legal document so long as the Calvert family produced male heirs to inherit Maryland; even after Charles Calvert was removed from political authority in the wake of the violently anti-Catholic Glorious Revolution, the voiding of the charter itself was never pursued. The Proprietor’s rights of government were suspended until a Calvert heir converted to Anglicanism, but commercial and fiscal rights under the charter were kept in force during the period. Only the extinction of the Calvert line, after the American Revolution rendered it moot in practice, legally voided the charter.18 And as a palatine province the

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rights and privileges of the Calverts within their domain were formidable in scope and breadth, in almost every respect fully royal.¹⁹

The preamble of the Charter established the grounds for the grant, expressing the King’s faith in his “right trusty and well-beloved subject Cecilius Calvert” and putting forward what might be called a mission statement. Calvert, “being excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominion…” was granted the right to transport a colony to the New World. The lands that Calvert was to settle were described as being uncultivated and inhabited only by a “certain barbarous people, having no knowledge of Almighty God,” among whom Baltimore was presumably anxious to spread Christianity. To judge from the rest of the charter the enlargement of the King’s dominion took precedence over any efforts at proselytizing Indians, for which no provision at all was made. And that Calvert was a Catholic, outside the state church his monarch headed, also went unmentioned and the religious divisions within Christianity were simply ignored. The real focus of the Maryland enterprise was settlement, and for whatever reason King Charles was sure enough of Baltimore to assign him sweeping powers to carry out that aim. The feudal ties between vassal and lord were evidently considered sufficient guarantee of Calvert’s loyalty in spite of any religious differences.²⁰

The charter’s reference to lands “not yet cultivated or planted” caused a dispute between Calvert and William Claiborne when the Proprietor asserted jurisdiction over the

Kent Island trading post that the Virginian settler had established in 1631. The ambiguity of the phrase was unfortunate for Baltimore, as Claiborne would later be among the most potent foes of Maryland in the 1640s and 1650s. However, the actual body of the charter defined the land grant in far more detailed terms, matching boundaries with geographic features of the Chesapeake region. While still leaving considerable room for dispute due to the poorly charted terrain being discussed, the passage makes clear that Lord Calvert was to have dominion within the established boundaries. The charter explicitly granted to Cecilius all the “islands and islets within the limits aforesaid,” and ten leagues from shore in the ocean, along with all the varied terrain on the land itself. The claims of the old Virginia Company were essentially disregarded by the new charter and the Kent Island trading post fell within the boundaries assigned therein. That put Baltimore in the right in his seizure of Kent Island, but insured that Claiborne and other partisans of the Virginia Company would become implacable enemies of his charter.

Having established the boundaries of Calvert’s grant, the charter then established the limits of his authority. In addition to control over the lands, islands, rivers, waters, and forests of the area, the charter established Calvert’s possession of all mineral rights, save for the one-fifth portion of any gold and silver owed as part of the terms of vassalage. Calvert was given the right to establish and patronize churches and the other infrastructure of religious worship in the province, with the crucial provision that they be “dedicated and consecrated according to the ecclesiastical laws of our kingdom of

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22 Hall, The Lords Baltimore, 44-45; Horn, Adapting to a New World, 370-372.
England. As a Catholic Lord Baltimore would have had no interest in funding the establishment of an Anglican religious infrastructure in his colony, but by the terms of the charter that was the only church that his government was allowed to impose on his colony. In short, whatever Calvert’s intentions the only state church that he was authorized to establish would be an Anglican one. However the power was clearly discretionary so he was free to not establish a state church in Maryland, and evidently felt secure that private support of Catholic priests and chapels would not violate his charter.

If the King limited Baltimore’s religious options in running the colony, he granted him considerable leeway in other matters through the famous “Bishop of Durham clause”;

We do also grant and confirm unto the said Lord Baltimore... as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, royal rights and franchises, of what kind soever... to have, exercise, use and enjoy the same, as amply as any bishop of Durham, within the bishoprick or county palatine of Durham, in our kingdom of England, hath at any time heretofore had, held, used, or enjoyed, or of right ought or might have had, held, used, or enjoyed.

The rights of the Bishop of Durham had been substantially curtailed by King Henry VIII, but the charter language made clear that Baltimore was to enjoy the same rights as the Bishops at the height of their powers and autonomy. That was a sweeping derogation of royal privileges, authority, immunities, and rights to a subject of the Crown and created a situation then unknown within England proper. Among other matters it included the right to issue writs within the province in the name of the Proprietor rather than of the King, and to mint and issue coins to circulate in the colony. The full panoply

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of ceremonial obedience and feudal observances reserved to the King in England would be given to the Proprietor in Maryland.\textsuperscript{26}

Despite the nearly royal position that Baltimore would enjoy in Maryland he was not without constraints on his authority, as his power to make laws and regulations was limited by two factors. Baltimore could pass laws infringing on the lives and property of his subjects, but only with the “advice, assent, and approbation of the freemen of the said province, or the greater part of them, or of their delegates or deputies” assembled together from time to time in such form as Lord Baltimore and his heirs thought fit. An assembly was thus required for Maryland and would be able to block major legislation by withholding consent, though at least in the charter this legislature was not given the right to initiate bills. Moreover, such laws as Baltimore did establish in Maryland were to be “consonant to reason, and be not repugnant or contrary, but, as near as conveniently may be, agreeable to the laws, statutes, and rights of this our kingdom of England.” As the charter urged that such ordinances should mirror English practices only as far as practical, it implicitly conceded that English law was not in force in Maryland. That allowed for, among other things, Catholics to stand in the provincial assembly and to hold positions in the government without having to swear the Oath of Supremacy or otherwise abjure their faith.\textsuperscript{27}

Notwithstanding those two brakes on his power, the charter armed the Proprietor with formidable powers to enforce his will and sustain his rule in the colony. Lord Baltimore was authorized to make minor ordinances for public peace and “better


government” without referring to the free male population to the colonial assembly. He was granted full power to execute legislation in either case, and to appoint magistrates and officials to assist in carrying out that duty. The judiciary was entirely appointed by the Proprietor and beholden to him, and as with the magistrates of the colony would be given such powers and forms as Lord Baltimore saw fit to bestow. The Proprietor was granted full authority to levy an army and a navy for the protection of the province and the power to impose martial law to deal with cases of rebellion or invasion. In effect, the Proprietor was a King in miniature, and an absolute one at that. He was not responsible to the colonial assembly, and the entire structure of the executive and judicial portions of the government owed their allegiance to him rather than to the legislature. The only act of defiance free men of the colony could undertake was to withhold assent from new laws. All the other levers of power were firmly in Baltimore’s hands.28

Other aspects of the charter reinforced the separation of Maryland from the customary arrangements of England. The King granted Baltimore and his heirs,

Full and absolute power, licence, and authority, that he.... from time to time hereafter, for ever, at his and their will and pleasure, may assign, alien, grant, demise, or enfeoffe of the premises.... To be held of the said not Lord Baltimore, his heirs and assigns, and not immediately of us, our heirs and successors: the statute made in the parliament of Edward, son of King Henry, late King of England, our predecessor, commonly called the statue ‘Quia emptores terrarium,’ late published in our kingdom of England, or any other statute, act, ordinance, use law or custom, or any other thing, cause or matter thereupon heretofore had, done, published, ordained or provided to the contrary, in any wise notwithstanding.29

It was an explicit renunciation of a standing English law that forbade land to be held directly from an individual rather than ultimately from the King, and made clear that

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Maryland was a personal possession of Lord Baltimore. This was certainly not how things were done in England, and went hand-in-hand with the other royal prerogatives given to Baltimore as part of the “Bishop of Durham clause”.\textsuperscript{30} The power to grant lands directly held from the Proprietor was an important component of another royal right given to Lord Baltimore and his heirs, the creation of a titled aristocracy. They would be allowed to “confer favours, rewards and honours, upon such inhabitants, within the province aforesaid, as shall deserve the same, and to invest them with what titles and dignities soever as he shall think fit (so as they be not such as are now used in England).”\textsuperscript{31}

Any Maryland aristocracy and chartered towns would be created by and hold their lands directly from Baltimore rather than from the King of England. Ultimately Baltimore made no effort to exploit the potential for native nobility, but the charter also allowed for the creation of manorial estates with baronial duties and privileges. The Maryland colony’s original land grant measures relied on the creation of such manors as an inducement for gentlemen-planters to transport themselves and others to the New World. The manorial courts were largely moribund in England proper, and they largely failed to materialize in Maryland which may account for the lack of specifically colonial nobility; but the very prospect of such a thing certainly proved that Maryland and England were conceptually different places.\textsuperscript{32}

Interspersed among the many articles of the charter dealing with Lord Baltimore’s rights were provisions to allow and promote commerce between England and the new

colony. A necessary license was granted to the King’s subjects to transport themselves to the new province erected as Maryland, and to build settlements and defenses under the direction of Lord Baltimore. As a further inducement, the King decreed:

All and singular the subjects and liege people of us, our heirs and successors, transported or to be transported into the said province, and the children of them... shall be denizens and lieges of us, our heirs and successors, of our kingdoms of England and Ireland, and in all things held, treated, reputed, and esteemed, as the liege faithful people of us, our heirs and successors, born within our kingdom of England.33

The equality between Marylanders and residents of the home country implied by the provision is misleading without the rest of the article for context, which concerned property transactions and franchises available within the realm. Later opponents of Lord Baltimore would attempt to expand the meaning of equality, though of all monarchs King Charles I was certainly not likely to view royal absolutism and the rights of Englishmen as mutually exclusive.34

King Charles also promised that he and his successors would “at no time hereafter set or make, or cause to set any imposition, custom, or other taxation, rate, or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid province (Maryland), for their lands, tenements, goods, or chattels within the said province, or in or upon any goods or merchandize within the said province, or to be laden or unladen within the ports of harbours of the said province.”35 Lord Baltimore and his colonial assembly were thus granted the sole right to impose taxes and duties within Maryland, but the freedom of trade between the colony and the metropole was confirmed elsewhere in the charter. Freedom of navigation was granted to the subjects of the King upon the

waters of Maryland, and a special dispensation was made for fishing rights. While a rather prosaic business, the right to fish and to land and salt catches for preservation had important economic implications and featured prominently as a purpose for the Avalon colony. Despite the political and legal separation of England and Maryland, it was clear that the two were supposed to remain part of the same broader economic unit. The production and industry of Maryland, though perhaps operated on very different lines from those of England, would still serve to enrich the commerce of the mother-country. The encouragement given to prospective inhabitants to construct ports and to conduct trade clearly displayed the influence of proto-mercantilist concerns in the charter.\textsuperscript{36}

\textit{THE CHARTER IN PRACTICE}

Cecilius Calvert's original vision for settling Maryland was based on the creation of aristocratic landed gentry recruited from interested members of the English social elite. The provisions in the charter for the creation of a native nobility and the establishment of baronial manors clearly pointed that way, and Calvert's original system for registering land provided manorial estates to settlers who would transport themselves, family, and servants to the province. Baltimore held out the prospect of religious tolerance and honorable positions to the English Catholic gentry, while the English Jesuits assisted the project with financial support and through the efforts of the tireless Father Andrew White. A handful of socially connected second sons from noble and gentry families accompanied the original expedition and made a substantial contribution to the financial costs of the expeditions. They and their descendents featured prominently in the provincial assembly and government offices, intermarrying with the Calvert family itself.

and forming a dominating social class in the province before the 1689 revolution. On the whole however, Calvert’s attempt to transplant an aristocratic cohort of Catholic gentry to America and to create a feudal settlement failed, which meant that Calvert had to sink enormous sums of his own money into the project.\(^{37}\)

The manorial scheme that had been the intended basis of the settlement proved incapable of providing sufficient settlers to make Maryland flourish, so Calvert adopted an indenture system based on the Virginian model instead. That in turn spurred the development of an economy based on tobacco planting in small and medium-sized plots, creating an independent middling class that undermined the authority of the manorial elite Calvert relied upon to govern the province.\(^{38}\) The heavy financial burden that the colony imposed on Cecilius made him more and more desperate to secure sources of profit from the settlement, which precipitated clashes with the colony of Virginia. Calvert was forced to remain in England to manage the financial situation and fight lawsuits by partisans of Virginia rather than leaving to manage Maryland directly. This placed the colony in the hands of distant subordinates rather than under the direct supervision of the proprietor. The constant pressure on Calvert’s finances made the issue of the Virginian trading post on Kent Island vitally important, as the fur trade with Indians was reserved to the proprietor and his agents as a source of short term profit from the colony.\(^{39}\)

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The dispute eventually escalated to an armed conflict with Kent Island, including a naval battle on the Chesapeake and the armed occupation of the settlement by militia forces of Maryland’s governor, Baltimore’s brother Leonard. Kent Island’s previous owner, William Claiborne, was subjected to an act of attainder by the Maryland assembly in 1637 for treason (among a laundry list of other offenses) and all of his property and goods in the colony were seized in the name of the Proprietor. Claiborne fled to England and initiated more lawsuits against the financially strapped Proprietor, and later would become involved in the Parliamentarian cause in the English Civil War. But having vanquished one threat to the internal security of the province Lord Baltimore was swiftly confronted with another, as the colonial assembly began demanding the right to initiate laws as well as to approve them. Faced with the demands from the assembly, Governor Calvert asserted the charter rights of the Proprietor, but failed to restore control over the assembly or to silence the demands of the settlers. In late 1638 Cecilius was finally obliged to give in, granting his assembly the power to initiate legislation by authorizing Leonard to approve bills submitted to the assembly in his name. The absolutist and aristocratic façade of Maryland government had already begun crumbling within four years of the arrival of the original three hundred settlers aboard the *Ark* and *Dove*.41

The exile of William Claiborne and concessions to the Assembly provided a modicum of political stability after 1638 and the colony continued to develop along the lines of Virginia as a tobacco planting commodity economy. Unfortunately for Calvert, the period of peace and growth was short-lived. The onset of the English Civil War in 1642 led to another period of instability as Lord Baltimore supported King Charles,

which made the province a target for Parliamentary forces and their Puritan supporters. Maryland’s ineffectual efforts on behalf of King Charles led to “Ingle’s Rebellion,” when in 1644 Claiborne returned to Maryland with a Puritan ship captain, Richard Ingle, and seized control of the province in the name of Parliament. Claiborne took back his Kent Island settlement and restored its independence from Maryland while Ingle sacked the capital township of St. Mary’s and dispersed the Baltimore government. The province remained under the occupation until 1646, when Leonard Calvert returned from exile in Virginia with the aid of Royalist governor William Berkley and a small army to expel Ingle and Claiborne. But by then the King had been made a prisoner of the Parliamentary faction and active royalist resistance had ended in England, so Calvert submitted to Parliament and pledged allegiance to the new government.

Lord Baltimore’s acceptance of Parliamentary ascendancy following the end of the first phase of the Civil War temporarily preserved his estates and status, but the virulently anti-Catholic attitudes common to the dissenting Protestants who now dominated England presented a serious threat to his rights in Maryland. A petition to void the Maryland charter was presented to Parliament by partisans of the old Virginia Company who hoped to restore their own charter. Though Parliament denied the motion the prospect of losing his power undoubtedly influenced Calvert’s actions after the civil war. With his brother Leonard’s death in 1647 Baltimore appointed a Protestant governor in William Stone, from the small Puritan settlement in nearby Virginia, thereby reassuring Parliament of his loyalty to the new state of affairs. Stone had solid credentials as a supporter of Parliament against the King, and as a leader of a Puritan settlement could answer charges of untrustworthiness directed against the Catholic

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42 Browne, Maryland: The History of a Palatinate, 57-63; Scharf, History of Maryland, 1:148-155.
proprietor. Calvert followed up the selection of a new governor by appointing more
Protestants to the Governor’s Council and, in 1649, passing a famous Statute of Religious
Toleration that affirmed in law the prevailing administrative practice of freedom of
religion for Christians of all denominations.\(^{43}\)

The Puritans that followed Stone into Maryland had had a presence in Virginia at
least since 1611, when a Reverend Alexander Whittaker was reported to be active in the
state. Edward Bennett, an early investor in the Virginia Company, emerged as the leader
of a small settlement along the Nansemond River in the Norfolk region by the 1620s.
The onset of the English Civil War in the 1640s saw Virginian authorities take harsher
measures against religious dissidents, with the result that the Nansemond community
turned to Boston for assistance. The Bay Colony dispatched three volunteer preachers
but either was unable or unwilling to provide any more support, though Governor John
Winthrop cautioned the Virginia Puritan community against a proposed evacuation to the
new colony of Eleutheria in the Bahamas. The conversion of Governor Berkley’s own
chaplain to the Puritan faith in 1644 and the escalation of the civil war led the Virginia
royalist to redouble his efforts to drive the Puritans out of the colony. By 1647 Berkley
had succeeded in hounding Richard Bennett, the nephew of Edward and leader of the
Nansemond settlement, and William Durand, the elder of the church, into exile in
Maryland. Circumstances thus rendered Lord Calvert’s offer of settlement and religious
freedom very tempting to the Puritan community, and in early 1649 they began
immigrating to the other Chesapeake colony.\(^{44}\)

\(^{43}\) Archives of Maryland, 3:201-209; Steiner, Maryland Under the Commonwealth, 9-17; Randall, A
Puritan Colony in Maryland, 16-18; Krugler, English and Catholic, 181-185.

\(^{44}\) Randall, A Puritan Colony in Maryland, 6-21; Horn, Adapting to a New World, 55-56; Scharf, History
of Maryland, 1:199; John Winthrop, The Journal of John Winthrop 1630-1649, Richard Dunn, James
Two loci of Puritan settlement in Maryland emerged in 1650. The Virginia Puritan community, numbering around three hundred individuals, settled on the Severn River near the estate granted to Bennett by the Proprietary government. The meeting house for the congregation was erected on the site of William Durand’s estate, clearly establishing the two men as the foremost leaders of the community. Another site on the Patuxent River was settled by Robert Brooke, a Puritan immigrant from England, but it failed to coalesce as a distinctly Puritan community in the way that the Severn colony did. A 1650 meeting of the colonial assembly established Ann Arundell County, named after Cecilius’s late wife, to provide local government to the Puritans on the Severn. The Puritans referred to the settlement as Providence and generally avoided dealings with the governor or other settlers, while dragging their feet on taking a required oath to the Proprietor establishing their personal allegiance to him and their willingness to uphold the laws and authority of the provincial government. The Puritans would later allege that the oath of obedience to a Catholic government violated their rights of conscience, a contention rejected by Governor Stone and the Proprietor.

Matters deteriorated rapidly in 1651 as a conflict erupted between the Proprietary government and the Puritans over relations with the natives, who had become hostile to the English settlers. Governor Stone called a session of the assembly in early 1651 to mobilize the provincial militias and to obtain the provisions necessary for a campaign against the Indians. The Puritans refused to provide representatives to answer the

45 Randall, A Puritan Colony in Maryland, 20-22.
46 Archives of Maryland, 1:292; Randall, A Puritan Colony in Maryland, 23.
summons to St. Mary’s, and further made clear that they would not participate in any conflict against the Indians. Rumors of the immanent revocation of Lord Baltimore’s charter by Parliament and Richard Bennett’s return to England as an advocate for them probably encouraged the Puritans to defy proprietary authority. Stone’s efforts to deal with Puritan intransigence were ineffective and were not aided by the developments in England, where Lord Baltimore was fighting against efforts in Parliament to dispatch an expedition and commissioners to reorder the colony. The Puritans were allowed to isolate themselves successfully, perhaps because Stone and the other proprietary authorities were concerned about how English authorities would react to the situation. It was however clear that a reckoning would come after Parliament finished considering the situation and one followed the next year.

It had also been made clear from the experiences of the colony that the intricate structure envisioned in Lord Baltimore’s charter was going to encounter persistent resistance from his colonial subjects. Already the colonists had succeeded in wresting a far greater share of legislative authority from the Proprietor’s hands, and the base of feudal estate-holders anticipated by the manorial arrangements simply failed to materialize. The Puritan refusal to swear an oath upholding Baltimore and his religious settlement struck at the very heart of the Proprietor’s control over his province by breaking the feudal tie of loyalty still inherent in the lord and subject relationship. Religious opposition to “Popery” appealed in a visceral manner to the Protestant authorities in England and thus offered the disaffected Puritans a weapon with which to challenge the legitimacy of Baltimore’s charter. In protesting, however they were also

48 Randall, A Puritan Colony in Maryland, 25; Archives of Maryland, 1:325-336.
challenging the mercantilist logic of colonization that consigned colonial subjects to a subordinate position to the motherland for whose benefit they labored. They were not successful in their bid to establish an equality of conditions in Maryland with those of the homeland, but the struggle would consume the colony for nearly a decade and brought questions about the status of colonial residents to the forefront of debate.
CHAPTER III

THE RELIGIOUS-POLITICAL CONFLICT OVER MARYLAND

As 1652 arrived the Puritan settlers of Providence and Patuxent were effectively in rebellion against Lord Baltimore and the royal charter that underpinned his authority, and would remain so until 1658. The Proprietary government was unable to bring the Puritans to heel despite a strong loyalist presence among the population of the original settlements around St. Mary’s due to the political situation in England. The dispute took on religious overtones early on even as it raised the question of whether or not Englishmen outside the realm of England were entitled to the same status and “rights” as those within the realm. The Puritans of Maryland desired to end the “aberrant” toleration of Catholicism and quasi-royalist absolutism of the colony and appealed for the support of the presumably sympathetic English government. The victory of the Parliament in the Civil War had led to the ascendance of a militant Protestant ethic in England and established a quasi-republican government. Lord Baltimore vigorously defended his charter rights in spite of his religious and political disadvantages, holding to the established separation of Maryland from the realm of England proper which allowed for political conditions unlike those of England as well as Baltimore’s policy of religious toleration. Oliver Cromwell proved reluctant to issue down a final settlement himself but clearly favored Baltimore’s rights and the Protector’s laissez-faire approach tacitly upheld the charter and thus the proprietary authority, forcing the Puritans to negotiate surrender to Baltimore.
THE PARLIAMENTARY COMMISSIONERS

The long contest between Baltimore and his unruly Puritan subjects for the support of the English government began in 1651, as the intransigent Royalist colony of Virginia attracted the attention of Parliament to the Chesapeake colonies. Sir William Berkley of neighboring Virginia was one of several colonial governors to proclaim the ascension of King Charles II when news arrived of the execution of Charles I for high treason.1 Lord Baltimore had excused himself from further service to the royalist cause and William Stone was a noted supporter of Parliament, but Maryland also announced the continued monarchy. Thomas Greene, acting as governor in the temporary absence of Stone, had proclaimed the ascension of King Charles II in a proclamation on 15 November 1649 and had issued a general pardon in celebration of the event. Stone relieved the royalist upon his return, and Lord Baltimore sent orders for Greene’s dismissal from office once news reached England, but the situation provided substantial ammunition for Baltimore’s critics for years to come. Parliament had been discussing an expeditionary commission for the reduction of the royalist governments of English colonies. The unauthorized action by Greene placed Lord Baltimore’s charter in grave danger and forced the Proprietor to scramble to convince Parliament that Maryland was not included among the colonies in need of “reducing” to obedience.2

Supporters of Lord Baltimore were certainly willing and eager to characterize his opponents as ungrateful, and pushed for recognition of his full charter rights by Parliament in England.3 For their part the Puritan settlers of Providence argued that the

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1 Browne, Maryland: The History of a Palatinate, 75-77.
oath of allegiance Lord Baltimore had prescribed for each settler violated their
consciences. They maintained that the provision of the oath demanding their support of
the proprietary government and its acts including the policy of allowing free Catholic
worship required them to sustain the "Anti-Christ" of Rome. That other Protestant
settlers, including the Puritan Governor William Stone, had found religious liberty in
Maryland to be acceptable, suggests that the divide between Protestant and Catholic in
the province was far from absolute. Still, the situation did assume religious dimensions
very early, which were heavily exploited by the Puritan settlers and their advocates in
their pleadings before the English government. The core of their arguments before the
English authorities, whether in public appeals and petitions or in the briefs of their leader
Richard Bennett before Cromwell and his Council of State, was that the Catholic
government of Baltimore was incompatible with the liberties of free Englishmen. They
also cast aspersions on Baltimore’s personal loyalty to the English government and
attacked the legal basis of Baltimore’s charter, but with little success.

Luck had not deserted Lord Baltimore entirely, for he received a proof of his
loyalties to put before Parliament following the capture of the royalist William Davenant
in the English Channel by the Navy. The gentleman poet of Charles II’s court carried a
royal commission removing Baltimore as proprietor of Maryland and appointing
Davenant as governor of the colony on the grounds that Baltimore had betrayed the
monarch by harboring schismatics and rebels. That was in pointed contrast to the King’s
praise of Sir William Berkley in the same document, whose complaints about Maryland
sheltering the Puritans he had driven out of Virginia may have had a significant role in

5 Krugler, English and Catholic, 192-196.
bringing about the commission. Baltimore could point to his removal by the pretender as a proof of his attachment to Parliament, and succeeded in convincing the Navy Committee to remove references to Maryland from the instructions of the commissioners to be sent to America. With both Richard Bennett and William Claiborne associated with the expedition, Lord Baltimore had a good reason to be apprehensive about what the Parliamentary agents might do.

Thus, in September 1651 commissioners Robert Dennis, Theodore Stagge, Richard Bennett and William Claiborne were enjoined to reduce Barbados, Virginia, Bermuda and Antigua to obedience to Parliament. The instructions did mention that two or more commissioners would be authorized to act to bring “all the Plantations within the Bay of Chesepiak” to due allegiance, but also specified that the senior commissioner Dennis would have to be one member of the party. Whether or not Dennis and his companion Stagge would have reined in Bennett and Claiborne is a matter of speculation, since they were lost with the frigate John during the passage across the Atlantic. Captain Edmund Curtis of the frigate Guinea replaced Dennis as a commissioner but was not involved in the prolonged controversy over Maryland. This effectively freed Bennett and Claiborne of whatever restraint Parliament may have meant to impose on them. Claiborne in particular had every reason to bear a grudge against Lord Baltimore and had never given up his claim on Kent Island, while Bennett was a leader of the Puritan community in revolt against Baltimore’s authority. Thus, it is not surprising that the two

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8 “Virginia and Maryland, or the Lord Baltimore’s Case Uncased and Answered,” in Hall, ed., Narratives, 206-208.
men decided that the reference to reducing all plantations in the Chesapeake entitled them to intervene in Maryland.9

The passage across the Atlantic took months and the commissioners were further detained by the “reduction” of Barbados before their arrival in Virginia, but they were able to swiftly negotiate the surrender of Governor William Berkley. By late March 1652 the commissioners made their way to St. Mary’s, interviewed Governor Stone and found several issues to quarrel with him about in the administration of Maryland. Lord Baltimore’s proprietary rights were construed by the Commissioners as violations of Parliamentary decrees against “kingship.” The Proprietor’s demands that settlers swear an oath of loyalty to hold land in the colony and that writs and proclamations in the province be issued in his name were seen as particularly objectionable. Governor Stone proved unwilling to concede that his instructions from Lord Baltimore violated the authority of Parliament noting that his oath of office required him to uphold Baltimore’s authority in the province. Bennett and Claiborne, stressing a need to bring Maryland into conformity with the laws of England, voided the commissions of Stone and his council and appointed a new committee to govern Maryland with the Puritan Robert Brooke as acting governor. The secretary of the colony was ordered to issue writs and proclamations in the name of the Keepers of the Liberty of England, as Parliament had decided to replace writs in England that had previously been issued in the name of the

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King. Bennett and Claiborne thus asserted on their own initiative a Parliamentary jurisdiction over Maryland that had been denied by the royal charter.

Shortly after proclaiming the new state of affairs on 29 March, Bennett and Claiborne departed to arrange the affairs of Virginia in the wake of Berkley’s removal from office. Bennett named himself the Governor of Virginia with Claiborne acting as his Secretary of State, and together they established a Puritan government in the colony before their return to Maryland in June. However, their settlement of the Maryland dispute was apparently less popular with the colonists than they had expected. To answer objections from planters outside the Severn and Patuxent settlements, they reinstated William Stone and his councilors to their positions, provided that they continued to issue writs and proclamations in the name of the Keepers of the Liberty of England. Stone agreed to the stipulation about the writs but reserved his oath of obedience to the proprietor, and the proclamation made note that the governor would wait for a ruling by the authorities in England on the actions of the commissioners. This was acceptable to the commissioners, whose authority after all was dependent upon Parliament. For the winter of 1652 to 1653 the province regained a semblance of normality; writs and summonses ran from the governor, albeit in the name of the Keepers of the Liberty of England rather than Lord Baltimore, and peace was negotiated with local Indian tribes.

Hearing back from the home country was, however, going to take much longer than

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anyone could have anticipated, and the political changes at the root of the delay would induce crisis in Maryland.

The instructions and authority of the commissioners were derived from the Long Parliament, the body of men that had sat since the beginning of the Civil War and which had run England in the absence of a King. The army had already become heavily involved in politics after Pride's Purge ejected a large part of Parliament in 1648, and in 1653 it began to move to take direct control of the state. The dismissal of the Long Parliament in April began the process that would result in Oliver Cromwell becoming Lord Protector of England, the virtual monarch of a republican Commonwealth. The end of that Parliament and the failure of the following, short-lived Barebones Parliament to re-authorize the commission of Bennett and Claiborne allowed Lord Baltimore to argue that their authority had ended with the Long Parliament in April 1653. The installation of Cromwell as Lord Protector in December of that year muddied the waters further and contributed to a state of uncertainty in England and the colonies, and left both Baltimore and the commissioners to navigate in a fluid situation. Baltimore gambled on restoring his charter rights as a fiat accompli and in doing so touched off civil conflict and a bitter political controversy that placed the fate of his colony in the hands of Cromwell.

At the urging of Baltimore, in March 1654 Governor Stone began issuing writs in the name of the Proprietor again and reinstated the demand that settlers swear an oath of allegiance to Lord Baltimore including the provision for support of the free exercise of religion. A deadline of three months for the taking of the oath was given, with the

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forfeiture of lands and exile from Maryland mandated as punishment for failure to do so.\textsuperscript{17} The enforcement of the provision proved impossible and provoked the inhabitants of Providence to defy the authority of Stone’s council by appealing to Bennett and Claiborne for help. The two commissioners were unable to respond immediately to the request for help but returned to St. Mary’s in July and, with the support of the Puritan population, successfully intimidated Stone into stepping down. Stone claimed to desire above all else to avoid bloodshed and civil strife within his province, suggesting that he had resigned under threat of just such a prospect.\textsuperscript{18} This time Bennett and Claiborne insured that the government would remain in trustworthy hands by handing over the reorganized provincial government to a commission composed mostly of Providence residents and headed by Puritan elder William Durand and the Puritan militia commander William Fuller.\textsuperscript{19}

The new Puritan government of Maryland was concentrated into a single-house Assembly that eliminated the governor’s council, imitating the abolition of the House of Lords by the revolutionary Parliament. The new Assembly, formed under new rules, banned Catholics or former royalists from participation in government, as the laws in England had long required.\textsuperscript{20} Once seated in October the new Assembly revisited the question of religious toleration and passed a new “Act for Religious Liberty” superseding the 1649 Act pushed by Baltimore. The new legislation promised freedom of worship for all Christians except those that practiced “Popery or Prelacy”; in practice the Puritan act of “religious tolerance” was really a revocation of the rights of Catholics and Anglicans.

\textsuperscript{17} Archives of Maryland, 3:298-301.
\textsuperscript{19} Archives of Maryland, 3:311-313.
\textsuperscript{20} Archives of Maryland, 1:339; Randall, A Puritan Colony in Maryland, 31.
to worship freely.\textsuperscript{21} The capital was moved away from the loyalist stronghold of St. Mary's to the Puritan settlement of Providence and the new leadership began to transform Maryland into a "godly" state like New England, running roughshod over the charter and the prerogatives of the nominal lord of the province in the process. The dimensions of the conflict between Lord Baltimore and the Puritans thus assumed a stronger religious form, while defiance of proprietary authority had become more extreme.

\textit{A NOT-SO CIVIL CONFLICT}

Attacks on Lord Baltimore's legal charter rights in Parliament had begun before the arrival of the Parliamentary commissioners and continued afterward, with the result that Parliament assigned the Navy Committee to consider the legal status of the Virginia Company charter. Partisans of the Company argued that, notwithstanding King James's clear intention to void the charter and reorganize Virginia, the legal process of suspension had never quite been completed. They also presented the novel interpretation that voiding the charter had been intended as a temporary measure, allowing a reorganization of the government of the colony while retaining the rights of investors and adventurers in Virginia.\textsuperscript{22} In any event they argued that the establishment of Maryland represented an illegal usurpation of Virginian claims, and in particular used the case of Kent Island to prove that damages had been done to honest Virginia settlers by Baltimore's actions. They consequently urged that Maryland be reunited with Virginia under a new charter or that the old Virginia charter be restored and Baltimore's charter revoked. The issue was important enough that in 1655 Richard Bennett gave up his position as governor of

\textsuperscript{22} "Virginia and Maryland," in Hall, ed., \textit{Narratives}, 187-195.
Virginia to return to England to act as the agent for the colony in the proceedings against Maryland. Certainly, if Virginia were given control over Maryland the nagging problem of authority for Bennett's actions in the province would be resolved quite favorably for him and without further dispute.

The core problem for Bennett was that Baltimore's charter gave him legal rights to establish the practices which Bennett cited as justification for reordering the colony's government. The only way to get around that fact was to attack the legality of the charter itself or to otherwise convince the English government to disregard Baltimore's charter rights, and to that end the Puritans and their sympathizers tried every available approach. The effort to void the Maryland charter by restoring the Virginia charter failed outright amid the political upheavals of 1653, though as late as 1656 Bennett would still make the argument to the Lord Protector. A more promising effort was to attack the absolutist nature of the Maryland government under Baltimore while using his Catholicism and royalist past to argue that he was disloyal to the Commonwealth. Efforts to portray Baltimore as a traitor were undermined by the commission to William Davenant from Charles II and were apparently dismissed by the Lord Protector himself. That left the appeal against the autocratic nature of Lord Baltimore's rule, which could be argued was incompatible with the structure of the English Commonwealth. The structure of the Maryland government under the charter was presented, with a strong dose of anti-Catholic propaganda, as a violation of the rights and dignity of Englishmen.

23 Krugler, English and Catholic, 204.
Lord Baltimore laid out his case publicly in 1653, addressing the major arguments against his rights in a pamphlet that summarized the situation, and presented a brief defending his charter that had been placed before the Navy Committee. Baltimore argued that even if the Virginia Charter was restored the Virginians had no more right to Maryland "than to New-England, which was part of that Country heretofore called Virginia, as well as Maryland, but distinguished and separated afterwards from it by a Patent as Maryland was." Baltimore noted that the original Virginia Charter had been vacated legally by a writ of *quo warranto* in 1624, years before Maryland had been established, so that Virginia was effectively not in existence at the time and so could not have been injured in any sense by the establishment of his charter. And since King James had granted the Virginia charter and then dismissed it, Baltimore asserted that it was thus clearly in the power of the King to reassign portions of the colonial lands as he saw fit. Baltimore thus sought to establish the legality of his charter and the separation of Maryland from Virginia so as to thwart efforts to have Maryland subsumed by Virginia if the Virginia colonial charter was restored.

Claiborne’s account of the Kent Island incident was disputed with reference to the judgment of the King’s Commissioners for Foreign Plantations that Baltimore had been in the right to seize Kent Island. Baltimore further argued that, regardless of the merits of Claiborne’s case, “Parliament will not think fit upon a private Controversie of *meum* and *tuum*, between him and the said Cleyborne, to impeach his Patent of the said Province, or his right to the said Island, but leave both parties to their legall remedy.”

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27 Ibid., 171.
28 Ibid., 171-172.
29 Ibid., 173.
redefining the controversy between himself and Claiborne as a private legal matter.

Baltimore sought to weaken the impact of that example of his hostility to a major Protestant Virginian leader and remove the Kent Island dispute from the purview of Parliament, instead suggesting the matter be resolved by the courts. The tenor of the Commonwealth was such as to suggest that Parliament would automatically favor a Protestant party against a Catholic party in an armed dispute; by shifting the nature of the contest with Claiborne from a physical conflict to a legal dispute, Baltimore redefined it in such a way as to appeal to the more moderate, commercially minded elements of the government whose commitment to legal contracts might override anti-Catholic bias.

Indeed, Baltimore’s initial unwillingness to force a military solution to the intransigence of his Puritan subjects may have been rooted in efforts to manipulate Parliamentary perception of the situation in such a way.

The lengthiest segment of the pamphlet addressed his opponents’ charges that the royal charter of Maryland was incompatible with the nature of the English Commonwealth as a Protestant and republican state. The pamphlet explained that the “Jurisdiction and stile [sic] which the Lord Baltimore useth in Maryland, is no other then [sic] what is warranted by his Patent... and that is onely [sic] in the nature of a County Palatine, subordinate, and dependent on the Supreame [sic] Authority of England.”

Aware that his opponents were arguing that the expansive authority granted to him under the charter represented a form of “kingship” that had been overthrown in England, Baltimore appealed to historical precedent to establish the compatibility of his subordinate province with the English Commonwealth. Conceding that a “Monarchicall Government” would be unacceptable inside the Commonwealth, Baltimore nonetheless

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30 Ibid., 173.
suggested that such a government "in forraign [sic] parts which is subordinate to, and dependent on, the Commonwealth, may be consistent with it, aswell [sic] as divers Kings under that famous Common-wealth of the Romans heretofore were, insomuch as they thought it convenient and fit to constitute divers Kings under them." Baltimore went on to examine the role of Lords of the Manor in Britain, and explained his insistence that writs in Maryland run in his name by claiming that the Parliamentary legislation mandating writs running in the name of the "Keepers of Liberties" only replaced writs that had run in the name of the King. In so far as Baltimore tolerated Catholics, the pamphlet simply stated that the proprietor "knows of no Lawes [sic] here against Recusants which reach into America."32

A fourth objection, that certain laws of Maryland in 1650 had referred to King Charles I, was dismissed as simply being a consequence of the time lag in communication between England and Maryland. In several "reasons of state" for maintaining his charter following the objections and answers, Lord Baltimore argued that the nature of colonization made it necessary to treat the colonies as separate entities, subject to more authoritarian political structures than England. The powers concentrated in the hands of the Proprietor by the Lord Baltimore's charter were conceded to be "inconvenient" for any one man to hold in England, but he argued that the "remote and wild" nature of Maryland and other plantations in America rendered them necessary. Baltimore noted in his introduction that he had sunk £20,000 into the Maryland colony and lost two brothers in the endeavor, and suggested that the huge trouble and expense required that he and other "adventurers" be provided significant distinctions and powers.

31 Ibid., 173.
32 Ibid., 173-175.
in compensation. Going even further on that theme, he suggested that among other reasons for upholding the charter was the prospect that failure to do so would render other men involved in foreign plantations less likely to trust the good faith of the Commonwealth. Thus, it was a matter of convenience as well as justice that Baltimore’s commercial investment in Maryland be protected, with the charter forming a repository of rights and interests that could be voided only at a stiff cost to England.33

The pamphlet is notable not so much for its impact on public relations, as its implications regarding the state of both parties in their arguments before Parliament. It was evident that the opponents of Baltimore, Virginian and Puritan, were vigorously attacking his rule with every argument available to them. Baltimore’s response in his pamphlet offers insight as to which charges the Proprietor viewed as most threatening to his position, and shows how he addressed them before the Navy Committee. The religious dispute between Puritan and Catholic was downplayed, as might be expected from the Catholic party, and the focus was instead on the personal and legal nature of the dispute between Baltimore and his opponents and the nature of the relationship between England and Maryland. The threat of the Virginia charter was dismissed fairly easily by reference to the legal issues surrounding it and to the unquestioned status of New England as a separate colony, and Baltimore weakened the religious issue with reference to his religious toleration. The center of the struggle was clearly becoming the compatibility of his charter with the principles of Commonwealth England, and much of the pamphlet was devoted to that. Baltimore’s defense rested on establishing Maryland as a separate polity from England where settlers would have different and in contemporary terms inferior political status. As will be seen, the English government

33 Ibid., 178-179.
declined to overturn the charter that supported Baltimore’s argument but not before events in Maryland placed his position in grave jeopardy.

The early protests of Lord Baltimore in England obviously had some effect for the Lord Protector himself dispatched a letter to Richard Bennett, dated 12 January 1654, in which he reminded the former commissioner that the business of Maryland and Virginia was before his Council and forbade further interference in the internal affairs of Maryland. Citing the request of Lord Baltimore and other “Persons of Quality” the Lord Protector required that Bennett cease obstructing Baltimore and his officers so as to allow administration to continue as before his “intervention,” at least until Cromwell finally decided on the matter. The letter appeared to demand that Lord Baltimore’s administration be returned in full form and that the former commissioners cease supporting the Puritan population opposed to Baltimore’s rule. Bennett’s successor as governor in Virginia, Edward Digges, replied in a letter of June 29th that year distancing Virginia from Bennett’s actions, which he argued were done entirely on the basis of the Parliamentary commission and not on any authority from Virginia. However, before the sign of the Protector’s will could work further effect, events in Maryland had broken down due to Baltimore’s impatient instructions to Stone to restore proprietary authority even through military force.

Several accounts of the resulting struggles are available and most concur on the basic details of Stone’s actions and the end result of the struggle. Raising a force around St. Mary’s in late January, Stone and his militia marched on the Patuxent settlement of

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34 The New Year was reckoned to begin on March 25th in the Old Style Julian calendar used in England.
36 *Thurloe’s State Papers*, 3:596.
Puritans and, while there, seized available arms as well as the records of the province from the Assembly secretary Richard Preston. In early March, Fuller, Durand, and the other Puritan leaders wrote a conciliatory letter to Stone, asking for proof of his authority in carrying out those actions and reassuming governance of Maryland. In reply, Captain Stone’s pointed to a letter received in January from Cromwell addressed to him as the governor of Maryland recommending one Luke Barber to the provincial authorities. Stone argued the letter was Cromwell’s confirmation of his position and thus also of the inherent authority that he possessed as governor by Lord Baltimore’s appointment. This was quite unsatisfactory for the Puritans, who refused to accept Stone’s claims of authority and mobilized their militia for a conflict with the governor and Baltimore loyalists from the original settlements around St. Mary’s.

Captain Roger Heaman, the Puritan captain of the merchant ship *Golden Lion* then present in Maryland waters, did not find Stone’s argument convincing either; Heaman and his ship’s company were inclined to sympathize with their co-religionists and sided with the Puritan government as the true representatives of Cromwell. Heaman’s attitude was decisive when Stone finally advanced upon Providence, as his ship provided the Puritans with control of the Severn River and significant additional firepower. Heaman and his ship broke up a group of boats ferrying part of Stone’s force upon the river on March 24th, and provided artillery support to the Puritan forces the next

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39 Heaman, *An Additional Brief Narrative*. 
day at the “Battle of the Severn.” The number of men involved in the battle varied by account, though the combined number of Puritans and Proprietary forces probably did not exceed three hundred men and certainly not four hundred. The struggle on March 25th does not seem to have been a closely fought affair; Fuller was reported to have ordered that the Puritans not to fire before being fired upon, and engaged Stone’s forces at close range in what quickly became a rout of the Proprietary forces. The good faith of Fuller’s refusal to begin the fighting may however be open to question, as after the battle he along with Heaman and several other Puritan combatants, formed a Council of War and ordered the summary execution of several Proprietary prisoners. Governor Stone and six others sentenced to death were reprieved by the protests of Puritan women, but four of Baltimore’s men were shot after the battle.

Quite aside from significantly weakening the position of Proprietary loyalists in Maryland, the battle inevitably had an impact back in England. Heaman returned to England with the first account of the battle, presenting it as a Papist plot to murder the upstanding Protestant population of the province. That touched off disputes about Baltimore’s charter and gave new life to the argument that his charter should be forfeited as incompatible with English liberties. That news of the fighting had serious consequences for Baltimore’s position is demonstrated by Cromwell’s letter of 26 September 1655 to the Commissioners of Maryland, the government of Fuller and

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43 Heaman, An Additional Brief Narrative.
company, whereby he sanctioned the alterations of Maryland’s civil government.\textsuperscript{44} Casting the letter as a means of clarifying a “misunderstanding” of his original instructions of January, Cromwell insisted that he had meant only to forbid controversy over the Maryland and Virginia border, a claim impossible to reconcile with his instructions to Bennett. The news of a full fledged battle and the rumors of a Catholic conspiracy to massacre the Protestants may very well have been behind the new stance in his letter as well as his decision in November to appoint two members of the Council of State to report further on the situation.\textsuperscript{45} Lord Baltimore’s enemies thus had another opportunity to turn the government of England against Maryland’s charter.

\textit{ENGLAND DECIDES}

Heaman’s breathless report of the Battle on the Severn laid the groundwork for a major push by Puritan-opponents of the Lord Baltimore in England to further their case for stripping Baltimore of his charter. Leonard Strong, a member of the Puritan commission governing Maryland from Providence was dispatched to England to lay out a more official account. His printed case, entitled \textit{Babylon’s Fall} to appeal to popular anti-Catholic prejudices associating the Church of Rome with the “Whore of Babylon” mentioned in Revelations, attributed the victory of Fuller and the Puritans directly to God’s providence.\textsuperscript{46} His account of the events leading up to the dispute emphasized two reasons for the Puritans’ revolt against the oath that Lord Baltimore had demanded and consequently for their seizure of power. In the first instance Strong proclaimed it to be

\textsuperscript{44}Cromwell, \textit{Cromwell’s Letters and Speeches}, ed. Carlyle, 2:182-183.
\textsuperscript{45}Archives of Maryland, 3:324; Krugler, \textit{English and Catholic}, 205; Steiner, \textit{Maryland under the Commonwealth}, 107.
\textsuperscript{46}Strong, “Babylon’s Fall,” in Hall, ed., \textit{Narratives}, 244.
“unsuitable [sic] to the present liberty which God had given the English Subjects from Arbitrary and Popish Government as the Lord Baltamore’s [sic] Government doth plainly appear to be.” And on the second count the oath had demanded that the settlers uphold a government sworn to “countenance and uphold Antichrist,” which was to say that the religious liberty of Roman Catholics in the province was incompatible with the religious scruples of the Puritan community. Lord Baltimore’s government was not mentioned in the account without the adjectives “Popish” and “Arbitrary,” and Strong characterized the resolve of the Puritans to resist Stone and his men as a decision to die like men rather than live like slaves.

The theme of resistance to unjust subjugation also featured in the broad-ranging pamphlet *Virginia and Maryland, or The Lord Baltamore’s Printed Case Uncased and Answered*, which was framed as a rebuttal to Lord Baltimore’s 1653 pamphlet but which incorporated material about the recent Battle of the Severn to fortify its arguments. Given the similarity of the pamphlet to a brief presented later to the Lord Protector, and the incorporation of details from the earlier arguments before the Long Parliament’s Navy Committee, the otherwise anonymous pamphlet can probably be connected to Bennett himself either as patron or writer. It recapitulated a partisan history of the Virginia Company and the wrongs done to the settlers of Virginia by Baltimore’s charter, before attacking the right of the Proprietor to assume “royal” powers such as issuing writs in his own name. The writer implied that Baltimore’s loyalty to the Stuart dynasty survived the Civil War, specifically accusing Baltimore of responsibility for references to

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47 Ibid., 235.
48 Ibid., 235-236.
49 Ibid., 241.
the King in Maryland legislation after the execution of Charles I. The pamphlet defended
the actions of Bennett and Claiborne by pointing to Greene’s unauthorized proclamation
of Charles II, presented as evidence that the plantation was in revolt and had needed to be
reduced by the Commissioners. The allegations were supported with attached
documents, such as a commission from 1644 for Marylanders to attack Parliamentary
ships and a report from the Committee of the Navy in 1652 that criticized the oaths
Baltimore imposed, though the same report also flatly described the Virginia charter as
void.51

The underlying emphasis of the pamphlet was the nexus between absolutism and
Catholicism, neither of which the writer viewed as acceptable for Englishmen. The
report of the Committee of the Navy, though it seemed to contradict much of the
elaborate argument about the Virginia charter, may nonetheless have been included since
it described the outlines of the Proprietary government and concluded that several of the
broader powers and policies exercised by Baltimore were not “agreeable” to the customs
and laws of England. The author of the pamphlet could thus point to Parliamentary
sanction when he described the Proprietary rule as “such an absolute way and authority,
as no Christian Prince or State in Europe exercises the like.”52 Baltimore’s status as a
recusant was brought up repeatedly as *prima facie* proof of his propensity for tyranny,
which was a potent invocation given the association of Catholicism with threats to liberty
in the English nationalist imagination. The absolutist motives of Baltimore were further
confirmed for the audience by references to the settlement of Catholics with priests in the
province and rumors that Baltimore would import 2000 Irish into the colony. The

51 Ibid., 209-217, 228-230.
52 Ibid., 198-199.
petitions of the Puritans of Patuxent and Severn to Bennett and Claibourne from 1654, also attached to the pamphlet, repeated the plea of violated liberties, threatened absolutism, and religious disgust with Popery. Having established the problem, the pamphlet submitted a solution; recognizing the power of the King to alter a charter, the author argued that the Lord Protector could and should do likewise.⁵³

Cecilius Calvert’s partisans were not unaware of the danger this proposal represented, and John Hammond and John Langford both produced accounts of the late disturbances that sought to refute the potent allegations of Heaman, Strong, and the Bennett faction. Hammond had arrived in Maryland from Virginia in 1652 and due to his loyalty to the Proprietor at the Severn battle had a sentence of death passed against him by the ascendant Puritan party in the colony.⁵⁴ It is perhaps not surprising that his attacks on the Puritans of Maryland were vehement, and aimed merely at discrediting the enemies of Baltimore. In his pamphlet Hammond versus Heamans the displaced colonist railed against the “tyranny” of Bennett and presented the letter of Cromwell from January as evidence that the Puritan party had defied the Protector.⁵⁵ Heaman was denounced as a knave, murderer, pirate and traitor who had deceived Stone as to his intent in exchange for pay by the rebellious Puritans, a theme continued in the later pamphlet Leah and Rachel, or the Two Fruitful Sisters Virginia and Mary-Land where Heaman was described as “Judas-like.”⁵⁶ Hammond downplayed the role and number of Catholics in Maryland, and claimed they had dissuaded Stone from an earlier, “manly” resistance to Puritan usurpations so as to avoid any imputation of resistance to the will of the English

⁵³ Ibid., 187-230.
⁵⁵ John Hammond, Hammond versus Heamans or an Answer to an audacious pamphlet, (London: 1655).
authorities. In the later pamphlet, Hammond attributed the Puritans’ actions to greed for control over “that sweete, that rich, that large Country” of Maryland rather than to religious scruples. Throughout he defended the policies of Lord Baltimore as humane and wise, with special emphasis on the practical value of the policy of religious toleration.57

John Langford’s *Babylon’s Fall Refuted* was scarcely less scathing in its characterization of Puritans, but focused more on the issue of Lord Baltimore’s authority. Langford defended the oaths required by the Proprietor, citing the example of other Protestant inhabitants of the province and the voluntary nature of settlement in Maryland. A copy of the oath required for settlers was printed, along with an explanation that the particular clause requiring toleration of Catholicism by name had been limited to the chief officers of the government. He also attached the 1649 Act Concerning Religion that had enshrined the policy of toleration and pointed to it as a benevolent and wise precaution against religious strife. A 1650 declaration of leading Protestants from the colony, including William Durand, testified that they enjoyed all “fitting and convenient freedome [sic] and liberty in the exercise of our Religion” and supported Langford’s overall thrust denial that the Puritans had any motive for feeling religiously persecuted.58

A letter from Virlinda Stone, the wife of the governor, was also included; she denounced the cruelty of the Puritans, characterized Heaman as a “very Knave” and stressed his eagerness to execute all the prisoners taken at the Severn.59 Perhaps the most effective part of the pamphlet was a testimony from Luke Barber, a former member of the Parliamentary armies and a domestic servant personally known to Cromwell. Barber too denounced the authority and actions of Bennett and Claibourne, relayed Stone’s argument

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57 Ibid., 281-308, 304.
59 Ibid., 265-266.
that he had acted under the knowledge that the charter had remained in place, and urged the Lord Protector to settle the matter.\(^60\)

Cromwell had appointed Bulstrode Whitlock and Sir Thomas Widdrington to look into the matter as the war of words raged, but made no real move to resolve the situation himself, perhaps hoping to encourage a direct compromise between the two parties. After Whitlock and Widdrington made their report in July 1656 the dispute was referred to the Committee for Trade, which made inconclusive efforts to mediate between the parties. Baltimore was confident enough in October 1656 to commission a new governor, Josias Fendall, and to establish a new council with his nephew Phillip Calvert and Luke Barber as ranking officials in November.\(^61\) The execution of Fendall’s commission was however obstructed by the Puritan commissioners running Maryland in fact; Fendall was imprisoned and only released after swearing an oath not to disturb the colony or oppose the Puritan government until a decision was reached in England.\(^62\) A more certain sign of the trend of the deliberations within the Committee for Trade and on the Council of State comes from a brief submitted by Bennett and his agent Samuel Matthews to Cromwell from 10 October 1656, where they related that the Committee had proposed a settlement involving a return of Baltimore’s authority in exchange for a pardon for the Puritan settlers. Bennett conceded that Calvert had accepted the condition, but asked the Lord Protector to vouchsafe it as the least acceptable of terms before launching into another assault on Baltimore’s charter.\(^63\)

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\(^{60}\) Ibid., 262-265.
\(^{61}\) Archives of Maryland, 3:323-327; Steiner, Maryland under the Commonwealth, 107-109.
\(^{62}\) Archives of Maryland, 10:427-428; Randall, A Puritan Colony in Maryland, 38-39; Krugler, English and Catholic, 209.
\(^{63}\) Thurloe’s State Papers, 5:482-487.
In his brief Bennett requested that Cromwell intervene against his own Committee to impose a settlement favorable to Puritan interests, and used all of the old arguments against Baltimore to make his case. The travails of the Virginia settlers and the injustices done to them in the matter of their charter were reiterated and justice was requested. Baltimore was presented as a devious intriguer who had deceived the King to obtain his own charter. The powers granted to Baltimore were once again denounced as incompatible with the liberty of Englishmen under the Commonwealth, and evidence of Baltimore’s previous royalist allegiances was used to brand him a traitor. That Baltimore pursued a policy of religious tolerance for Catholics was used as evidence of the incompatibility of his charter with English law and rights, as Bennett argued the laws of England against Popery were aimed at nothing short of extirpation.\textsuperscript{64} The details and line of argument resembled \textit{The Lord Baltimore’s Case Uncased and Answered} sufficiently to suggest a common writer, or at least heavy influence. Bennett appealed to the emotional issues of absolutism and Catholicism, insisting that Baltimore’s powers were a threat to England and to the liberties of the Protestants of Maryland and therefore had to be curtailed by the government. There was nothing new in his argument, and while anti-Catholic sentiment had wide appeal in England it had clearly already failed to push Cromwell to void Baltimore’s charter.

Despite Bennett’s entreaty Cromwell never explicitly intervened to impose a settlement, though his refusal to do so signaled that the charter would remain intact and gave Baltimore a strong hand in his negotiations on the side with Bennett. The long delay between the establishment of outlines for a settlement, evident in October 1656, and the final deal between Bennett and Baltimore in November 1657, suggests either

\textsuperscript{64} Ibid., 484.
bureaucratic delay or some lingering uncertainty about the will of the Lord Protector. In the end Cromwell’s inaction upheld Baltimore’s legal position, and the conflict between the Proprietor and his Puritan subjects was settled by a compromise restoring Baltimore’s authority in exchange for a blanket pardon of the Puritans. Baltimore pledged not to take action against the Puritans who had opposed him and substituted a simpler declaration of loyalty for the full fledged oath demanded earlier. In return Bennett signed a submission on behalf of the community in Maryland. The Puritan commission in Maryland had foreseen the outcome and so, at the last assembly in Providence, passed legislation making the 1649 Act Concerning Religion a perpetual law so to insure Baltimore could not inflict religious reprisals on the Puritan church. Further compromises were made between their members and Fendall and Phillip Calvert, but in March 1658 the Proprietor’s absolute authority was re-established.

The public conversation about the situation in Maryland exemplified by the pamphlet war between Baltimore supporters and opponents was important despite the lack of a role for popular opinion in resolving the matter. The arguments presented in the pamphlets of both sides largely copied briefs and arguments presented earlier before the Navy Committee of Parliament and later to Cromwell’s Council of State. They clearly established the ways that both sides thought about the conflict, and explicitly raised the question of the status of Englishmen abroad. The Maryland charter allowed English subjects living in Baltimore to hold a status different from those living in the realm of England proper. The recalcitrant Puritans clearly saw the sweeping powers of the Proprietary and his officials, with the participation of despised Catholics in government,

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65 Archives of Maryland, 3:332-340.
66 Archives of Maryland, 1:369-370.
as a sign of diminished status vis-à-vis the status of Englishmen in the motherland. The Puritan arguments in favor of voiding Baltimore’s charter were also aimed at imposing the norms of England on the Maryland colony and consequently elevating their status both as colonial elites and as Englishmen in a broader polity. That such a public conversation about the status of colonial subjects was held so early in the history of English colonization is important in tracing the development of English colonial ideology. Ultimately the English government did not accept the requests of the Puritans and tacitly upheld the charter with its distinctions between the homeland and colony, foreshadowing later affirmations by English governments and society of a distinct colonial status with consequences culminating in American independence.
CHAPTER IV

The Maryland Palatinate described by the enemies of Lord Baltimore was something fundamentally alien from the political culture of the homeland after the Civil War. Hyperbole aside, they may not have been too wrong given the absolutist and monarchical nature of Baltimore’s government as constituted in the charter. That Baltimore “averred” the “Laws against Papists and Recusants extend not thither,” made it even more “unlike the rest of the Dominions” of the English nation.¹ Baltimore himself conceded that the practices of Maryland were incompatible with the forms and customs of England proper and rested his entire case on the very fact that Maryland and England were so different. The charter itself implied the fundamental distinction with its famous Bishop of Durham clause, disclaiming taxation on Maryland inhabitants, and a concession to Baltimore of the establishment of land tenure in his name notwithstanding the statutes of England. Lord Baltimore’s opponents among the Virginians and Puritans thus sought to legitimately end his authority by attacking the charter with any weapon they had at hand. They disputed the legal circumstances around the grant of the Maryland charter and the revocation of Virginia’s charter, they argued that Baltimore was a traitor to the Commonwealth, and most prevalently they appealed to the anti-Catholic prejudices of the English public and government.

The assumptions about colonial status embedded in the conflict were clearly visible to Baltimore, Bennett, and the other participants in the dispute that wracked

Maryland in the 1650s. Baltimore reached back to Ancient Rome for a precedent of seemingly incompatible political systems within one imperium, and held up the threat of severe commercial consequences if his charter were voided. His party in England also promoted the policy of religious freedom as proof of his benign intentions, protested his loyalty and obedience to Parliament, used the support of other Protestants to vouch for his style of rule, and abused the Puritan opposition in reaction to the efforts of Bennett and his supporters to get around the charter by blackening its holder. None of the authorities who looked into the matter seemed inclined to challenge the legality of the charter’s issue or of Lord Baltimore’s exercise of prerogatives under it. Lord Baltimore’s ultimate loyalty was naturally a matter of keen interest but he seems to have satisfied even Cromwell that England had little to fear from this Catholic “person of quality.”

However, the very propriety of the charter could be challenged directly in a serious threat to the continued recognition of Lord Baltimore’s charter rights by the English government. Lord Baltimore’s opponents clearly understood the power of that issue and made use of it, harping constantly on how Baltimore’s absolutist powers and Catholic religion represented what England proper had rebelled against in the Civil War. In reply to Baltimore’s use of the Roman client-kings as a precedent for his position within the English Commonwealth, they retorted that the Romans had never set up kings over Roman citizens, only outsiders. The Puritans saw themselves as the “Romans,” as citizens of the core of the Imperium who deserved better than the sort of government imposed on subject peoples. The religious objections to Baltimore’s Catholicism were undoubtedly genuine, but given the way in which Catholicism and absolutism were

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2 Thurloe’s State Papers, 1:724.
conflated in the English imagination the two issues could not be easily separated. The Puritans objected to Baltimore’s intolerable toleration of Catholicism and the political absolutism sanctioned by the charter to justify their violent opposition to the Proprietor. They had good reason to suspect a revolutionary government that had gone so far as regicide would be sympathetic to their argument. While Lord Baltimore clearly had the charter on his side, the Puritans could count on a great deal of sentimental support simply by holding up the figure of a Catholic wielding royal power over Englishmen.

In the end, Lord Baltimore’s charter weathered the attacks raised against it in England despite the disadvantage that the Proprietor labored under due to his religion and prior royalist record. The length of time required before a settlement was reached was almost certainly a reflection of government disarray, the press of more important matters, and perhaps the reluctance of the English government to come down too harshly against the Puritans. But in order for the Puritan actions to be legitimized the English government had to take some measure against Baltimore’s charter, and this it simply refused to do. As a necessary consequence the charter and all of its underlying assumptions about the relationship between England and one of her colonies remained intact, sustaining the establishment of a very different regime for Marylanders than for Englishmen. The Puritans’ arguments against the establishment of a separate political regime for the Maryland colony and thus a separate political status for Maryland residents failed to overcome the reluctance of Parliament and the Lord Protector to upset delicate legal and commercial conditions in the colonies or to alienate vested interests among the gentlemen adventurers bearing most of the cost of colonial development. Later generations of American colonists would press a similar case that they deserved a
better political status, one commensurate with their identity as elites in a British province. They would receive similar rebuffs.

The rule of a Catholic proprietor over Maryland lasted another thirty years until brought to an end in 1689 by Coode’s Rebellion, and saw the transition of rule from Cecilus Calvert to his son Charles. The Glorious Revolution against the Catholic King James II encouraged lingering Protestant rebelliousness in Maryland, abetted by several fateful missteps in Charles Calvert’s rule of the province. The alienated population was driven to rise up against the provincial government by a delay in the proclamation of William and Mary as sovereigns of England, which was taken as proof of Stuart loyalties on the part of Baltimore. Baltimore also faced an act of attainder for treason by the Irish Parliament after Stuart loyalists had recruited a regiment of cavalry from his estates. The new English government still faced a serious threat to its legitimacy from James II and was plunged almost immediately into war with France, which rendered any long, drawn-out disputes over the governance of the colonies undesirable. With Baltimore’s loyalty in question, William and Mary recognized the fait accompli in Maryland and appointed a royal governor to take the place of the Proprietary official, who quickly recognized the rebel government’s exclusion of Catholics and other dissenters from government.4

Though the 1689 revolution had achieved what the Puritan revolt had not by establishing an exclusively Protestant government in Maryland, the charter was still not overthrown. William and Mary ratified Baltimore’s rights to the land in Maryland, and royal officials still collected the rents and other revenue owed to the proprietor. The royal governors exercised all the absolutist powers that the proprietary governors had,

though the removal of Catholics, Quakers, and Baltimore’s own Protestant supporters opened up a windfall of offices for the successful revolutionaries. The conversion of Charles’s son Benedict to the Anglican Church was sufficient to convince the Crown to restore political authority to the Calvert family in 1715, putting the charter back into full operation once again. The later proprietary governments did not act to restore the policy of religious toleration or to remove the new political elite that had occupied the vacuum of offices following the 1689 Revolution. Nevertheless the colonial Assembly and the succession of proprietary governors that ruled as proxies for the Benedict’s heirs found plenty to quarrel over before the American Revolution finally brought an end to the charter’s authority.

The separate status that marked Maryland’s relationship to the imperial center had, by 1776, become a problem in the relationship of the American colonies as a whole. Other colonies that had viewed the distance between America and Britain positively were unnerved and then enraged by British efforts to consolidate imperial control in the aftermath of the French and Indian War. Taxation without representation, the posting of standing armed forces to America, and other intrusive measures in the colonies seemed to call into question the terms of the relationship between the colonies and the homeland. Britain had recognized a growing rift in that relationship and took measures designed to tie the homeland and colonies closer together, but did so in a way that eliminated American prerogatives of autonomy without extending recognition of equal status to colonial elites. As T.H. Breen argued in *The Marketplace of Revolution*, over the course

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5 Burnard, *Creole Gentlemen*, 167.
7 Eliga Gould and Peter Onuf, eds., *Empire and Nation: The American Revolution in the Atlantic World* (Baltimore: John Hopkins University Press, 2005), 1-19; Eliga Gould, “Fears of War, Fantasies of Peace:
of the eighteenth century the colonial population had come to increasingly see itself as fundamentally British.\textsuperscript{8} The measures of the British governments in the lead up to the Revolution instead convinced Americans of their less privileged political status within the British Empire. The affirmation of a distinct colonial identity and status that was widely viewed as inferior frayed and then cut the ties of loyalty felt by many colonial Americans and led directly to the War for American Independence.

The true significance of the earlier dispute in Maryland was the way in which it revealed underlying assumptions and tensions within the English model of colonial settlement. Lord Baltimore’s charter presumed that the colony it created would be a separate sphere from England, with rules and customs different from that of the homeland. As a necessary corollary, its settlers would not enjoy the same political and religious milieu as the King’s other subjects located within the European realm. All accounts of the Puritan opposition to Baltimore made it very clear that this difference in political-religious conditions was viewed as conferring an inferior status to Maryland residents compared to Englishmen in the homeland. Despite this, Baltimore’s opponents in Maryland were not the revolutionaries of the 1770s; they explained their actions in terms of consistency with their perception of English conditions and appealed to the authority of Parliament and the Lord Protector in confronting Baltimore. They gave in to the Proprietor on the best terms they could obtain when it became clear that England was unwilling to overturn Baltimore’s charter and its underlying logic of separation. The

Puritans did not appeal to universal values of freedom, to rationalism or to defiance of the English government, but rather sullenly accepted the situation.

The dispute did reveal the underpinnings of the later mercantilist empire of Britain were evident as early as the writing of Baltimore’s charter. In sustaining that charter, the English government of Cromwell denied the appeals by colonists to be treated in the same manner as Englishmen in England proper. The arguments of Baltimore and his opponents make clear that both understood the charter as establishing for the colony a separate and different political status from that of England. The Committee of the Navy, the Council of State, the Committee of Trade and the Lord Protector were witness to the arguments and could not have ignored the implications of the dispute. The Puritan appeal was unquestionably an early challenge to the emerging separation of colonial and homeland identities, and it indisputably failed. The construction of the British Empire thus continued in the spirit of the principles established in Baltimore’s charter, with a tacit and then later an explicit acknowledgement that England and the colonies faced different rules. That outcome did not lead directly to the War of Independence but did demonstrate the depth of cleavages leading up to it. A review of the dispute between Cecilius Baltimore and his Puritan enemies makes clear that English colonial ideology assumed and accepted a separate and inferior status for colonial subjects, who in turn would challenge that status with increasing bitterness.
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