

Maryland

ALL the land in Maryland was within the grant by James I to the Virginia Company in 1606.

The earliest recorded, but little known, settlement of Europeans in Maryland was on Palmer's Island, in the Susquehanna River, in 1625. Nearly a hundred men were sent there from Jamestown, Virginia, to establish a station for trading with the Indians for mink, otter, beaver and muskrat skins.* That was six years before Claiborne made a settlement on Kent Island, and nine years before the grant of the land in Maryland to Calvert.

Palmer's Island, now known as Garrett Island, supports the piers of the Baltimore & Ohio Railroad bridge crossing the Susquehanna River, just above Havre de Grace.

It was in 1625 bargained for with the Indians by Edward Palmer, a man of education, from Gloucestershire, England, who lived on the island a number of years before the advent of the Calvert colony.

The land system of Maryland was formulated by the Calverts. George Calvert was born in 1582, the son of Leonard Calvert, a Yorkshire farmer of Flemish descent. After attending and receiving a degree at Oxford University, he married Alice Wynne, a granddaughter of Sir Thomas Worth, commissioner in Ireland for Queen Elizabeth. (Calvert later succeeded to a similar office.) Calvert was an under-secretary of state to Sir Robert Cecil, for whom Calvert named his eldest son.

By advocating the marriage of the prince, afterwards Charles

*Historic Havre de Grace

I, to a Spanish princess, upon which the father, James I, had set his mind, Calvert became a favorite of that monarch.

In 1617 he was knighted and, two years later, was appointed principal secretary of state to James I. The king granted him a large area of land at Baltimore, on the southwest coast of Ireland, and shortly thereafter granted him, in fee simple, 3,900 acres at Longford, Ireland, which he began colonizing. Calvert was soon raised to the Irish peerage. His wife, the mother of eleven children, died in 1622.

In 1623 James granted to Calvert and his heirs, for ever, the southeastern part of Newfoundland, the government of which was to be a palatinate and, in effect, was to be a kingdom within the British Kingdom.

Calvert was a member of the Council of New England. Upon the revocation of the Virginia charter in 1624, he was appointed one of the provincial council for the government of that colony.

Upon the death of James I, in March, 1625, the throne fell to his son Charles I, and Calvert sold his secretaryship of state to his successor for £6,000.

After receiving the Newfoundland grant, Calvert promptly sent a group of colonists there to occupy the land, but he himself delayed going until 1627, when he went with a retinue, including a lady friend.

After nearly two years' residence there, he wrote Charles that the climate was too severe for successful colonization and that he intended going with about forty persons to Virginia, "where, if your majesty will be pleased to grant me a precinct of land, with such privileges as the king, your father, was pleased to grant me here, I shall endeavor to the utmost of my power to deserve it."

The king wrote Calvert in reply: "Weighing that men of your condition and breeding are fitter for other employment than the forming of new plantations, which commonly have rugged and laborious beginnings," he thought fit to advise him to desist from further prosecutions of his designs.

Calvert and his party from Newfoundland reached Jamestown, Virginia, in October, 1629, where, meeting with disfavor because of his Romanism, he sailed for England. Disregarding the king's advice, he petitioned the privy council for an area of land in the

Virginia region; at first specifying the territory between the James and Chowan Rivers, but afterwards selecting the Chesapeake region. Calvert also asked the council to instruct the Governor of Virginia to aid in returning to England, the lady whom he had left in Virginia.

The charter for Newfoundland was so liberal in all respects to the grantee, that Calvert, in his petition, copied its provisions for his proposed grant in Maryland.

William Claiborne, a younger son of an old Westmoreland family in England, was sent to Virginia in 1621 by the Virginia Company, as a surveyor. After the Virginia charter was abrogated in 1624, he was appointed by Charles I as secretary of state for Virginia.

A year before the grant of Maryland to Cecilius Calvert in 1633, Claiborne had located a settlement on Kent Island, in the upper Chesapeake, and had established a lucrative trade with the Indians along the Chesapeake Bay and the Potomac and Susquehanna Rivers. He exchanged beads, knives and other trifles for beaver and other valuable peltries, which he shipped to England. From this he prospered greatly and acquired land in Virginia.

In 1631 Claiborne was sent to England by the Virginia assembly to oppose the proposed grant of land to Calvert anywhere within the original Virginia territory, which extended from below the present Wilmington, North Carolina, to above Wilmington, Delaware.

When James I annulled the charter of the Virginia Company, both he and his successor, Charles I, stated that it merely abolished the government of Virginia by that company and did not diminish the land rights of the company stockholders. This was further shown by the fact that for years afterwards Virginia Company stock certificates were received in payment for land.

Clearly, then, the grant of Maryland to Calvert was a grant to him of land which belonged, by grant of James I, to the shareholders of the Virginia Company.

Upon his arrival in England, Claiborne conferred with Clobery & Co., his factors in London, to whom he had been consigning furs, and they aided him in opposing a grant to Calvert.

He had a license from the governor of Virginia to trade with the Dutch and English along the North Atlantic seaboard. While in Britain, he applied for, and was granted, a Scotch license to trade in any part of North America which the king or his predecessors had not granted to others.

In opposing a grant to Calvert, Claiborne and his factors stated that Claiborne had bought Kent Island from the Indians—the kings of that country—and had settled the island before George Calvert came to Virginia. Furthermore, Claiborne said the Calvert grant read that Calvert was granted land which was *hactenus in culta*; that is, land which is unsettled and unimproved, whereas Kent Island had been already settled by him as a part of Virginia and was represented by delegates in the Virginia House of Burgesses.

Further objection was made to the grant in that it was surreptitious, and invasive of the charter rights of Virginia; that King James had granted the same land to the adventurers and planters of Virginia; that these actually possessed Kent Island long before; that it granted too extensive trade privileges and the power of granting “any part of the land in fee to whom he please.”

Claiborne then proposed that he pay to his majesty an annual rental of £50 for the island, and £50 for land twelve leagues (thirty-six miles) in width on each side of the Susquehanna River, extending from the mouth thereof to the head “of the grand lake of Canada,” and down the Chesapeake Bay on each side to the sea.

George Calvert having died in April, 1632, at the age of fifty-three, before the grant of Maryland passed the great seal, the grant was in the following June issued to his eldest son Cecilius, aged twenty-six, who became second Lord Baltimore.

The commissioners of plantations in England, to whom Claiborne's petition was referred, ruled that Claiborne had only a license to trade with the Indians, which gave him no warrant to land; that under the grant just issued to Calvert the land belonged to Cecilius Calvert, his heirs and assigns; and that the only redress Virginia had was to bring suit against him.

Cecilius, when eighteen years of age, had married Lady Anne Arundel, daughter of Thomas Arundel, Lord of Wardour, who

was implicated in the Gunpowder Plot to blow up the House of Parliament in 1605. Arundel was said to have converted George Calvert to Roman Catholicism, and advocated settling Catholics in Maryland. Cecilius was never in America.

Opposition to the Calvert grant continued after it had passed the great seal. The case was tried before the privy council which, as was to be expected, decided in favor of Calvert.

The charter conferred upon Calvert rights and privileges which have never been granted by a sovereign of England to any other individual—in effect, a despotism. The grant included all the land, minerals, rivers, bays and fishings within the present state of Maryland, and a considerable area now in Pennsylvania and Delaware.

It granted to Calvert the right to confer titles, incorporate cities and towns, levy import and export taxes, dispose of land, erect manors, establish courts of justice, appoint all officials, declare martial law, muster and train men to make war; to pursue men and put them to death; and included the patronage and advowsons of all churches to be built.

The king bound himself and his successors not to levy any tax or contribution whatever on the people; but this did not extend to customs duties. No appeal on any controversy between Calvert and the settlers in Maryland could be taken to any British court.

Enactments of the Maryland legislature were not required to be submitted to the king in council, as later was provided in the grant to Penn. Maryland was constituted a palatinate equal to a principality.

To induce purchase of land and migration to Maryland, Calvert advertised the desirable climate and soil and the possibility of making more than 100 per cent profit on the labor of every indentured servant which land buyers would transport there.

At the initial offering in England, before sending a colony to occupy the land, Calvert announced that: "Every first adventurer during 1633, who shall transport five men [inferentially indentured servants] between fifteen and fifty years of age, shall receive for himself and his heirs for ever, a grant of two thousand acres of land at a yearly rent of four hundred pounds of good wheat—twenty pounds rent per hundred acres.

"Whoever during the following two years shall transport ten men shall receive two thousand acres at an annual rent of six hundred pounds of good wheat—thirty pounds per hundred acres.

"After the third year, and until further notice, for every five men transported, a thousand acres will be granted at an annual rent of 20 shillings payable in commodities of the country"—two shillings (50¢) rent per hundred acres.

These grants of land were not to be made to the men who were transported as indented servants, share croppers or tenants, but to those who sent them and paid their transportation.

A party of colonists in the "Ark," 350 tons, and the "Dove," 50 tons, sailed from England for Maryland in November, by the course usual in the early days, via the Azores.

Cecilius was busy defending his grant against attack in England and appointed his brother, Leonard Calvert, then twenty-six years of age, to go as governor of the colony.

After departure of the colony for Maryland, Cecilius wrote the Earl of Strafford that he had sent a hopeful colony to Maryland: "There are two of my brothers gone, with very near twenty other gents of very good fashion, and three hundred laboring men well provided in all things."

There is reason to believe they were mostly adherents of the Church of England, sent as indented servants; only two of the twelve who died at sea professed adhesion to Roman Catholicism. The governor was assisted by two councillors—Thomas Cornwallis and Jerome Hawley—both of whom were Protestants. [108]

After tarrying a while in the West Indies, they reached the Chesapeake the following February and presented to the Virginia governor a written command of Charles I, that: "The king desires to encourage the noble purpose of Lord Baltimore, and requires that all lawful assistance be given in seating [locating] him and his associates in Maryland." But as the Virginia settlers considered the Maryland territory had been stolen from their province, the presence of the Maryland settlers was resented.

The colony proceeded to the Potomac River and made a landing on an island which they named St. Clement. There, a priest

set up a cross and took formal possession of the country, "for our Savior, and for our Sovereign Lord the King of England." They found the woods swarming with deer, bison, bear and turkeys.

The following month they moved to a large tract of land which the Indians had cleared and cultivated. This they named St. Mary's. The Indians were friendly and were given hatchets, hoes and cloth, and the colonists were shown how to cultivate corn and make succotash, corn pone and hominy—all delicious and nutritious food, for which civilization is indebted to the American Indians.

Owing to the facility of the cleared land, the colonists were able at once to plant and, at the end of the first season, to send a shipload of corn to the Massachusetts colony, for which they received in return a supply of salted codfish.

Calvert planned the foundation of an aristocratic state, with large tracts of land possessed by individuals, who would thereby uphold his authority. An assembly, composed of landholders, to act under Calvert dictation, was established at an early date.

Leonard Calvert promptly notified Claiborne that if he wished to retain Kent Island he could do so only as a tenant of, and by paying land rent to, Cecilius Calvert as lord proprietor. Receiving no response, Governor Calvert, six months later, issued an order that if Claiborne would not submit to his government he should be seized and punished.

A pinnace, the "Long Tail," belonging to Claiborne was captured by Calvert forces for trading with the Indians in Maryland waters, without a license from Calvert. In reprisal, Claiborne armed a shallop, the "Cockatrice," and manned it with about thirty men under command of Lieutenant Ratcliffe Warren, whom he commissioned to seize any vessels belonging to the government at St. Mary's. Calvert, learning of this, sent two pinnaces, the "St. Helen" and "St. Margaret," duly armed and equipped, under command of Captain Thomas Cornwallis. The two expeditions met in Pocomoke River in April, 1635. The Warren party fired on the Calvert vessels, killing two men, whereupon the "Cockatrice" surrendered.

About two weeks later another conflict occurred on the Great

Wicomico River, a tributary of the Pocomoke, in which Thomas Smith, commanding a vessel of Claiborne, defeated the Calvert forces. Smith was afterwards captured, tried before the assembly, and hanged for piracy.

In 1636 Cecilius Calvert, in London, announced that any person transporting to Maryland from any other place (having in mind especially Virginia and New England) persons of British or Irish descent should have granted to him, or his assigns, fifty acres of good land for each person. The grant was to be holden in socage tenure, paying yearly for every fifty acres to his lordship (Calvert): for the first seven years, the rent of one shilling sterling in silver, or in commodities, as his lordship or his officers should accept; for the next fourteen years, one bushel of good wheat, or three shillings silver and, thereafter, the twentieth part of the annual yield (the last named, in effect, an annual ground rent based on the annual rental value), or twenty shillings in silver or gold yearly.

The object of this was to induce men of means to buy land and settle tenants or indentured servants thereon and, as population increased, to increase the land rents. Calvert well knew that land sales at increasing prices depended upon increasing population.

The announcement continued: "Every adventurer or planter shall cause so many persons to reside upon the land granted as per conditions, and in default thereof, after due notice, shall pay to his lordship, Calvert, two bushels of good wheat yearly for each person missing, and it shall be lawful for his lordship and his heirs to seize fifty acres upon which there is no person, and let the same to any other person for any term not exceeding three lives, or twenty-one years, paying such adventurer or planter and his heirs or assigns a tenth part of any rent obtained over and above the land rent reserved by his lordship upon the original grant."

Calvert was willing to sell land to all applicants, including the Puritans in New England, as shown in an entry in the journal of Governor Winthrop of Massachusetts: "Lord Baltimore being owner of much land near Virginia . . . made tender of land to any of ours that would transport themselves thither, with free liberty of religion and all other privileges which the place affords,

paying such annual land rent as should be agreed upon." Winthrop added that none of his people had "any temptation that way."

Thomas Copley, a Jesuit, in accordance with conditions of the plantation, demanded of Calvert four thousand acres for transporting into Maryland himself and twenty able-bodied men at his own charge. [108]

The Jesuit brotherhood and others were active, in the early years of the settlement, in obtaining land rights from the Indians, which prompted Calvert to issue the order that such rights were void and that land titles not obtained from him, as lord proprietor, were not valid, as he held a monopoly of all the land in the province by royal grant. He further declared there should be no land held in mortmain (by an organization). This also brought him in conflict with the Jesuits.

Calvert promoted his brother, Leonard, by appointing him lieutenant-general, admiral and commander, and also chancellor and chief justice of the province, with power to grant land. Leonard was directed to assemble the "freemen," to whom he was to announce that the lord proprietor dissented from the laws made by them at the previous assembly and that he would submit to them laws to be enacted by them.

When these proposed laws were considered at the next assembly, there were fourteen votes, including proxies, for them, and thirty-seven votes in the negative. This was the beginning of a prolonged struggle between the people and the Calverts. [169]

The settlers on Kent Island continued in rebellion and Governor Calvert, with a force, reduced it in February, 1638. Palmer's Island, occupied by people from Virginia, also was in rebellion and it too was reduced and a fort erected thereon.

After four years of contention and fighting with Claiborne, the governor for a few years established and maintained his government throughout the Chesapeake region, but the settlers on Kent Island, feeling they had been unjustly treated by the Calvert rule, resented as unjust the land rents levied upon them.

Claiborne had failed in his attempt to retain possession of the island by force and was sent by the governor of Virginia to England, to seek what remedy he might have there.

King Charles sent commissioners to Maryland to look into the situation. They naturally reported in favor of Calvert, which the king confirmed.

Virginia then ceased opposition to the Calvert charter and grant, and recompensed Claiborne by granting him a large area of land in Virginia. He also obtained land in the Bahama Islands, being part of the grant made by the King of England to the Providence Company, another English colonization project.

Cecilius, in London in 1638, ordered that any law passed by the assembly shall be in force "till I or my heirs signify dissent thereto, and no longer."

It is evident that many persons in England obtained land in Maryland which they had no intention of using. In 1639 an act for peopling the province provided that if any one who had received a grant of land on condition that he would have a specified number of able-bodied persons settled thereon, neglected such settlement for three years, "his lordship is empowered to grant or lease any part of such land to others for a life of seven years."

Refusal of the settlers on Kent Island to pay land rent persisted in 1640, and Calvert issued a commission to the sheriff to demand the unpaid rents. For every fifty acres the rent was 12*d* sterling, or of that value in commodities; that is: four pounds of tobacco, at 3*d* per pound or one peck of wheat. One capon was valued at eight pounds of tobacco, or two pecks of wheat (50¢). Failing to collect, the sheriff was ordered "to distress upon the land and chattels."

A tract of four thousand acres on the Potomac River, above Port Republic, was laid out in 1641 to Captain Thomas Cornwallis, who had come over with Leonard Calvert, and had commanded the Calvert naval fleet against the Claiborne forces. He became the most substantial resident in Maryland and built in the colony the first brick house of which there is any record. [108]

Notwithstanding the land rents which Calvert was exacting of all the settlers, the assembly in 1643 granted him 5 per cent tax on all tobacco exported to countries other than England, Ireland and Virginia. Four years later he was granted, for a

period of thirteen years, 10s per hogshead on all tobacco exported.

At the time the assembly was granting him the tax on the product of the tobacco growers, he was sending an order from Bristol, England, that all his indented servants on his West St. Mary's plantation be sold forthwith, to be replaced by laborers to be paid from the products of the farm, "if sufficient."

A proclamation in 1643 required that all persons who had settled on land assigned to them must take out grants for the same and pay land rent, on pain of being refused grants thereafter.

The council of state in London issued an order to apprehend Cecilius Calvert, charged with coining and exporting money; the coins bearing his image, name, and coat-of-arms. [108]

Being under charges in England, he had given bond not to leave there, whereupon Leonard went to England in April, 1643, to confer with him; appointing Giles Brent as acting governor during his absence.

Claiborne took advantage of the governor's absence to renew active opposition, by "attacking Calvert's land rights, declaring that all persons who had transported themselves into the province were entitled to land and might take it up at their pleasure without reference to Calvert." [19]

Richard Ingle, who had lately arrived in Maryland from England and become a tobacco trader, upon departure of the governor, started an agitation to deprive Calvert of all his rights of government, if not to the proprietorship of the land, in the province. Arrest of Ingle for treason was ordered.

Cecilius was dissatisfied with Brent's acts and, in December, notified Brent that he intended going to Maryland in, or before, June next. Meantime, he suspended granting land until his arrival.

Cecilius did not go to Maryland as promised and, instead, ordered Leonard to return to Maryland forthwith. Upon his arrival there he found that Claiborne and Ingle had joined forces and with an armed vessel had seized St. Mary's, the capital, and that Claiborne had retaken Kent Island. Whereupon Leonard fled to Virginia, and a general uprising occurred in favor of Cromwell and the British Parliament. Cornwallis' brick house was seized, "with the plate, linen, hangings, brass, pewter and

other household effects worth £1,000; also his cattle, a shallop and a pinnace.”

The province was in control of these contestants for the six months ending in August, 1646, when Acting-Governor Brent captured the armed vessel and expelled both Claiborne and Ingle. During this rebellion, the land records at St. Mary's were lost or stolen, which caused much doubt about many land titles.

The following year, the settlers on Kent Island again rebelled and refused to take the oath of allegiance or pay land rent to Calvert as lord of the province.

Governor Leonard Calvert died that year, and Margaret Brent, sister of Giles Brent, was named his executor. She was a woman of forceful personality and was active in taking up land.

The late governor had commissioned Thomas Greene, a member of the council, as his successor. England then being under Cromwell, and Cecilius apprehending encroachment of Parliament on his Maryland domain, deemed it prudent that the governor be a Protestant. Thereupon, to save his privilege and land-rentals, he appointed William Stone, of Virginia, a Protestant, as governor and changed his council (not the assembly) from all Catholics to one-half Catholics and one-half Protestants. [60]

Notwithstanding this the attorney-general in England was directed by Parliament to take under consideration the validity of the royal grant of Maryland to Calvert. [108]

Stone, having occasion to go to Virginia, appointed Greene as deputy-governor. Greene, being a royalist, grasped the opportunity to proclaim Charles II, but Greene's commission was soon terminated by the return of Stone. Greene's action embarrassed Calvert in his relations with Cromwell.

A group of Puritans who had come from England in 1621 under the leadership of Richard Bennett, son of a wealthy London merchant, and settled along the Nansemond River in Virginia, were forced by religious intolerance to leave Virginia. They moved to the Severn River in Maryland in 1649 and later were followed by several hundred more. They founded Providence, afterwards named Annapolis, and divided a tract of land into lots of fifteen acres each.

There they found they were obliged to take an oath of loyalty

to Calvert. Having objection, because of religious scruples, to taking an oath of any kind, a modified oath was compromised upon with Governor Stone. Calvert rejected this and proclaimed that all who would not take the oath within three months should be expelled from the province and their land seized to his lordship's use. [60]

To establish and perpetuate a feudal aristocratic society in Maryland, and to increase land sales, Calvert in 1648 ordered that each land grant of a large area should be constituted a manor, "to be of an indefeasible estate of inheritance in fee simple to them and their heirs for ever."

Manors were laid off in different parts of the province, and some of the choicest locations were reserved for Calvert; other locations were reserved for the benefit of his relatives and friends.

Calvert promulgated the terms and conditions upon which he would grant land for manors, as follows: "On two thousand acres each, at an annual land rent for the first seven years, £2 sterling in silver or gold, or value thereof in products, payable to Calvert or his heirs; the next fourteen years, the annual rental to be forty bushels of wheat, or £6 sterling in gold or silver at the choice of his lordship or his heirs; and after the said fourteen years, the twentieth part of the annual yield and profits of such manor, or in lieu thereof, £10 silver, at the choice of his lordship or heirs. For every two thousand acres, and every three thousand acres, and every one thousand acres of land so to be granted to any adventurer [there] shall be created . . . a manor, to be called by such name as the adventurer shall desire. Also to grant within every manor, to him and his heirs, a court-baron and court-leet."

This was stretching out aristocratic features in the province—a feudal mode of parcelling out lands by subinfeudation. [15]

To assure their continuance, and make Maryland a feudal state as far as human foresight could dictate, Calvert ordered that: "the sixth part of the land of every manor shall be set apart by meets and bounds and never be alienated, separated, or leased from the royalties and lord of the manor for a term exceeding seven years, but the lord of the manor shall have power to grant or convey any other part of said manor to any other person of British or Irish

descent, either in fee simple or fee-tayle for life, lives or years, under such rents as they think fit, not prejudicial to his lordship's [Calvert's] royal jurisdiction, and liable to the payment of such land rents to his said lordship and his heirs for ever."

With the knowledge that an ever increasing population automatically increases the rental value of land, he determined to reap that unearned increment. While such rentals look small today, we may be assured they were the utmost Calvert could exact while there was a sparse population in a wilderness.

These conditions of plantation were calculated to induce men of some wealth in England, who were able to bear the expense of transporting servants and dependents, to take up land on which to place them, and often themselves to emigrate to the province. [15]

To protect such adventurers, the Calvert assembly made it a felony for any indentured servant to depart secretly from his master, the penalty being death.

Fiske, [48] in *Virginia and Her Neighbors*, in giving an excellent account of these manors in Maryland, said: "The manor was the land on which the lord and his tenants lived, and bound up with the land were also the rights of government which the lord of the manor possessed over his tenants, and they over one another.

"The manor house was usually of generous dimensions, containing a large dining hall, paneled wainscoting and family portraits; there was the chapel, with the graves of the lord's family beneath its chancel, and the graves of the common folk in the churchyard.

"Surrounding or near by the manor house were various buildings for the numerous negro slaves, and for cooking and preserving; for the extensive stable of horses, and for coaches and farm implements; for cattle, and for carpentering, blacksmithing, wheel-wrighting, carding, weaving, painting and shoemaking; and a more or less primitive mill for grinding grain. In the distance were the dwellings and farm buildings of the white tenants. Here and there the dwelling of a white freehold tenant, with ample land about it, held on lease of twenty-one years.

"These manors were little self-governing communities. The

granting of a manor usually included the right to the grantee to hold court-leet and court-baron. The court-leet was like a town meeting. All freemen could take part in it. It enacted by-laws, elected constables and other local officers.

"It set up stocks and pillory, and sentenced offenders to stand there; for judicial and legislative functions were united in this court-leet. It empaneled its jury, and with the steward of the manor presiding as judge, it visited with fine or imprisonment, the thief, the vagrant, the poacher, the fraudulent debtor.

"The court-baron was an equally free institution in which all the freehold tenants sat as judges determining questions of law and of fact. Each was a little world in itself. This court decided all disputes between the lord and his tenants, or escheats. Here actions for debt were tried, and transfers of land were made with the ancient formalities."

It is probable that court-leets or court-barons were seldom held, and on some manors not at all, and that their functions were taken over by the county courts as soon as county courts were brought into existence.

Any estates and manors forfeited for treason or felony went to the lord proprietor.

A grant of three thousand acres was made to William Mitchell on the usual terms, in consideration of his sending thirty persons to Maryland. St. Thomas' manor of four thousand acres was granted in 1649.

A manor on the Patuxent River was granted in 1650 to Robert Brooke of England, to constitute "one whole county to be created thereabouts, with all such dignities, privileges and profits belonging to said place." Brooke arrived with his family and many servants, and a pack of hounds. In the same year a manorial grant on Kent Island was made to Robert Vaughan. A manor of ten thousand acres was granted to Edward Eltonhead.

Thomas Gerrard, gent, a member of the council, was granted Saint Clement manor of 11,400 acres on the north side of the Patuxent River. This was the largest individual manorial grant in Maryland, and was adjacent to Basford manor, in the same ownership, and to a manor of 61,000 acres reserved by Calvert for himself. Original manuscript records of court-baron and court-

leet held in Saint Clement manor, from 1659 to 1672, are in possession of the Maryland Historical Society.

Calvert in 1665 ordered that in every county at least two manors, each not less than six thousand acres of the choicest soil, be surveyed and set apart for himself. These to be leased to tenants on payment of land rent.^b

Johnson, in his excellent essay on *Old Maryland Manors*, cites the manors of: George Evelin, lord of the manor of Evelinton in St. Mary's County; Marmaduke Tilden, lord of Great Oak manor, and Major James Ringgold, lord of Eastern Neck manor, both in Kent County; Giles Brent, lord of Kent Fort, on Kent Island; George Talbot, lord of Susquehanna manor, in Cecil County; and notes the sale, in 1767, of twenty-seven manors embracing a hundred thousand acres. The last named were sales by Frederick Calvert when the assembly levied an increased tax on all land.

Cecilius Calvert, at Bath, England, in 1648 announced: "Every adventurer or planter, before having any land granted to him, shall take an oath of fidelity to his lordship and his heirs, as follows: '[I] do faithfully and truly acknowledge the Right Hon. Cecilius, Lord Baron of Baltimore, to be the true and absolute lord and proprietary of the Province of Maryland and the islands thereto belonging . . . and shall defend and maintain his lordship's and his heirs' right, title, interest, privilege, royal jurisdiction and domain over and in said province . . . that I will not purchase or possess any land from any Indian, etc.'"

An act of assembly, about 1649, provided that: "All persons making mutinous or seditious speeches tending to divert the people from the lord proprietary or his heirs, shall be liable to be punished with imprisonment of one year, banishment, boring of the tongue, slitting of the nose, cutting off one or both ears, whipping and branding with red hot iron on the hands or forehead." Further: "All purchases of lands made or to be made, not deriving a lawful title thereto by, or from, his lordship or his heirs under the great seal, shall be void and null. It shall be lawful for his lordship to seize, possess and dispose of any such lands purchased from Indians or others."

The Calverts did not permit any pecuniary advantage to escape

^bMd. Archives

them. Their private ownership of all wild animals and game was declared, and it was enacted: "Inhabitants trading with the Indians for beaver or other commodities are obliged to pay one-tenth in weight and value to his lordship."

After driving the aborigines to remote parts, giving them mere trifles as assumed compensation, and often nothing at all, Calvert, under his great seal, allotted some tribes a tract of eight to ten thousand acres at the head of Wicomico River. On a thousand acres of this, as was usual in grants of manors, the Indians were obliged to pay Calvert an annual land rent of one shilling for each fifty acres, payable in furs. Bozeman, [15] a Maryland historian, said: "After appropriating their land he rented it to them! His Lordship's benevolence! He made copyhold leases to the Indians at St. Mary's, which changed the status of the Indians from free inhabitants to rent-paying tenants."

An act for relief of the poor, passed in 1650, is the first record that any poor existed. This prompted Bozeman to comment: "As long as civil society consists of an aggregation of families, and property is allowed to be descendible, such a law is essentially necessary."

Only a small portion of the large domain was granted to others during the first seventeen years, and settlements existed in only three places: St. Mary's County, Kent Island and along the Severn River.

The British Commonwealth, under Cromwell, assumed the government of Maryland in 1652, whereupon Calvert closed the land office, and, in disregard of others who needed land on which to live and work, kept it closed during the six years of the administration of the Cromwell-appointed governor.

Calvert in 1653 directed Governor Stone to cause all persons who had failed to take out patents for their land, or had not taken the prescribed oath of fidelity to the proprietary, to take out patents, and make the prescribed oath within three months, upon pain of forfeiture of their land.

The revolution in Maryland, during the Cromwell regime, prompted a complaint from Virginia to Cromwell that Calvert was holding vast areas of land unused: "We think it agreeing to reason that he should show his right to it by sending people

over to use it, otherwise, how unreasonable it is that he should possess two-thirds part of the Bay of Virginia, and yet in twenty-one years has not more men there, except such as have gone there from Virginia, than can, or do, use only as much as is contained in a small corner thereof."

The assembly, being relieved of Calvert dictation, and influenced by the renewed agitation by Claiborne for freer access to land, passed a resolution that: "all those that transport themselves or others into the province have a right to land, by virtue of their transportation."

Richard Bennett and Claiborne, parliamentary-appointed commissioners, deposed Stone, an appointee of Calvert, and in August, 1654, appointed Captain William Fuller of Providence (Annapolis) governor and commander of the militia, with a Puritan council. Having mustered a force of 175 rebellious Marylanders and Virginians, they prepared to meet Stone.

Stone, at St. Mary's, mustered all males capable of bearing arms and, with 12 boats and 130 men, started to the Severn River; some going by water and others overland. Stone flew the Calvert colors and Fuller those of the Commonwealth of England. Fuller obtained possession of two merchant ships, one being the "Golden Lion." The two forces met on the Severn the following March. The Puritans were completely victorious. About twenty of Stone's men were killed and thirty wounded, and nearly all the remainder, including Stone, who was wounded, were taken prisoners. The loss by the Puritans was trifling. Ten prisoners were condemned to death, of whom, however, only Eltonhead and three others were executed. The estates of those who had opposed them were confiscated. [169]

Disputes having arisen over the boundary line between Maryland and Virginia on the Eastern Shore, Calvert, aiming to increase his adherent population thereabouts, gave instructions to cause the land bordering on the disputed division line to be granted and settled upon as soon as possible, even at half the price of land in other parts of the province.

Calvert appointed Josias Fendell governor of the province, in 1656. He was promptly arrested by the Puritans and kept in jail two months. Later that year, Philip Calvert, half-brother of Ce-

cilius, was sent to Maryland as a member of the council and secretary of the province, and three years afterwards was appointed governor. He was a son of George Calvert, first Lord Baltimore, by the lady who had accompanied him on his voyage to Newfoundland and Virginia. He was succeeded two years afterwards by Charles, the eldest son of Cecilius.

The conflict continued between the two sets of governments until March, 1658, when an agreement was signed by which the claims of Calvert were recognized.

Calvert directed donations of land to several of those who had been conspicuously faithful to him during the late rebellion; To Josiah Fendell, governor, 2,000 acres; to Luke Barber, 1,000; to Thomas Trueman, 1,000; to George Thompson, 1,000; to John Langford, 1,500; to Henry Coursay, 1,000; and to Philip Calvert, 6,000 acres, to be erected into one or more manors. Spesutie Island, "Utie's Hope," at the head of Chesapeake Bay, was granted to Colonel Nathaniel Utie who, with a squad of soldiers, had been sent by Governor Fendell on an unsuccessful mission to the Delaware. He had been instructed to direct the Dutch either to depart from there or take the oath of allegiance to the lord proprietor of Maryland; neither of which proposals the Dutch accepted. Land was granted on rental to foreigners in the same manner as to the British or Irish.

Upon Charles II becoming King of England in 1660, Claiborne at last realized that it was futile for him to continue to war against the favorites of the monarch in England. He retired to his landed estate in Virginia, where he died at over eighty years of age, with the conviction that he had been robbed of what rightfully belonged to him.

Josiah Fendell, whom Calvert had appointed as governor, deserted Calvert. He and several others were arrested upon orders from Calvert and sentenced to forfeit their estates and to be banished. These sentences were afterwards reduced to disfranchisement. Fuller escaped arrest by flight. [112]

In the early years of the province, warrants for land were issued for a certain number of acres, wherein the boundaries were seldom specified, other than that they were abutting on a certain stream and began at some particular point. Subsequent surveys often

showed overlapping of grants, which caused confusion and uncertainty as to titles.

When transfers of land were made between individual holders, they were often made by the method of "livery of seizen," this being the entry of the grantor and grantee on the land accompanied by witnesses; or by "seizen by the rod," which was by similar entry, the grantor and grantee both taking hold of a twig, breaking it apart, each keeping one part as evidence of the contract of transfer. At a later period, transfers were recorded by endorsement on the original deeds. It was not until about twenty years after the first settlement that provision was made for registration of transfers.

Calvert's name was used in all writs and processes, as the name of the king was used in England, and indictments charged the offences to be against the Calvert government. Fines imposed in courts of justice inured to Calvert, as the foundation of justice.

The grant to Calvert extended to the south and west shores of the Potomac River, which gave him ownership of the entire river. Whereupon he levied tolls on all vessels belonging to Virginians sailing on the river. The Virginians naturally were incensed at this and vigorously objected. But as Calvert owned the entire river, as well as all the land in Maryland, the Virginians had either to pay toll or keep off the river. The Calverts never would give up this monopoly, and not until after the Revolution was any part of it relinquished, and not until 1927, being 293 years after the grant, was it fully relinquished.

Metal money was very scarce in all the colonies and tobacco became the medium of exchange in Maryland and Virginia for payment of all services and obligations. Laborers who were seeking a piece of land for a habitation were often paid for their services by allotting them a small tract. A large landholder on the Patuxent River, who had clay on his land, gave a piece of land in payment for labor in making brick with which to build his mansion.

Augustus Herman of Bohemia, a surveyor who came to America with the Dutch prior to 1647, was prominent in the Dutch councils in New Netherland. He and Resolved Waldron, as

stated in the chapter on the Delaware Region, were in 1659 sent by Stuyvesant as ambassadors to Calvert, in Maryland, respecting the Calvert claim to Delaware, which was then occupied by the Dutch.

After his conference with Calvert and Fendell at St. Mary's, Herman made a trip to Virginia and does not appear to have returned to the Delaware, but settled in Maryland. There were several influences which probably determined him to desert New Netherland and become a citizen of Maryland.

Several years previously he had written a letter denouncing Stuyvesant and, like many other of the leading citizens of New Amsterdam, he was often in discord with the tyrannical governor. Notwithstanding which, Stuyvesant entrusted him with the important ambassadorship to Calvert.

But affairs at New Amsterdam were not altogether to Herman's liking. He saw that Calvert controlled a great domain—an empire—free from foreign entanglements, as was the plight of the Dutch. At that time, there was no opposition within the colony, and Calvert's government, of which he had been deprived six years, had been recently resorted to him.

Then, too, Herman took a liking to the Chesapeake and its tributaries—declared it God's country, as do so many persons who have sailed, fished and gunned over it—and the thought came to him, as a surveyor, that he would propose to Calvert, if in fact Calvert himself had not hinted at it, to make a much needed map of Maryland, in consideration of the grant of a manor.

Such an arrangement was concluded, and Herman selected twenty thousand acres, to which he gave the name Bohemia Manor, along the Elk and Bohemia Rivers in Cecil County. This location was in the path of the shortest trade route between the Delaware and Chesapeake. Herman was instrumental in construction of a road between the headwaters of Bohemia River, a tributary of the Chesapeake, and Appoquinimink Creek, which flows into the Delaware, and on which Odessa is situated.

Herman acquired the confidence of the people of both Maryland and Delaware. He was influential in averting an attack

by the English in Maryland on the Dutch, and instead, led to the opening of trade between them over his trade route, to their mutual advantage.

Some years later he deeded 3,750 acres to the Labidist sect, of which Peter Sluyter was the leader. Upon dissolution of the order, after fifteen years' possession, the land was partitioned and Sluyter "retained as his share enough to make him wealthy." Bohemia Manor was held by Herman and his descendants, as lords of the manor, for 128 years, and the name continues.

Several acts of benefit to the people passed by the assembly, were, after five years of operation, disallowed by Calvert. The Maryland people could never be certain that acts passed by their assembly during the Calvert reign would not be disallowed by the proprietary. [112]

Suffrage was restricted to those holding fifty or more acres, or possessed of personal property of £50. Similar suffrage restrictions prevailed in all the proprietary colonies, through acts of the proprietary-controlled assemblies, and in some of the New England colonies through restrictions by the Church.

Calvert sent strict orders in 1670 to prepare a revised rent roll, to learn whether any one was holding land on which they were evading payment to him of land rents. The number of land leases had so increased that two receivers-general were appointed to collect the rents, and they were to appoint deputies to assist.

Following previous export taxes levied by the assembly for Calvert, a law, enacted in 1671, laid an export tax of 2s per hogshead on tobacco, to continue eleven years. The proceeds, instead of being applied wholly for the advancement of the province, were to be divided equally between the public treasury and Calvert. [19]

Cecilius, after enjoying in England for forty-one years the land rents collected from the landholders of Maryland, died in 1675, aged sixty-nine. He was succeeded as lord proprietor by his son, Charles, the third Lord Baltimore, who had been living in Maryland for the previous fifteen years. He was the first Calvert proprietary ever to be in Maryland. He went to England the following year and remained there four years.

Approximately at that time, sixty manors, averaging three thou-

sand acres each, had been created, tilled mostly in small tracts by tenants on a land rent basis. George Talbot of Rascommon, Ireland, a cousin of Calvert and surveyor-general of Maryland, was in 1680 granted thirty-two thousand acres, upon agreement to bring 580 British and Irish into the province. The grant was for ten miles along the east side of the Susquehanna River, one-half of which was later found to extend into Pennsylvania.

Penn, who had received a grant of Pennsylvania from Charles II in 1681, urged Calvert, unavailingly, to move his southern boundary line farther south on the Eastern Shore, so that Penn's southern line might be correspondingly shifted farther south to give him an opening at the head of Chesapeake Bay. He then offered to buy of Calvert land at the head of the bay, which Calvert was willing to accede to, if Penn would relinquish to Calvert his claim to Delaware. But Penn was unwilling to do that.

Upon recommendation of the privy council in 1685, a north and south line was run on the Delaware-Maryland peninsula, to divide that area between Penn and Calvert, approximately as it is today.

The method of acquiring land at the prevailing land rent, by bringing in indented servants, was discontinued in 1683, but importation of indented servants continued until the time of the American Revolution.

Transportation of young women for wives for the settlers became a lucrative business for ship captains, and many were brought over. The cost per wife, to pay for their transportation, was 100 pounds of tobacco.

Settlers continued pouring in to get land for homesteads. They found all the choice locations already appropriated, but mostly held unused or only partially used. An act was passed which provided that land long unsettled and uncultivated should revert to the proprietary, to be granted to others.

Charles Calvert, after four years in Maryland, again went to England in 1684 and remained away five years. He left his minor son, Benedict Leonard Calvert, fourth Lord Baltimore, as nominal governor. George Talbot was made chief of a commission of deputy-governors, by whom the government was administered.

The assembly in 1688 ordered sixty-two towns to be laid out, generally at the head of navigation of the numerous rivers and their tributaries. Each was to have "commons" of from fifteen to three hundred acres, mainly for pasturing domestic animals. Some of them had a whipping-post and pillory. Charlestown, on the North East River, was later laid out by promoters, on five hundred acres, with broad streets, two hundred lots and a commons. Fairs were held there annually, and other attractions offered while the boom lasted, to induce purchase of lots. Being at the very head of navigation on the bay, the boast was that it would become the metropolis of the province. The depth of water was pronounced insufficient, a fact which promoters must have known beforehand, and Charlestown lapsed into a quiet village, now a flag station on the main line railroad.

King William of England issued a *scire facias* against the Calvert charter in 1691 and appointed Sir Lionel Copley as royal governor of Maryland. Calvert had returned to Maryland two years previously, after five years in England. In resentment at the king's move, he shut up his land office, true to past Calvert practice, refused to grant any more land to the oncoming settlers, and left for England.

He continued to live in England for the remaining twenty-four years of his life. The revenue from land rents was forwarded to him by his agent, after being collected from the lords of the numerous manors and from the hard-working farmers. Meanwhile, he had none of the burdens of government of the province.

Whereupon, to meet the demands of settlers for land, the assembly, now beyond the control or influence of Calvert, in 1692 passed an act which provided that those who had obtained warrants for land were to enjoy the land, without patent from Calvert.

Episcopal parishes were established that year, and a tax of forty pounds of tobacco per poll for support of the Church of England was levied on rich and poor alike, regardless of their church affiliation. After being in effect eighty years, Charles Carroll of Carrollton, a Roman Catholic, led a legal assault against this illogical tax. To many of these churches, Queen Anne, during her reign, presented silver communion plate.

The crown governed Maryland twenty-four years, until 1715. Governor Nicholson succeeded Copley as royal governor and the provincial capital was moved from St. Mary's to Annapolis.

St. Mary's, Patuxent and Pocomoke, the three ports of entry, each had three tax officials at the close of the seventeenth century, viz.: collector of duties exacted by Calvert, collector of customs for the king, and the collector for the king of revenue from sale of prize, forfeiture, and other royal levies. An export tax on furs, an important labor product, was in 1694 levied for schools.

The land rents, created automatically, solely by the mere presence of the people, were being sent to the absentee lord-proprietor in England, instead of being used to provide badly-needed roads, bridges, and schools, and for other public purposes in the development of the province.

William Penn, whose affairs were so entwined with those of Calvert, became physically incapacitated in 1712 and died six years later.

Charles Calvert died in 1715 and was succeeded by his son, Benedict Leonard Calvert, fourth Lord Baltimore. Benedict, in a move to regain the government of Maryland, renounced the Roman Catholic faith and petitioned that the government be restored to the Calverts.

He died within six weeks after his father, whereupon his son, Charles, the fifth Lord Baltimore, aged sixteen years, a Protestant, and grandson of an illegitimate daughter of King Charles II, had the government promptly restored to him, and he became governor of Maryland at that early age.

Controversy broke out anew in 1732 between the heirs of Penn and Calvert, respecting the boundary between them. The grant to Calvert specified as his northern boundary, the parallel of 40° N. (which is at the northern edge of Philadelphia), while the grant to Penn, of later date, specified as his southern boundary the "beginning of the fortieth degree of North latitude." This caused a conflict of interpretation.

By the previous persistency of William Penn, and his personal friendship and influence with Charles II and the Duke of York, Penn, at that time, had his southern boundary line run due

west from a point fifteen miles below the southernmost point of Philadelphia, to contact the twelve mile circle north and west of New Castle.

Anxious to settle the long and vexatious controversy and expensive lawsuits, which had existed between the Penns and Calverts for fifty years regarding the boundary, the respective heirs entered into an agreement. Charles Calvert, then in Maryland, consented to the more southerly boundary of Pennsylvania, by which Maryland contains about three million fewer acres than were presumed to be included in the grant by Charles I to Cecilius Calvert. That area now includes the cities of Philadelphia, York, Chambersburg and Uniontown.

A while before this agreement between the Penns and Calvert was entered into, Calvert granted to Thomas Cresap five hundred acres on the Susquehanna River, below Columbia. To prove the claim of Calvert to that region, Cresap built a house on his grant. A fight ensued, in which Cresap was driven from his home by Pennsylvania citizens and his house destroyed by fire. After being captured and taken to Philadelphia, he was released and then left for other parts.

The population of Maryland in 1748 was estimated as: free whites, 98,357; indented servants, 6,870; Negro slaves, 42,764. This does not show the number of indented servants who had lived in Maryland. By that time, thousands had served their terms of indenture and become free, and others were constantly arriving.

A tract of sixty acres near what is now The Basin in Baltimore Harbor, owned by Charles and Daniel Carroll, was sold by them in 1729 at £2 per acre. The following year it was laid out in streets, and lots were offered for sale. The water-front lots were soon sold. But the town grew slowly and after twenty years, by 1749, had only about twenty houses and a hundred inhabitants. It became a flour exporting port, and forty years later had increased in population to twenty thousand, making it the fourth most populous city in English America.

A tract of two hundred acres was granted to Jonathan Hagar in 1739, on which Hagerstown was laid out twenty-two years afterwards.

The English law of primogeniture was in effect in Maryland

from the beginning until 1786; even after that date, the eldest son generally received the larger share of the family estate. This built up vast holdings, power, and importance in favored landholding families.

The Carroll family was probably the largest landholding and wealthiest family in the upper, if not in the entire Chesapeake region.

Charles Carroll, of Annapolis, father of the signer, was a foremost citizen of the province. He long had been agent and receiver of rents for the Calverts. In addition to the manor of Donghoregan of 10,000 acres, in Howard County, he held 60,000 acres elsewhere in Maryland; also 20 lots and houses in Annapolis, and 300 slaves and other property, comprising a fortune estimated at £90,000.

Land in Maryland tripled in price between 1730 and 1760. In 1774, when John Adams met Carroll's son, Charles Carroll of Carrollton, at the Continental Congress in Philadelphia, he noted that he was "of the first fortunes in America. His income is £10,000 sterling a year, will be £14,000 in a few years, they say; besides his father has a vast estate which will be his."

Charles Calvert died in London in 1751 and was succeeded by his son, Frederick, sixth, and last, Lord Baltimore. Frederick, like his forebears of the Baltimore barony granted by King Charles I, 119 years previously, lived in England in the lap of luxury, on the fat of the land, from unearned land rents wrung from the farmers in Maryland. He was a licentious and dissolute rake who cared nothing for Maryland or the Maryland people, except as providers of funds with which to keep up his dissipation.

While the American colonists were in the agony of the French and Indian War, Frederick Calvert was writing his governor, Horatio Sharpe, in Maryland, to find good places for favorites whom he sent to Maryland to feed at the public trough; to see that his rents were collected and the revenue remitted promptly; to keep a sharp eye on the Roman Catholics; and to send him Maryland partridges and dried rattlesnakes.

When the assembly levied a tax on all land, including the proprietary's manors, Frederick sent orders to his governor to

sell his manor lands, of between three and four hundred thousand acres. That vast area was too great to be readily realized upon, but a hundred thousand acres were presently sold.

This is a demonstration of the economic fact so universally ignored, that a high tax on unused land will bring land into the market and make it easier to get land upon which to labor and create wealth.

Governor Sharpe, an appointee of Calvert, in signing the new tax bill said: "It is better for the proprietary to pay a tax on his manors than to lose his rents and his manors to boot." Eleven years later, when Robert Eden, who had married Frederick's sister (forebears of Anthony Eden), was governor, the records show the sale of twenty-seven manors, comprising a hundred thousand acres.

Frederick died in London in 1771, without legitimate children, and the barony became extinct. He willed all his landholdings in Maryland to an illegitimate son, Henry Harford, for whom one of the Maryland counties is named.

The American colonies having in 1776 declared their independence, the new State of Maryland sequestered all the remaining landed domain of Henry Harford. The state afterwards paid Harford £10,000 in compromise of litigation and the British government needlessly and foolishly presented him with £90,000, by levying taxes on all the British people.

Giving Calvert, his heirs and assigns, the right for ever to collect, for their personal profit, the rental value of land created by all the people of Maryland was without logical justification. But justification for it became impregnated in the minds of the settlers, through repeated assertions by Calvert agents, and was supported by royal practices of that age. Seemingly this continues in the minds of most of the otherwise enlightened people of Maryland to this day.

All the land that had been disposed of by the Calverts was, in effect, on annual ground rent leases, to be held so long as the annual ground rent was paid to the Calverts and their heirs and assigns.

The people of Baltimore, those of the older generation at least, are familiar with ground rents, because so much land in

Baltimore was held in that way. But those annual ground rents were payable, not to the municipal or state treasuries, but to private holders—assigns, directly or indirectly to the Calverts.

The legislature of the new State of Maryland granted title in fee simple to the holders of land and then levied taxes on them for public revenue. It could have, just as well, continued these leases (and made leases on land subsequently granted by the state), with the ground rents payable to the state and municipalities; the annual ground rent to be based on the value of the land held by each lessee—increasing as population increased the annual rental value. This would require no more clerical help or bookkeeping than the present system of collecting taxes.

Had it done this, the revenue from ground rents, no doubt, would have been sufficient to have avoided the necessity of ever levying taxes, or ever creating a bonded debt.

Every municipality in Maryland, except Baltimore City, has the legal power, now, to collect its necessary public revenue by a tax on land value alone, in substitution for levying taxes on improvements and commodities; and any of them would be acting wisely if they would exercise that right.