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This PDF version has 479 pages of text. There are 493 pages when the front material is included. The reason for the increased number of pages is that the spacing in the index was increased in the PDF version. Except for the index, the page numbering in the PDF version is the same as the 1996 edition. The illustrations in the 1996 edition have been eliminated from the PDF version. They will be added back shortly.

## **Social, Economic and Religious Beliefs among Maryland Catholic Laboring People During the Period of the English Civil War, 1639-1660**

Edward Terrar

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## ABBREVIATIONS

The following abbreviations have been used in the notes.

- ACHSPR*      *American Catholic Historical Soc. of Philadelphia, Records.*
- AgHR*        *Agricultural History Review* (Oxford).
- AH*            *Agricultural History* (Berkeley, Cal.).
- AHR*         *American Historical Review* (Washington, D.C.).
- AHSJ*        *Archivium Historicum Societatis Jesu* (Rome).
- AJLH*        *American Journal of Legal History* (Philadelphia).
- Blitzer, *Commonwealth Documents.* Charles Blitzer (ed.), *The Commonwealth of Eng.: Docs. of the English Civil Wars, the Commonwealth and Protectorate, 1641-1660* (NY: G. P. Putnam, 1963).
- Calv. Pap.*    "Calvert Papers," *Fund Publ.* (Balt: Hist. Soc., 1889), no. 28.
- "Career Files"      St. Mary's City Commission, "Career Files of Seventeenth-Century Western Shore Residents," (manuscript, 27 boxes (men), 4 boxes (women), Annapolis: Hall of Records).
- CCSP*        Edward Hyde, *Calendar of the Clarendon State Papers Preserved in the Bodleian Library at Oxford University*, ed. F. J. Routledge (4 vols., Oxford: Clarendon Press, 1932).
- CM*          *Camden Miscellany* (Camden Society, London).
- CQR*         *Church Quarterly Review* (London).
- CRS*         *Catholic Record Society* (London).
- CSM*         *Chronicles of St. Marys* (Leonardtown, Md.).
- DNB*         Leslie Stephen and Sidney Lee (ed.), *Dictionary of National Biography* (London: Oxford University Press, 1921-1922).
- EcoHREconomic History Review* (Welwyn Garden City, Eng.).
- EEH*         *Exploration in Economic History.*
- EngHREnglish Historical Review* (Harlow, Eng.).
- ERL*         D. M. Rogers, *English Recusant Literature, 1558-1640* (London: Scolar Press, 1977).
- Firth, *Acts.*    Charles H. Firth and (ed.), *Acts and Ordinances of the Interregnum, 1642-1660* (3 vols., London: H. M. Stationary, 1911).
- Foley, *Records.*      Henry Foley, S.J., (ed.), *Records of the English Province of the Society of Jesus* (3 vols, New York: Johnson Reprint Corp., [1875], 1966).
- Force, *Tracts.* Peter Force (comp.), *Historical Tracts and Other Papers, Relating to the Origin, and Progress of the Colonies in North Am., from Discovery of the Country to 1776* (Gloucester, Mass.: Smith, [1838], 1963).
- Gillow, *Literary.*      Joseph Gillow (ed.), *A Literary and Biog. History or Biblio. Dictionary of the English Catholics from the Breach with Rome in 1534 to the Present* (5 vols., London: Burns & Oates, 1885-1902).
- Hall, *Narratives.*      Clayton Hall (ed.), *Narratives of Early Maryland, 1633-*

- 1684 (New York: Charles Scribners Sons, [1910], 1925).
- Hall of Records. Hall of Records, Annapolis, Md.
- Harleian Misc.* William Oldys, (ed.), *The Harleian Miscellany, a Collection of Scarce, Curious, and Entertaining Pamphlets Selected from the Library of Edward Harley* (12 vols., London: White, Murray and Harding, 1714-1746, 1813).
- Hening, *Virginia Statutes.* William Hening (ed.), *Statutes at Large, Being a Collection of All the Laws of Va* (13 vols., NY: R. Barstow, 1823).
- History.* *History* (London: The Historical Association).
- HMC Report Historical Manuscript Commission, *Report* (London: H.M. Stationary Office).
- HMPEC *Historical Magazine of the Protestant Episcopal Church.*
- HRS *Historical Records and Studies* (U.S. Cath. Historical Soc., NY).
- Hughes, *Society of Jesus.* Thomas Hughes S.J., *History of the Soc. of Jesus in North Am.: Colonial & Fedl* (N.Y. Longmans, Green & Co., 1917).
- JAH *Journal of American History* (Wash., D.C.).
- JCS *Journal of Church & State* (Waco, Texas).
- JEcoH *Journal of Economic History* (Atlanta).
- JEH *Journal of Ecclesiastical History* (London).
- JHC Great Britain, Parliament, House of Commons, *Journals of the House of Commons* (London: H. M. Stationary Office, 1803).
- JHL Great Britain, Parliament, House of Lords, *Journals of the House of Lords* (119 vols., London: H. M. Stationary Off. 1509- ).
- JHU *John Hopkins U. Studies in History and Political Sci.* (Balt).
- JMH *Journal of Modern History* (Chicago).
- Md. Arch.* William H. Browne (ed.), *Archives of Md* (72 vols., Balt.: Md. Hist. Soc., 1883-1972, vol. 1(*Proceedings and Acts of the Gen Asse Md: Jan. 1638 – 1664*; vol. 3 (*Proc Council of Md., 1637-1667*); vol. 4 (*Jud. & Test. Bus. of Provincial Ct, 1637-1650*).
- MHM *Maryland Historical Magazine* (Baltimore).
- NCH *Northern Catholic History* (Gosforth, Eng.).
- Newman, *Royalist Officers.* Peter R. Newman, *Royalist Officers in England and Wales, 1642-1660: A Biographical Dictionary* (New York: Garland Pub., 1981).
- Nicholas, *Papers.* Edward Nicholas, *The Nicholas Papers: Correspondence of Sir Edward Nicholas*, ed. George F. Warner (London: Camden Society, 1886).
- NQ *Notes and Queries (for Readers and Writers)* (London).
- Papenfuse, *Dictionary.* Edward Papenfuse (ed.), *A Biographical Dictionary of the Maryland Legislature, 1635-1789* (Baltimore: Johns Hopkins University Press, 1985).
- PP *Past and Present* (Oxford).
- Pro, CCC Public Record Office, *Calendar of the Proceedings of*

- the Committee for Compounding, 1643-1660 preserved in the State Paper Department of Her Majesty's Public Record Office*, ed. Mary A. Green (5 vols., London: H.M. Stationary Office, Eyre & Spotteswoode, 1892).
- PRO, *Close Rolls*. Public Record Office, *Calendar of the Close Rolls Preserved in the Public Record Office* (London: H. M. Stationary Office, 1833).
- PRO, *CSPC* Public Record Office, *Calendar of State Papers, Colonial Series, American and West Indies*, ed. William N. Sainsbury, (40 vols., London: H.M. Stationary Office, 1860 - ).
- PRO, *CSPD, 1547-1625* Public Record Office, *Calendar of State Papers, Domestic Series: Reign of Edward I, . . . James I, 1547-1625* (12 vols., Liechtenstein: Kraus Reprint, [1872], 1967).
- PRO, *CSPD, 1625-1649* Public Record Office, *Calendar of State Papers, Domestic Series, Reign of Charles I, 1625-1649* (23 vols., Liechtenstein: Kraus Reprint, [1871], 1967), ed. Mary Green.
- PRO, *CSPD, 1649-1660* Public Record Office, *Calendar of State Papers, Domestic Series, Commonwealth, 1649-1660* (13 vols., Liechtenstein: Kraus Reprint, [1871], 1967), ed. Mary Green.
- PRO, *CSPV* Public Record Office, *Calendar of State Papers & Manuscripts Relating to English Affairs, Venetian (Italy) Series, 1636-1639*, ed. A. Hinds (Liechtenstein: Kraus, [1924], 1970).
- RH* *Recusant History* (Bognor Regis, Eng.).
- Scobell, *Acts*. Henry Scobell (ed.), *A Collection of Acts and Ordinances of General Use, Made in the Parliament, 1640-1656* (2 vols., London: Henry Mills, [1648], 1658).
- Statutes at Large*. Owen Ruffhead (ed.), *The Statutes at Large* (London: 1763).
- Statutes of the Realm*. Robert Drayton (ed.), *Statutes of the Realm (1225-1948)* (3rd ed., 11 vols, London: H. M. Stationary 1950).
- Stock, *Proceedings*. Leo Stock (ed.), *Proceedings of the Br. Parliaments Respecting North Am.* (Wash., D.C.: Carnegie Inst., 1924).
- Thirsk, *Agrarian History*. Joan Thirsk (ed.), *The Agrarian Hist. of Eng. & Wales: 1640-1750* (Cambridge: Cambridge P., 1985), v. 5, pt 2.
- Thurloe, *State Papers*. Thomas Birch (ed.), *A Collection of State Pap. of J. Thurloe, Sec. to O. Cromwell* (7 vols., London: F. Gyles, 1742).
- TLCAS* *Transactions of the Lancashire & Cheshire Antiquarian Soc.* (Liverpool).
- TRHS* *Transactions of the Royal Historical Society* (London).
- TS* *Theological Studies* (Baltimore, Md.).
- VMHB* *Virginia Magazine of History and Biography* (Richmond, Va.).
- WAM* *Wiltshire Archaeological and Natural Hist. Mag.* (Devizes, Eng.).
- WMQ* *William and Mary Quarterly* (Williamsburg, Va.).
- WR* *Worcestershire Recusant* (Malvern, Eng.).

NOTE ON QUOTATIONS, DATING, WEIGHTS AND MEASURES, AND  
MONEY VALUES

In the seventeenth-century quotations, the spelling has been modernized. Old constructions have been modified to make reading easier. Paragraphs and sentences of inordinate length which would be separate sentences in modern usage, have been broken up.

During the period under discussion, March 24, was counted as the first day of the year. In this monograph, the first day has been changed to January 1, in accord with modern usage. However, the Julian calendar dating, which was used in England at the time, has been retained. It was ten days behind the Gregorian calendar, which was in use on the continent and was eventually adopted in England.

Some approximate money values, weights, and measures in England and Maryland during the Civil War are given in the following listing.<sup>1</sup>

1s (shilling)	=	12d (pence)
£1 (pound sterling)	=	20s or 100 pounds tob.
1 pound of tobacco	=	3d to 6d (1630s)
	=	2d to 3d (1640s & 1650s)
1,200 pounds tob.	=	a year's production
	=	£16 in the 1640s & 1650s
£5	=	net profit per year from average plantation <sup>2</sup>
1 hogshead	=	250 pounds tob. (1640s)
	=	400 pounds tob. (1660s)
4 hogsheads per yr	=	£15 (amount a person could raise in 1660s) <sup>3</sup>
1 ship load of tob.	=	200-600 hogsheads @400 pounds per hogshead <sup>4</sup>

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<sup>1</sup>See in general Ronald Zupko, *British Weights and Measures: A History from Antiquity to the Seventeenth Century* (Madison: University of Wisconsin Press, 1977); John McCusker, *Money and Exchange in Europe and America, 1600-1775: A Handbook* (Chapel Hill: University of North Carolina Press, 1978), pp. 189-190.

<sup>2</sup>See Chapter 2.

<sup>3</sup>Vertrees Wyckoff, *Tobacco Regulations in Colonial Maryland* (Baltimore: The Johns Hopkins University Studies, 1936), vol. 22, p. 74.

<sup>4</sup>*Ibid.*, pp. 55-56.

## NOTE

1 barrel of corn	=	150 lbs of tobacco (in value) <sup>5</sup>
	=	£1½ to £3 <sup>6</sup>
1 acre of corn	=	3 or 4 barrels of corn
1 barrel of corn	=	5 Winchester bushels <sup>7</sup>
1 quarter (of ton)	=	8 bushels
	=	64 gallons <sup>8</sup>
1 ell of cloth	=	3 ft, 9 in.

Illustration 1: Brass scale measuring weights (avoirdupois) used in early seventeenth-century Maryland. They are stamped with the mark of the Foundry Guild and with the dagger of St. Paul, indicating they were manufactured in London.

Worn Elizabeth I silver sixpence from seventeenth-century Md. Originally made between 1561 and 1602, one piece was cut from it to provide change.<sup>9</sup>

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<sup>5</sup>According to Thomas Cornwallis, "Letter to Cecil Calvert" (Apr. 16, 1638), quoted in Edwin Beitzell, "Capt. Thomas Cornwallis," *CSM*, 20 (no. 7, July 1972), p. 174:

1 barrel corn= 200 to 300 weight (lbs) tobacco  
= £3 to £5

<sup>6</sup>Thomas Copley, S.J., "Letter to Cecil Calvert" (Apr. 3, 1638), *Calv. Pap.*, pp. 159-160, 163.

<sup>7</sup>Fourth Assembly, "Act for Measures" (Aug. 12, 1641), *Md. Arch.*, vol. 1, p. 108.

<sup>8</sup>Zupko, *British Weights*, p. 112.

<sup>9</sup>Al Luckenbach, *Providence 1649: The History and Archaeology from Anne Arundel County Maryland's First European Settlement* (Annapolis, Md.: The Maryland State Archives, 1955), p. 18.

## NOTE ON "CAREER FILES"

The St. Mary's City Commission, under the direction of Dr. Lois Green Carr, has created the "Career Files of Seventeenth-Century Lower Western Shore Residents," which are at the Hall of Records, Annapolis, Md. The "Career Files" contain a file for each of the 1534 men and 421 women migrants of the Civil War period for whom any information has been preserved in the Maryland government records. The government records have been "stripped," that is, each individual's file contains a copy of every document in which the individual's name is mentioned. The individual files, which are alphabetically arranged according to the settler's last name, total 27 boxes for men and 4 boxes for women. Many individual files are 100 pages or longer and contain information not only on religion, but on birth and death date, parents, date of arrival, status on arrival, land holdings, occupations, offices held, and court, tax, and probate records.

Forty items from each of the 1955 "Career Files" for the Civil War period have been entered into a personal computer program, *A Biographical Dictionary of St. Mary's County Residents, 1634-1705*, available from Historic St. Mary's City on disk in d-Base IV. The items in the data base include migrants's name, dates of birth and death, date of arrival in Maryland, dates of first and last record in Maryland, arrival status (free, indentured, unknown), origin, marriage, occupations, offices held, religion, will, inventory, children, literacy, land holdings, titles, and value of estate. A copy of the "Career Files" on d-Base IV disk was made available for this monograph through the assistance of Dr. Lois Green Carr, Historian for the St. Mary's City Commission.

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Illustration 2: Chesapeake tobacco farmer working  
his field<sup>1</sup>

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<sup>1</sup>E. R. Billings, *Tobacco: Its History, Varieties, Culture, Manufacture and Commerce* (Hartford, Conn.: American Publishing Co. 1875), p. 51.



## Introduction:

### The Argument, Methodology, and English Demographic-Career Background

This study is about the beliefs of the Maryland Catholics during the period of the English Civil War. The center of their belief was that the world should be taken seriously. Their beliefs are studied by looking at four themes that were basic to their thinking: their belief about the value of labor, political independence, the role of the clergy, and the nature of market relations.

It might be objected to this study's approach that the only beliefs which should be called "Catholic" were those which were "official," that is, those taught by the hierarchy, meaning the bishops and pope. In considering this objection, two points need to be observed. First, most of the Maryland Catholics' beliefs were those taught by the hierarchy at least in certain times and places. For example, in the seventeenth century the hierarchy taught that it was wrong but officially accepted the right of national governments to veto the appointment of bishops. The official church also often taught that it was wrong but in its canon law accepted the accumulation or multiple holding of benefices, that is, parish income, and acknowledged that the receiver of the benefices did not have to fill their conditions, that is, serve as pastor.<sup>1</sup> On the other hand, as will be seen, the

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<sup>1</sup>R. H. Helmholz, *Roman Canon Law in Reformation England* (New York: Cambridge University Press, 1990), p. 4. J. V. Bullard and H. Chalmer Bell (ed.), *Lyndwood's Provinciale: The Text of the Canons Therein contained, reprinted from the translation made in 1534* (London: Faith Press, 1929), pp. 53-54, stated that plural holding was valid when apostolic (Roman) dispensation was granted. The English translation of the *Provinciale*, leaves out Lyndwood's gloss concerning benefices. The gloss can be found in Arthur Ogle, *The Canon Law in Medieval England: An Examination of William Lyndwood's "Provinciale"* (London: J. Murray, 1912), p. 56, "The constitutions of Boniface are penal and concern the liberties of the church and the violation of it. But these constitutions are little observed [in England]." See also *Corpus Juris Canonici*, vol. 2, *Decretales D. Gregorii IX suae integritati una cum glossis, etc.*, (3 vols., Rome: Populi

Maryland Catholics prohibited the authority of canon law and legislatively required the clergy to serve as pastors. In this instance, the Catholics were more "official" than the hierarchy.

The second point that needs to be observed in considering the objection that the Catholics' beliefs were not official is that the hierarchy and pope acknowledged that the traditions of the Catholic people were a source for "official" belief and that tradition at times took precedent over contrary written (canon) law.<sup>2</sup> An example of where Catholic custom became a source for "official" beliefs despite canon law to the contrary was Maryland's Act of Religious Toleration. The present-day hierarchy hold this up with pride but at the time it was enacted in 1649, it was in violation of official bulls and canons going back a century. Toleration was not then the doctrine of the hierarchy.

To confine the study of seventeenth-century Catholic beliefs to those of the hierarchy, it is argued in this study, would be to miss more often than not the "official" beliefs. This is an ambitious study. It is about Maryland Catholic beliefs, but the theoretical framework it follows makes it applicable beyond its particular geographic and time limitations. The theoretical framework involves identifying what is official based on the universal acceptance of such beliefs by Catholics. The nature of the Catholics' beliefs will be addressed in the next six chapters. Then the argument about their official nature will be further developed in the concluding chapter.

Another objection that might be raised to this study's approach, besides the "officialness" of beliefs, concerns the use of the term "beliefs" rather than mentality or ideology. Beliefs is generally preferred here because it is a term with ancient roots that was used by the Catholics themselves. The terms mentality and

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Romani, 1582), vol. 2, p. 1036 (c. 18, X, III, 5 [Decretales of Gregory IX, book 3, title, 5, chapter 18]); vol. 2, p. 1040 (c. 21, X, III, 5 [*ibid.*, chapter 21]); Charles H. Lefebvre, "Canon Law," *New Catholic Encyclopedia* (New York: McGraw-Hill, 1967), vol. 3, p. 51.

<sup>2</sup>*Corpus Juris Canonici, vol. 1, Decretum Gratiani, etc.* (Rome: Populi Romani, 1582), c. 5, D. I [Decretum Gratiani, Part I, Distinction I, canon 5]; c. 3, D. VIII [*ibid.*, Distinction VIII, canon 3]; c. 1, D. XI [*ibid.*, Distinction XI, canon 1]; c. 7, D. XII [*ibid.*, Distinction XII, canon 7]; *Corpus Juris Canonici, vol. 2, Decretales D. Gregorii IX, etc.*, cc. 1, 2, 8, 11 X, de consuetudine, I, 4 [Decretals of Gregory IX, bk. IX, title 4, chapters 1, 2, 8, 11]; Francisco Suarez, *Opera Omnia*, ed. Michael Andre & Charles Berton, (28 vols., Paris: Ludovicum Vivès 1856-1878), vols. V-VI, *De Legibus seu Legislatore Deo*, lib. VII, cc. 1-17.

ideology are more recent in origin and do not precisely cover what is studied here. This study is equally interested in the convictions or persuasions of truth held by the Catholics as it is in the Catholics themselves. The study of mentality tends to emphasize group psychology and give a secondary place to ideas or beliefs. Ideology or intellectual studies tend to disembodify beliefs, and give secondary attention to the believers. This study finds that one cannot know the Catholics unless one knows their beliefs, and one cannot know their beliefs unless one knows the Catholics and their social situations.

The study begins with a summary discussion of the English Catholic community and their beliefs, being the sources from which the Maryland community sprang. Then follows five chapters that take up the four substantive themes of the study. The first theme centers on the point that most Catholics were laboring people. They spent much of their lives doing manual labor of one type or another. To understand what it was to be a Catholic, it is necessary to look on their views of such an important part of their lives.<sup>3</sup> The study finds, not unexpectedly, that they viewed labor in a positive light, both as a means to an end and as a way of life. This was reflected in the Maryland assembly and judicial records, in their migration to and their remaining in Maryland, and in their everyday work-lives. This positive view of labor had the roots of what classical political economists formulated as the labor theory of value.<sup>4</sup> The Catholics were not concerned about formulating a theory of economic activity, but as Ronald Meek points out, throughout the period the "habit of thinking of 'value' in terms of producers' cost remained firmly rooted in the consciousness of the direct

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<sup>3</sup>Wilfrid Prest, *The Rise of the Barristers: A Social History of the English Bar, 1590-1640* (Oxford: Clarendon Press, 1986), p. 9, comments about the significance of labor in the writing of history:

Historians have often tended to regard work as an unproblematic and rather uninteresting topic, marginal to both the public-political and private-domestic spheres, either mere mindless struggle for existence or an oppressive form of class exploitation. Yet the manner in which men and women earn their daily bread must always have considerable bearing on other facets of their lives.

<sup>4</sup>Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (New York: Modern Library, [1776] 1937), p. 30, observed, "labor was the first price, the original purchase-money that was paid for all things. It was not by gold or by silver, but by labor, that all the wealth of the world was originally purchased."

producers themselves."<sup>5</sup> The Catholics' labor theory of value dominated their political, religious, and market beliefs.

As laboring people the Catholics during the Civil War years had political interests and beliefs that were sometimes independent from and opposed to both the royalist and parliamentary gentry in England. This is the second theme that will be taken up. The Catholics succeeded in upholding the independence of their assembly, judiciary, and tax system, which included at times defiance of the crown, the proprietor, the Parliament, and the London merchants.

The third issue looked at in this study is the belief of the Catholics about the role of the clergy. As laboring people, they had beliefs that on some fundamental issues ran counter to the thinking of the clergy. They believed the clergy should serve their needs, which involved the establishment of parishes and the employment of the clergy as pastors. The clergy were inclined toward Indian mission work or the manorhouse type of ministry which often dominated in England and which ignored the needs of laboring people. The Catholics through assembly legislation and court cases were able to prevail in making the clergy serve their needs.

The fourth issue taken up concerns market relations. The Catholics believed the market should serve their needs. They were often able to make their market beliefs prevail through court cases and the legal codes which they enacted. Finally, beliefs in relation to gender and race are discussed.

The prime argument or thesis of this study is that the Maryland Catholic laboring people had beliefs which served their needs and which they were often successful in defending. In being nearly a law unto themselves concerning their basic beliefs, the Catholics resembled the Protestant antinomians (literally "those against the law"), who were challenging the established order in church and state throughout the period. Not a few antinomian doctrines found their way into the Catholic pamphlet literature of the period, such as universal grace, an emphasis on the Holy Spirit, and eschatology.<sup>6</sup>

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<sup>5</sup>Ronald Meek, *Studies in the Labor Theory of Value* (London: Lawrence and Wishart, 1973), p. 14.

<sup>6</sup>Thomas White, *Apology for Rushworth's Dialogues, wherein the Exceptions of the Lords Falkland and Digby are Answered and the Arts of their commended Daille discovered*

The Catholics, like many of the Protestants, did not use the term "antinomianism" to describe their beliefs. The term was used mainly to insult them by their enemies.<sup>7</sup> The Maryland Catholics in 1649 outlawed the use of the term in their Act Concerning Religion.<sup>8</sup> The Catholics did not call their beliefs antinomian, but scholars who study Catholicism use the term about Catholics. For example, Jodi Bilinkoff in her study of the subject calls "antinomian" the teachings of Maria Vela y Cueto in sixteenth-century Spain.<sup>9</sup> James Gaffney labels the program of the English Benedictine priest Augustine Baker (d. 1641) "a virtual antinomianism predicated on the belief that nothing is finally normative for human behavior but the personal experience of what is taken to be a divine inspiration."<sup>10</sup> Vela and Baker never labelled themselves as antinomian. But Bilinkoff and Gaffney show that the substance of antinomianism, which included resistance to what authorities were calling God's order, existed among Catholics just as among Protestants.

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(Paris: Chez Jean Billain, 1654), pp. 64-66; William Rushworth (d. 1636), *Rushworth's Dialogue, or, the Judgment of Common Sense in the Choice of Religion* (Paris: n.p., 1640), pp. 555-556; John Austin (1613-1669) *The Christian Moderator (first part), or Persecution for religion condemned by the light of Nature, Law of God, Evidence of our own principles, with the explanation of the Roman Catholic belief, concerning these four points: their church, worship, justification and civil government* (London: printed for J. J., published twice in 1651, twice in 1652 and three times in 1653), p. 73; Henry Holden, *The Analysis of Divine Faith: or two Treatises of the resolution of Christian Belief* (Paris: n. p., [1652, 1655], 1658), p. 358.

<sup>7</sup>David Hall, *The Antinomian Controversy, 1636-1638: The Documentary History* (Middletown: Wesleyan University Press, 1968), p. 3; Chris Cook and John Wroughton, *English Historical Facts: 1603-1688* (London: Macmillan, 1980), p. 108.

<sup>8</sup>"Act Concerning Religion" (Apr. 1649), *Md. Arch.*, vol. 1, pp. 244-247. The act is commonly called the "Religious Toleration Act."

<sup>9</sup>Jodi Bilinkoff, *The Avila of Saint Teresa: Religious Reform in a Sixteenth-Century City* (New York: Cornell University Press, 1989), p. 191. Jesuit priests Balthasar Alvarez (d. 1580), Antonio Cordeses (d. 1601), Louis Lallemand (d. 1635), and Luis de la Puente (d. 1624) also perhaps belong with the antinomians. See John O'Malley, "Early Jesuit Spirituality: Spain and Italy," *Christian Spirituality: Post-Reformation and Modern*, ed. Louis Dupré and Dom E. Saliers (New York: Crossroad, 1989), vol. 18, pp. 15-16; Luis de la Puente, *Vida del V. P. Baltasar Alvarez de la compañía de Jesus* (Madrid: Aguado, [1615] 1880), pp. 135-144, 441-451; Luis Puente, *Meditations upon the Mysteries of our Faith. . . . Abbrided* (1605, 1624) ERL; Louis Lallemand, S.J., *La vie et la doctrine spirituelle du Père Louis Lallemand* (Paris: Desclée de Brouwer, 1959; Aloys Pottier, *Le Père Louis Lallemand et les grands spirituels de son temps* (Paris: Tégué, 1927-1929).

<sup>10</sup>James Gaffney, *Augustine Baker's Inner Light: A Study in English Recusant Spirituality* (Scranton, Pa.: University of Scranton Press, 1989), p. 72.

In using the term "antinomian" to indicate as much a material as a spiritual doctrine, this study follows Christopher Hill, Gertrude Huehns, Charles Francis Adams, and a general tendency in Civil War antinomian leveler tracts. The leveler Gerald Winstanley (d. 1652) taught that antinomianism was about the "here and now," that is, rent-free land, not only about the next life or the Holy Spirit.<sup>11</sup> The Presbyterian-dominated Parliament in 1646 called treasonous the teaching of antinomianism and enacted capital punishment against it.<sup>12</sup> The Presbyterian gentry did not fear antinomianism because of otherworldly considerations, but because, as occurred in Pride's purge in 1648, the antinomians were seeking political power at the expense of the Presbyterians.

The antinomian Thomas Collier wrote in 1646 that "believers are a law unto themselves."<sup>13</sup> The English Catholic priest Thomas White's doctrine was antinomian, although he never labelled it that. He taught that, "It is a fallacious principle, though maintained by many, that obedience is one of the most eminent virtues and that it is the greatest sacrifice we can offer to God, to renounce our own wills, because our will is the chiefest good we have."<sup>14</sup> Augustine Baker and the English Benedictine nun Gertrude More (d. 1633) were antinomian in teaching that it was necessary to look to the "inner light," the "inward voice," "the illumination of God's Holy Spirit," "the liberty of the Spirit," and "in preferring

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<sup>11</sup>Quoted in Richard Greaves, "Revolutionary Ideology in Stuart England: The Essays of Christopher Hill," *Church History*, 56 (1987), 97; Christopher Hill, *The Collected Essays of Christopher Hill: Religion and Politics in Seventeenth-Century England* (Amherst: University of Massachusetts Press, 1986), vol. 2, p. 174. Gertrude Huehns, *Antinomianism in English History with special reference to the Period, 1640-1660* (London: Cresset Press, 1951), p. 5, writes, "It [antinomianism] is to some extent independent of its precise doctrinal meaning. In short there seems to be an 'antinomian attitude' to general issues just as there is a Puritan attitude to them." Charles Francis Adams, *Three Episodes of Massachusetts History* (Boston: Houghton, Mifflin, and Co., 1903), pp. 366-367, writes that the antinomian controversy in seventeenth-century Massachusetts cannot be properly appreciated if it is approached from a theological point of view. Emery Battis, *Saints and Sectaries: Anne Hutchinson and The Antinomian Controversy in Massachusetts* (Chapel Hill: University of North Carolina Press, 1962), pp. 286, 346, looks at antinomianism from a class and psychological perspective.

<sup>12</sup>"Ordinance against Heresie" (Nov. 20, 1646), in Scobell, *Acts*, pp. 2, 150, cap. 114.

<sup>13</sup>Thomas Collier, *The Morrow of Christianity* (London: 1646), pp. 60-61.

<sup>14</sup>Thomas White, *The Grounds of Obedience and Government: Being the Best Account to All that has been Lately Written in Defense of Passive Obedience and Non-Resistance* (Farnborough, Eng.: Gregg International Publishers, [1649, 1655, 1659, 1685], 1968), pp. 22, 25.

interior divine guidance to the counsel of spiritual directors."<sup>15</sup> The term antinomian is used in this study to describe Maryland Catholics because it was used in the period in connection with the type of beliefs expressed by them. Like Thomas White, they did not believe that obedience or the renunciation of their wills concerning labor, politics, the clergy, and the market was something pleasing to God. Rather, they used their wills to benefit their own material needs.

Besides the thesis that Catholics had beliefs that served their needs, this study makes several subsidiary arguments or observations. One is that the Civil War period is a good period for studying their beliefs. It is a good period because first, the sometimes sharp divisions that were present during the period in England and Maryland and the pamphlets, letters, legislation, and court cases that were generated to justify the various interests, bring into clearer focus beliefs which in other periods might be misinterpreted or missed entirely. It is no wonder that the period has attracted much attention among historians interested in studying the beliefs of laboring people in England. The war pitted the crown against Parliament. During the 1630s the crown had refused to call a Parliament and had imposed what were widely considered to be illegal taxes. In the 1640s the crown sought by armed force to overthrow Parliament, but ended up itself being abolished in 1649. Laboring people did the brunt of the fighting and left in the leveler and digger pamphlets a record of their thinking. The period in Maryland has a similar uniqueness for those interested in the beliefs of Catholic laboring people.

The Civil War era is also a good period for studying the thinking of Maryland Catholics because the war and its prelude coincided with the establishment of the Maryland colony in 1634. Catholic laboring people dominated the assembly and courts to an extent that was not repeated in the post-war period. Many of the records they left express their beliefs.

Another argument or observation of this study is that anti-Catholicism and

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<sup>15</sup>Gaffney, *Augustine Baker's Inner Light*, pp. 22, 31-32, 44, 50-51, 93, 158; Augustine Baker, *Holy Wisdom or Directions for the Prayer of Contemplation*, ed. G. Sitwell (London: Burns and Oates, [1656] 1964), pp. 40-41, 475-476; Augustine Baker, *The Inner Life and Writings of Dame Gertrude More*, ed. B. Weld-Blundell (London: R. and T. Washbourne, 1937); Gertrude More, *The Holy Practice of a Divine Lover or the Saint's Idiot's Devotion*, ed. H. Lane Fox (London: Sands and Co., 1909).

anti-Protestantism were a relatively unimportant aspect of Maryland Catholic existence. This is a point about Maryland history that has been observed by Lois Green Carr, who expresses a certain amount of puzzlement:

Given the disruptions of the first twenty-five years of Maryland history, one might suppose it was a period of great internal conflict over religion. But in fact the evidence is strong that when Protestants and Catholics lived side by side they lived peaceably together. There was remarkably little open conflict between settlers as individuals over religious issues. One might have thought that the court records would abound with complaints that Catholics or Protestants had criticized each other's beliefs or religious behavior. But over the first twenty-five years there were only three such occurrences.<sup>16</sup>

In finding anti-Catholicism and anti-Protestantism to have been of little significance, this study follows the pattern that has characterized the county studies of English Catholic history since at least World War II.<sup>17</sup> The work of those like J. T. Cliffe and Hugh Aveling has been criticized because they "have quite failed to provide a grass-roots background for the national policies of no-popery."<sup>18</sup> The most important work about the period, John Bossy's *English Catholic Community* is said to be "decidedly odd" for "scarcely mentioning anti-Catholicism, a persistent feature of English politics for nearly 300 years."<sup>19</sup> Like Bossy's study this present study is "not primarily concerned with the relation of minority to majority, considered either as a state or as a church, but with the body of Catholics as a social whole and in relation to itself, with its internal constitution and the internal logic of its history."<sup>20</sup> Nor is there in this study

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<sup>16</sup>Lois Green Carr, "Toleration in Maryland: Why It Ended," *The History of Religious Toleration in Maryland* (Baltimore: Maryland Humanities Council, 1984), p. 53.

<sup>17</sup>Peter Newman, "Roman Catholics in Pre-Civil War England: The Problem of Definition," *RH*, 15 (1979), 148-149; John T. Cliffe, *The Yorkshire Gentry from the Reformation to the Civil War* (London: Athlone Press, 1969), p. 202; Hugh Aveling, O.S.B., *Northern Catholics: The Catholic Recusants of the North Riding, Yorkshire, 1558-1790* (London: Geoffrey Chapman, 1966), pp. 216, 217; Hugh Aveling, *Catholic Recusancy in the City of York, 1558-1791* (St. Albans, Eng.: Catholic Record Society, 1970), p. 87; Aveling, "Some Aspects of Yorkshire Catholic Recusant History, 1558-1791," *Studies in Church History*, 4 (1967), 108.

<sup>18</sup>Caroline Hibbard, "Early Stuart Catholicism: Revision and Re-Revisions," *JMH*, 52 (1980), 4.

<sup>19</sup>*Ibid.*, p. 9.

<sup>20</sup>John Bossy, *The English Catholic Community, 1570-1850* (London: Darton, Longman

anything on other traditional themes: martyrology, apology, or debates on the hierarchy.

In defense of the local English Catholic historians, it needs to be pointed out that they did not set out to ignore anti-Catholicism, anti-Protestantism or the traditional themes of other historians. Their work merely reflects the fact that these topics were not, as one writer puts it, a significant part of Catholic life:

The great value of the county studies has been to demonstrate in detail how mistaken this picture [of anti-Catholicism and anti-Protestantism] was, and how normal, even uneventful, was the life led by many English Catholics. Religion served as a pretext for occasional legal or even physical attacks upon Catholic gentry, but investigations of such incidents usually turn up the familiar motives for local feuding--personality, property, and prestige.<sup>21</sup>

Likewise at the national level, the nature of anti-Catholicism and anti-Protestantism was probably not as simple as it is sometimes presented. Christopher Hill observes that anti-Catholicism was a way of attacking absolutism.<sup>22</sup> As will be seen, Catholics no less than Protestants promoted this "anti-Catholicism," which included rejecting the claims of the papacy to anything but a fraternal (not paternal or superior) relation. Catholic "anti-Catholicism" was not a result of Protestant influence but the continuation of an English Catholic tradition. The claim of the Roman emperor and later of Charlemagne and his successors to be above the law had never been a popular doctrine. Similarly when the papacy tried to make law on its own, this was not accepted. Edward Norman remarks:

The English Catholic Church of the middle ages had always been separated from Rome. The centralizing of the Council of Trent which ended in 1563 was foreign to traditional English Catholicism. . . There had been no agreement about the extent or nature of papal jurisdiction in English Catholicism of the past. Elizabethan Catholicism did not rush to assert the primacy of the pope. The Jesuits did.<sup>23</sup>

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and Todd, 1975), p. 5.

<sup>21</sup>Hibbard, "Early Stuart Catholicism," p. 4.

<sup>22</sup>Christopher Hill, *The Collected Essays of Christopher Hill* (Brighton: The Harvester Press, 1985), p. 111.

<sup>23</sup>Edward Norman, *Roman Catholicism from the Elizabethan Settlement to the Second*

"Penal" laws against Roman interference in the English Catholic church had been on the books for centuries prior to those enacted during the Reformation.<sup>24</sup> The First Statute of Praemunire was enacted in 1353. It outlawed legal appeals to Rome and the extension of Roman law to England.<sup>25</sup> Penalties included outlawry, forfeiture, imprisonment, and banishment. Pope Martin V (ruled 1417-1431) protested that the laws against the Jews and Saracens did not have such dire consequences as these.<sup>26</sup> The "Second Statute of Praemunire" (1393) made it treason for anyone to allow Rome to interfere with the election of bishops.<sup>27</sup> The same purpose had been served prior to praemunire by common law writs of prohibition, of *quare impedit*, of *quare non admisit*, of *quare non permittit*, and by the long-established right, reaffirmed by an ordinance in 1343, of forbidding the introduction into England of papal bulls prejudicial to the church.<sup>28</sup> Beginning in the 1480s praemunire began to be applied not only to Roman courts but to litigation in the English church courts. Litigants used common law courts to punish those who sued them in church courts.<sup>29</sup> R. H. Helmholz remarks that by the time of the Reformation, a jurisdictional reformation had already occurred because of the expanded use of praemunire.<sup>30</sup> The nature of the English Catholic "penal" tradition was commented on at the time by those who disliked it. Robert Persons, S.J., for example, remarked:

If we caste back our eyes unto the former times in England, we shall find that for above five hundred years, even from the Conquest and entrance of the Normans and French Governors over our country, they have ever continued a certain faction and emulation of the laity against the clergy, which did make the path by little and little unto that open schism, heresy and apostasy,

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*Vatican Council* (New York: Oxford University Press, 1985), pp. 23, 26.

<sup>24</sup>Ogle, *The Canon Law in Medieval England*, p. 60.

<sup>25</sup>Henry Gee, *Documents Illustrative of English Church History* (London: Macmillan, 1921), pp. 103-104, has the First Statute of Praemunire (1353), 27 Edward III, Stat. 1.

<sup>26</sup>Ogle, *The Canon Law in Medieval England*, p. 165.

<sup>27</sup>"Second Statute of Praemunire" (1393), 16 Richard II, cap. 2, in Gee, *Documents Illustrative of English Church History*, pp. 122-123.

<sup>28</sup>W. T. Waugh, "The Great Statute of Praemunire," *English Historical Review*, 37 (1922), 193-194, 204; Ogle, *The Canon Law in Medieval England*, p. 164.

<sup>29</sup>Helmholz, *Roman Canon Law in Reformation England*, p. 25.

<sup>30</sup>*Ibid.*, p. 33.

whereunto at length it fell.<sup>31</sup>

In addition to being a way of attacking clerical absolutism, in which the Catholics had a hand, anti-Catholicism also had another use. Some of the magnates seem to have regularly employed it in their efforts to manipulate laboring people. The idea was to shift the blame away from themselves for an established order in England in which up to half the people were in poverty and without employment.<sup>32</sup> There were Chesapeake landlords who in a similar manner attacked the economic interests of white and black laboring people by attempting to pit them against each other to minimize their united opposition to the landlord order.<sup>33</sup> But just as in mid-seventeenth-century Maryland whites and blacks were not easily fooled in discerning what was in their interest, the English laboring majority and even many among the gentry were not generally misled.

For example, one scholar believes that John Pym in 1641 and 1642 used anti-Catholicism to "hold a majority about him in Parliament" against the crown.<sup>34</sup> Pym used anti-Catholicism, but his main argument centered on anti-Royalism and anti-Laudism. There was unity against the crown because the gentry in Parliament had no interest in increasing their taxes so that the king could impose an episcopacy in Scotland. Not theoretical fear, but concrete dislike of clericalism and taxation was the issue.

An over reliance on some of the gentry's pamphlets, especially from the period of the 1688 revolution, might lead one to conclude that anti-Catholicism was "the strongest, most widespread, and most persistent ideology in the life and thought of the seventeenth-century British and constituted one of the forces making for national unity."<sup>35</sup> However, this largely ignores local and national studies on the subject. There was as much disunity on religious, economic, and political issues as there was unity. The disunity was great enough to bring civil

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<sup>31</sup>Robert Persons, S.J., "Story of Domestic Difficulties," ed. J. H. Pollen, S.J. *CRS*, 2 (1906), 50.

<sup>32</sup>Robin Clifton, "The Popular Fear of Catholics in England," *PP*, 52 (Aug. 1971), 41, 55.

<sup>33</sup>T. H. Breen and Stephen Innis, *"Myne Owne Ground": Race and Freedom on Virginia's Eastern Shore, 1640-1676* (New York: Oxford University Press, 1980), p. 5.

<sup>34</sup>Clifton, "Popular Fear of Catholics," pp. 53-54.

<sup>35</sup>J. R. Jones, *The Revolution of 1688 in England* (New York: Norton, 1972), pp. 75-76.

war. It was not Catholics who the Independents and levelers purged from Parliament in 1648. The Independents went after the Presbyterian gentry, who were seeking a settlement with the crown without satisfying the demands of the laboring people that in large part made up the New Model Army.

Assertions about the strength of anti-Catholicism at the national level based on the unity which it produced need to be re-examined. Likewise one has to question the strength of anti-Catholicism when one finds Catholics being included in the various coalitions that were formed during the era. For example, the Presbyterian gentry formed a coalition with Catholic Royalists and the French government. This included starting in 1646 a plot with the Catholic queen, Henrietta Maria against the Independents.<sup>36</sup> Similarly, the levelers in 1649 opposed Cromwell's invasion of Ireland. They stated that the Irish Catholics were not their enemy, but the London merchants and English gentry who wished to weaken the power of the laboring people by sending off to Ireland their most effective protector, the army.<sup>37</sup> The leveler William Walwyn suggested that the

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<sup>36</sup>Thomas Clancy, S.J. "The Jesuits and the Independents, 1647," *AHSJ*, 40 (1971), p. 88; Edward Henson (ed.), *The English College at Madrid, 1611-1767* (1929), in *CRS*, vol. 39, pp. 299 ff; Hughes, *Society of Jesus*, text, vol. 2, p. 53; John Bozman, *The History of Maryland* (Spartanburg, S.C.: Reprint Co., [1837], 1968), vol. 2, p. 331; B. Howard Griswold, "A Maryland Governor who Never Governed," *MHM*, 28 (1933), 109; Gillow, "William Davenant," *Literary*, vol. 2, p. 22. In 1646 Queen Henrietta Maria and a number of exiled royalist Presbyterians sent over the Catholic William Davenant (1601-1668) from Paris to Charles I, who was a prisoner of the Scots at Newcastle, Eng. They wanted Davenant to persuade the king to join the Presbyterians and make peace with the Scots. Later Davenant appeared in Maryland politics. Charles II in 1650 purported to strip the Maryland proprietor of his patent after he had gone over to the Parliamentary side. Davenant was named Maryland's new royal governor on February 16, 1650. However, he never made it to Maryland. He was apprehended in the English Channel as he was starting on his way from Paris. He was then imprisoned in the Tower of London. If his poetry is any indication, he would have used the royal governorship to practice in Maryland what the king was trying to do in England. He wrote in "Poem upon his Sacred majesty's Most Happy Return to his Dominion" (1660), *Shorter Poems and Songs* (Oxford: Clarendon Press, 1972), p. 83:

Only armed power can law protect  
And rescue wealth from crowds, when poverty  
Treads down those laws on which the rich rely.

<sup>37</sup>Parliament had taken several million pounds in loans from the London merchants to finance the war. The gentry wanted to pay the loans back not by taxation of themselves but by confiscating Irish land. The leveler William Walwin, as quoted in A. L. Morton (ed.), *Freedom in Arms: A Selection of Leveler Writings* (New York: International Publishers, 1974), p. 65, remarked that, "The sending over forces to Ireland is nothing else but to make war by the blood of the army to enlarge their territories of power and tyranny, that it is an unlawful war, a cruel and bloody work to go to destroy the Irish natives for their conscience, and to drive them from their

English should look to "honest papists . . . to learn civility, humanity, simplicity of heart; yea, charity and Christianity."<sup>38</sup>

Anti-Catholicism was not strong enough at the national level to produce unity or to prevent coalitions with Catholics. It was also not a significant issue in much of the pamphlet literature. Robin Clifton has done the most extensive study of pamphlet literature for the period. He finds that pamphleteers abandoned anti-Catholicism as a stock propaganda theme early in the war because the majority of English readers knew better and could not be manipulated by it: "Why should a writer in such evident need pass over a stock propaganda theme [as anti-Catholicism] unless he knew its value to be debased?"<sup>39</sup> At best the popular fear of Catholicism was a factor only until 1642, as Clifton sums up:

During the English Revolution the fear of Catholics had political significance for three years only, between 1640 and 1642. . . A few anti-Catholic alarms occurred early in 1643, but despite the confusion and defeats of war, the open presence of Catholics in the royalist army, Charles's negotiations to add Irishmen to his forces, and the most strenuous efforts of Catholic-baiting parliamentary propagandists, the alarms of 1640-1642 did not revive. Reports of plots against parliamentary garrisons abounded between 1643 and 1646, but only twice were Catholics mentioned among the conspirators and none of the plots were explicitly described as popish.<sup>40</sup>

Illustrative of the limited usefulness of anti-Catholic propaganda during the war was the inability of the Presbyterian gentry in Parliament to enact legislation that would have solemnized Guy Fawkes Day.<sup>41</sup> This was designed in part, it seems, to keep laboring people in fear of Catholics instead of in rebellion against the established order. But the Independents in Parliament, who were

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proper natural and native rights."

<sup>38</sup>William Walwyn, *The Just Defense of William Walwyn* (May 30, 1649), reprinted in William Haller and Godfrey Davies, *The Leveler Tracts, 1647-1653* (Gloucester: P. Smith, [1944] 1964), p. 365; William Walwyn, *The Writings of William Walwyn*, ed. Jack R. McMichael and Barbara Taft (Athens: University of Georgia Press, 1989).

<sup>39</sup>Robin Clifton, "The Fear of Catholics in England, 1637 to 1645, Principally from Central Sources," unpublished Ph.D. dissertation, Balliol College, 1967, p. 250.

<sup>40</sup>Clifton, "Popular Fear of Catholics," pp. 32, 53. See also, Robin Clifton, "Fear of Popery," *The Origins of the English Civil War*, ed. C. Russell (New York: Macmillan, 1975).

<sup>41</sup>PRO, 31/9/46, fol. 207, as cited in Clancy, "The Jesuits and the Independents," 83.

considerably under the influence of the army, blocked the enactment.

An over reliance on pamphlet literature mainly from later in the century can lead to false conclusions about the importance of anti-Catholicism. Similarly the reliance on anti-Catholic statutory law without studying its actual implementation can result in distorted conclusions.<sup>42</sup> The main practitioners of this type of history were the nineteenth- and early twentieth-century English Catholic martyr and "siege" historians. Caroline Hibbard remarks that "the existence of harsh legislation was often mistaken for evidence that it was enforced."<sup>43</sup> The legislation was enacted at times of national emergency, such as the 1588 attack of the Spanish Armada. In these periods England was at risk from Catholic powers. But the English Catholics were just as "anti-Catholic" in opposing the efforts of Spain to rule England through the pope as were the Protestants. The lax enforcement of the legislation was in part a recognition of this.<sup>44</sup>

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<sup>42</sup>The penal statutes enacted or re-enacted during the Civil War are collected in Firth, *Acts*, vol. 1, p. 106 (Mar. 27, 1643), p. 254 (Aug. 18, 1643), p. 1679 (Aug. 9, 1643), p. 1186 (Aug. 25, 1648); see also, Anthony Forbes, "Faith and True Allegiance: The Law and the Internal Security of England, 1559-1714," unpublished Ph.D. dissertation, UCLA, 1960, pp. 133-138. The main penalty against the recusant gentry was sequestration. This meant the seizure of the delinquent's property by "sequestrators" appointed by commission, who managed the property, and applied the rents and profits to the use of the state, with the owner getting only a fifth to live upon.

<sup>43</sup>Hibbard, "Early Stuart Catholicism," p. 3; Hugh O'Grady, *Strafford and Ireland: The History of his Vice-Royalty with an Account of his Trial* (2 vols., Dublin: Hodges, Figgis, and Co., 1923), vol. 2, pp. 611-622. In Ireland, despite the penal laws, there was a functioning bishop in every diocese.

<sup>44</sup>Thomas Law, *A Historical Sketch of the Conflicts between the Jesuits and the Seculars* (London: D. Nutt, 1889), p. xvii, comments on the Catholics' rejection of a Spanish conquest in 1588:

To the clerical promoters of the invasion, its issue must indeed have been a severe blow. More bitterly disappointing than the loss of the Spanish fleet was the discovery by the exiles that they could not count upon the disloyalty of the Catholic laity at home. The very men whom William Allen [d. 1594] and Robert Persons had boasted of as their trusted allies had taken up arms for the detestable Jezebel.

The planned Spanish invasion of 1597 was scrapped in part because the Elizabethan Catholics could not be recruited to help it. The Spanish minister, Pegna, as quoted in Hugh Tootell, *Charles Dodd's Church History from the Commencement of the Sixteenth Century to the Revolution in 1688*, ed. Mark A. Tierney (5 vols., New York: AMS Press, [1843] 1971)), vol. 3, p. lxxvii, reported back to his government that, "His Catholic majesty has for him in England no heretic and for the Catholics he hath only those who depend upon the direction of the Jesuits, who

Had the penal legislation which started in 1559 been enforced, there would have been no recusants by the Civil War.<sup>45</sup> For example, a 1581 act imposed a fine of £20 per month on recusants to be paid directly to the exchequer.<sup>46</sup> Most recusants did not make half that amount in a year. Had it been enforced, they would all have died in debtor's prison. Another penal law imposed a 12d weekly fine. It too was not enforced because it would have forced most recusants into pauperdom. The parish enforcers of the 12d fine would then have had to support the recusant paupers from parish funds. Hugh Aveling remarks, "The exaction of the 12d fine was pretty universally disregarded by parochial officers, presumably because exaction meant distraint on the household goods of the poor, pauperdom, and a charge on the parish."<sup>47</sup>

By the 1610s even the pretense of the penal system had been replaced by a system of compounding, that is, a tax on recusants.<sup>48</sup> Illustrative of how the compounding tax worked was the case of Thomas Meynell, who had an income of

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are few. The Jesuits do not labor openly as the secular priests do, to gain a great number."

<sup>45</sup>F. X. Walker, "Implementation of the Elizabethan Statutes against Recusants," unpublished Ph.D. dissertation, University of London, 1961, p. 29. Martin Havran, *The Catholics in Caroline England* (Stanford, Cal.: Stanford University Press, 1962), pp. 8-10; Hugh Bowler (ed.), *Recusant Roll No. 2 (1593-1594)* (Newport, Eng.: Catholic Record Society, 1965), vol. 57, pp. ix-xlvi; C. Talbot (ed.), *Miscellanea* (Newport, Eng.: Catholic Record Society, 1960), vol. 53, p. 293; Hugh Bowler, "Introduction," *ibid.* vol. 52, pp. xxxix-xl.

Recusants were those who refused to attend Anglican services and included Protestants as well as Catholics. During the war, when mandatory church attendance was abolished, Catholic recusants were those who refused to take the oath of abjuration. See Hugh Bowler (ed.), *London Sessions Records, 1605-1685* (Newport, Eng.: Catholic Record Society, 1934), vol. 34, p. xlvi.

Once the Independents took over in 1649 they repealed several laws which had been used against Catholics. Among these were the Oaths of Allegiance, Obedience, and Supremacy. A simple "Engagement to be true and faithful to the commonwealth of England, as it is now established, without a king or house of lords" was substituted. The new oath was a condition for holding office. The two treason acts of 1649 made no mention of priests or papists in connection with the usual provisions against subversive activities. See "The Engagement," 1650, in Gee, *Documents Illustrative of English Church History*, p. 575; Firth, *Acts*, vol. 2, p. 1 (Feb. 9, 1649); vol. 2, p. 120 (May 14, 1649); p. 193 (July 17, 1649); vol. 2, p. 325 (Jan. 2, 1650); vol. 2, p. 423 (Sept. 27, 1650).

<sup>46</sup>"An Act to Retain the Queen Majesty's Subjects in Due Obedience," *Statutes of the Realm*, 23 Eliz. 1, c. 1 (1581); Walker, "Implementation of the Elizabethan Statutes," p. 131.

<sup>47</sup>Hugh Aveling, *Catholic Recusancy in the County of York, 1558-1791* (St. Albans: Catholic Record Society, 1967), p. 108; see also, Aveling, *Northern Catholics*, pp. 204, 212-214, 271, 282.

<sup>48</sup>Bossy, *The English Catholic Community*, p. 155.

£500 per year. As a recusant, he was obliged in certain periods to pay up to one-fourth of it in fines. But for purposes of the fine, his income was rated at £40 per year. This meant he paid only £10 per year on an income of £500.<sup>49</sup> In the years when he chose to conform by taking the oath of allegiance, he seems to have paid no fine.<sup>50</sup> By using methods of undervaluation, as well as by using trusts, downers, debt laws, perjury, and bribery, recusants paid little or nothing for their religious beliefs. Peter Newman comments that the view "of all Catholics as committed sufferers in the cause of the faith is one more myth that the history of the Catholic community can do without."<sup>51</sup>

It should also be noted in connection with the penal laws that as much as 80 percent of the Catholics as will be discussed shortly, were church Catholics. By partial conformity to the Anglican church they were not made subject to the penal laws.

The reverse of anti-Catholicism was anti-Protestantism. The county studies as well as the present study do not find anti-Protestantism to have been any more significant a factor in the Catholic community than anti-Catholicism. This is not to deny that it was a doctrine of Roman clericalism and that there was an extensive controversial literature between the Catholic and Protestant clergy.<sup>52</sup> But this literature did not arise from the ranks of the laboring Catholics or of the Catholic clergy who were engaged in the pastoral and congregational ministry.<sup>53</sup> Some of Rome's "anti-Protestantism" was directed largely at Catholics and their clergy rather than at Protestants. For example, Thomas Sanchez, S.J. and Robert

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<sup>49</sup>Aveling, *Northern Catholics*, p. 220.

<sup>50</sup>*Ibid.*, p. 215.

<sup>51</sup>Newman, "Roman Catholics in Pre-Civil War England," p. 149.

<sup>52</sup>Illustrative of the anti-Protestant literature were: B. C., *Puritanism the Mother, Sin the Daughter* (1633), *ERL*, vol. 98; Jean d'Albin de Valsergues, *A Notable Discourse, Plainly and truly discussing who are the right ministers of the Catholic church* (1575), *ERL*, vol. 28; Lawrence Anderton, *The non-entity of Protestantism* (1633), *ERL*, vol. 91; Martin Becanus, *Calvin is Overthrown* (1614), *ERL*, vol. 46; John Floyd (d. 1649), *The Overthrow of the Protestants pulpit-babels* (1612), *ERL*, vol. 149.

<sup>53</sup>Christopher Haigh, *The English Reformation Revised* (New York: Cambridge University Press, 1987), p. 195, finds the controversial literature was the work of those who lived abroad and to a lesser degree to those who were employed as domestic chaplains. The training for clergy at Catholic seminaries such as Douai was not for conversion but for ministering to pre-existing Catholics.

Persons, S.J. taught that partial conformers and the clergy who served them were apostates, schismatics, and excommunicate.<sup>54</sup>

The county studies demonstrate that it is not accurate to reduce Catholic thinking to the beliefs of the gentry or of the Roman establishment. The Catholics were laboring people with beliefs that served their political, economic, and religious needs and they could not be easily manipulated. Where Catholicism did best in England it was not because of clerical doctrines but because the Catholic clergy served the pastoral needs of those who were neglected by the Protestant clergy. This is not to say that Catholics had any lack of doctrines. But their doctrines centered on the value of labor. The Catholics were Catholics because of their clergy who served them. But much of the substance of their religion, which encompassed their way of life and not merely their occasional cultic activity, came from themselves, not from the clergy. Many of the clergy, however, shared in their beliefs.

#### Demographic and Career Aspects of English Catholicism

Besides the three theses or observations, this introduction will outline the demographic and career aspects of the Catholic community in England. Catholic beliefs, the Civil War, and the significance of anti-Catholicism and anti-Protestantism in Maryland cannot be viewed in isolation from but as an extension of the events in England. Maryland Catholic beliefs were influenced by local factors in Maryland like the crops which they produced and the clergy who ministered to them, but also by foreign developments, such as market conditions for tobacco in Europe, the progress of the war, and more fundamentally, by the beliefs they acquired in the communities in which they were born and raised. Except for the Conoy converts, most of the Maryland Catholics were migrants from England, with a minority being from Ireland, France, Spain, Portugal, the Low Countries, and Africa. Their political, religious, and economic thinking was in part formed in England. David Allen has remarked on the continuity between

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<sup>54</sup>Thomas Sanchez, S.J., *Opus Morale in Praecepta Decalogi* (2 vol., Paris: n.p., 1615); Robert Persons, S.J., *A Brief Discourse containing certain reasons why Catholics refuse to go to church* (Douai: John Lyon, 1580).

old and New England, "The English who came to settle in New England gave up as little of their former ways of doing things as possible."<sup>55</sup> For Allen the Frederick Jackson Turner frontier thesis does not explain New England beliefs. This seems to have been the case with the Maryland Catholics.

Because of the continuity, it is logical for Europe and especially England to be the starting points of this study. The beliefs encountered in Maryland are less surprising when the English background is understood. In most cases because Catholics dominated the Maryland assembly and embodied their beliefs in legislation, their thinking is easier to reconstruct in Maryland. On some points, however, the sources that reveal particular beliefs are more numerous in England and can help fill out what is sometimes encountered more briefly or obscurely in the Maryland sources.

In looking at European Catholicism, one of the characteristics that distinguishes it from Maryland was its diversity. In Europe Catholicism was the religion of numerous nations and of various classes within those nations. During the 1640s there were rebellions and revolutions involving laboring people in most of the Catholic nations and city-states of Europe: France, Florence, the Kingdom of Naples, Spain, the Low Countries, and Germany.<sup>56</sup> As one might expect, the beliefs of Catholic laboring people were not necessarily the beliefs of the Catholic gentry. Diverse groups and beliefs existed alongside each other, sometimes in harmony and re-enforcing each other, sometimes in conflict. The gentry "improvers" and the Maryland proprietor sometimes had more in common with yeomen, that is, field workers, than with the idle rich in terms of belief about the

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<sup>55</sup>David Allen, *In English Ways: The Movement of Societies and the Transferal of English Local Law and Customs to Massachusetts Bay in the Seventeenth Century* (Chapel Hill, University of North Carolina Press, 1981), p. 4. See also, James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill: University of North Carolina Press, 1994), pp. 14.

<sup>56</sup>Charles Korr, *Cromwell and the New Model Foreign Policy: England's Policy toward France, 1649-1658* (Berkeley: University of California Press, 1975), p. 9; Paul Doolin, *The Fronde* (Cambridge, Mass.: Harvard University Press, 1935). Pope Innocent X (1644-1655), under whom the papal states were allied with the Hapsburgs, labeled as iniquitous the Peace of Westphalia in 1648. The peace treaty ended the Thirty Years War on terms favorable to France and Sweden. See Hibbard, "Early Stuart Catholicism," p. 32; Roland Mousnier, *Peasant Uprisings in Seventeenth-Century France, Russia, and China*, trans. Brian Pearce (New York: Harper and Row, 1972); C. S. Davies, "Peasant Revolt in France and England: A Comparison," *AgHR*, 21 (1973), 122-134.

value of productivity and labor. The Maryland Catholics were composed of various types of laboring people. The beliefs which they expressed had a continuity with the beliefs of the laboring people in England.

It is these English Catholic laboring people from whom the Maryland Catholics sprang who are the focus of the latter part of this introduction and of the first chapter. Laboring people as used here includes anyone who made their living from their own labor, as opposed to landlords whose income derived mainly from rent or capitalists whose income derived from stock ownership. The expansive definition of laboring people used here has a basis in seventeenth-century economic thought. Ronald Meek, for example, in his study of the era's ideas about the relation of income and labor, finds that the income of employers and merchants was thought to derive solely from the labor of the employer and merchant:

It very often happened at this time that the employers of labor had risen from the ranks of the direct producers and still participated more or less actively in the actual process of production. Therefore they naturally persisted in regarding the differences between their paid-out costs and the price they received for their commodities as a sort of superior "wage" for their own personal efforts rather than as a "profit" on the capital, often very meager, which they had supplied. Even when such employers came to confine themselves to merely supervisory functions, it might still seem plausible to speak of their net reward, as so many economists at this time actually did of it, as the "wages of superintendence."<sup>57</sup>

Because the earnings of merchants who profited from stock investments were commonly associated with labor, Adam Smith in the eighteenth century went to considerable lengths to show that the profits of stock were not "the wages of a particular sort of labor, the labor of inspection or direction," but were "all together different," being "regulated by quite different principles."<sup>58</sup> In the Smithian definition of laboring people followed here, merchants, improving landlords, and professionals such as architects, lawyers, physicians, and clergy are included. Unlike field hands, their labor was more mental or managerial than

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<sup>57</sup>Meek, *Studies in the Labor Theory of Value*, p. 26.

<sup>58</sup>Smith, *Inquiry into the Nature and Causes of the Wealth of Nations*, p. 48.

manual, but the income of both came from their selling their time and skills, not from capital or land rent. The beliefs of England's non-improving gentry are not the focus of this study, since they did not migrate to Maryland. It is necessary, nevertheless, to include them in the discussion. Their beliefs are informative about the thinking of the Maryland Catholics in indicating what was of less importance to them.

In terms of methodology, this and the next chapter construct a paradigm, or what Max Weber calls an ideal type, of the beliefs of the ordinary English Catholics.<sup>59</sup> An ideal type is a simplified version which accentuates certain elements of reality without giving nuances and subtleties. The beliefs outlined here were also shared by many Protestants and were rejected by some Catholic laboring people, not to mention the non-improving Catholic gentry. It is in the nature of ideal types not to be full or unique pictures. But they are employed by scholars because they are a useful tool for discerning reality. In this particular study the ideal type helps introduce and fill out beliefs encountered in Maryland. There was probably no single individual in England or Maryland that embodied every aspect of the type outlined here, and even if there were, no pretense is made of giving a full, well-rounded social history of the English Catholic laboring people. The point is to set the stage for Maryland in a fruitful manner.

It might be argued that it is not analytically clarifying to lump together under the same heading as "laboring people" such widely divergent groups as merchants, lawyers, freeholders, and agricultural laborers. How would these people be supposed to have a coherent, unified world view? In answer, it needs to be observed that the ideal type presented here is not about a unified world view, as far as the merchants and professionals were concerned. The interest is about the positive belief concerning labor which each group shared to a greater or lesser degree and which was in contradiction to a negative view of labor which was held by many of the non-improving Catholic gentry and their clergy.

In looking at the positive regard for labor which was shared by various groups, this study follows observations by those like Max Weber and R. H. Tawney concerning the divisions which they observe concerning the value of

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<sup>59</sup>Max Weber, *Max Weber on the Methodology of the Social Sciences* (Glencoe: Free Press, 1949), p. 90.

labor.<sup>60</sup> Weber finds the Protestant ethic ideal type, which he in part equated with the work ethic, to be characteristic of whole societies, including peasants as well as merchants. Studies by Wilfrid Prest and Christopher Brooks demonstrate that most seventeenth-century professionals had positive attitudes toward work that set them apart from the "landed ruling elite."<sup>61</sup> Lawyers put in long six-day weeks and were proud of their work.<sup>62</sup>

A way to appreciate the value in which labor and laboring people were held by some groups, is to study how negatively labor was looked on by other seventeenth-century groups, most importantly the non-improving gentry. By legal definition the gentry were those who lived "idle and without labor." They had an elaborate system of beliefs which justified their view of labor and laboring people as evil, and which glorified the existing order in which the gentry had a monopoly on wealth, politics, housing, the military, education, and religion. Their views dated back to antiquity, during which period labor was associated with slavery, with sin, and with a fall from original perfection. The gentry's negative views of labor were taught to their children and clergy in the continental English language schools. Thomas Aquinas, whose works popularized the anti-labor social philosophy of Aristotle, was the dominant authority for the Catholic gentry and their clergy. Aquinas's doctrine for laboring people was obedience to the established order.

The interest in this study is not the beliefs of the non-improving gentry.

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<sup>60</sup>Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Charles Scribners, 1958), pp. 79, 115-116; R. H. Tawney, *Religion and the Rise of Capitalism* (London: Harcourt, Brace, and Co., 1926), pp. 229-230.

<sup>61</sup>Prest, *Rise of the Barristers*, p. 325.

<sup>62</sup>*Ibid.*, pp. 11, 41-42, 47; Christopher W. Brooks, "Common Lawyers in England, 1558-1642," *Lawyers in Early Modern Europe and America*, ed. Wilfrid Prest (London: Longman, 1988), pp. 54-55; Christopher Brooks, "Some Aspects of Attorneys in Late Sixteenth- and Early Seventeenth-Century England," unpublished D. Phil. Thesis, University of Oxford, 1978; Anthony Fletcher, *A County Community in Peace and War: Sussex, 1600-1660* (London: Longmans, 1975), pp. 54-57; Samuel Butler, *Hudibras* ed. John Wilders (Oxford: Clarendon Press, 1967), II, iii, 15-22. Prest, *The Rise of the Barristers*, p. 325, remarks that "We must be careful not to exaggerate the extent to which the early modern legal system in general, and the bar in particular, functioned against the poor and the weak." Litigation was cheap: yeomen, husbandmen, artisans, crafts people, and merchants frequently went to court because of the low initial cost and because attorneys allowed their clients to sue on credit. Many gentry hated lawyers and the clergy directed twice-yearly assize sermons against them. See *ibid.*, pp. 224, 297.

However, as mentioned earlier, their beliefs will be documented at some points because the laboring people's beliefs can better be understood by contrasting their thinking with that of the gentry. Nor is the interest in professionals or merchants. But their beliefs will be documented at some points because the laboring peoples' beliefs can be better understood by the similarity between their beliefs and those of other groups. There is nothing here about a "unified world view" with lawyers and merchants. But Catholic laboring people did at times share with these groups a rejection both of the gentry's negative views of labor and of the doctrine about obedience to the established order.

Before looking at English Catholic beliefs, the demographic make-up of the Catholic population out of which the beliefs arose requires examination. The penal laws starting in the sixteenth century as well as the ability of the established church to meet popular needs in many parts of the country accounted for a rapid decline in the English Catholic population. But as Brian Magee pointed out fifty years ago, it was not until the papacy sanctioned the Spanish armada's invasion of England in 1588 that a majority of the English population went from one which was still loyal to Rome to one which had little fraternal regard for it.<sup>63</sup>

Christopher Haigh suggests that the Reformation in England was introduced at a time when the Catholic church in England was vital and expanding, not the corrupt institution met with in some parts of Europe or in earlier periods of English history.<sup>64</sup> Anticlericalism, as manifested for example in resistance to tithes, was stronger in fifteenth-century England than at the time of the Reformation in the 1530s.<sup>65</sup> The established ministry starting in the 1580s and for the rest of Elizabeth's and the early Stuarts' reign, with its university education, professional cohesion, and synods, was sometimes more clericalist and unresponsive to the needs of rural and laboring people than the pre-Reformation

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<sup>63</sup>Brian Magee, *The English Recusants: A Study in the Post-Reformation Catholic Survival and the Operation of the Recusancy Laws* (London: Burns and Oates, 1938), p. 205.

<sup>64</sup>Christopher Haigh, "The Continuity of Catholicism in the English Reformation," *The English Reformation Revised* (Cambridge: Cambridge University Press, 1987), p. 206; Haigh, "Revisionism, the Reformation, and the History of English Catholicism," *JEH*, 35 (July 1984), 394-406.

<sup>65</sup>Christopher Haigh, "Anticlericalism and the English Reformation," *The English Reformation Revised*, p. 74.

priesthood.<sup>66</sup> Added to the problem as far as laboring people were concerned was the destruction of confraternities that had been the focus of their religion. The confraternities had controlled large numbers of unbeneficed clergy, who served the needs of working people.<sup>67</sup> As a result of the established clericalism, the traditional English Catholicism of the laboring people, continued to be attractive to some ordinary people throughout the first half of the seventeenth century.

Catholicism did best in the poor northern and western areas of the country where Anglican parishes were large, offered little income, and attracted relatively few established clergy to serve the people. Those Anglican clergy who did serve in these areas were sometimes non-residents or pluralists, meaning they held incomes and responsibilities for two or more parishes.<sup>68</sup> In Yorkshire there were 314 parishes, but there were 470 settled places of worship. In effect this meant there were more than 100 potential Yorkshire parishes without regular clergy.<sup>69</sup> In these areas, as one writer puts it, Catholicism had "an ability to attract and hold people as diverse as Cleveland jettors, fisherman, tailors, small gentry, farmers, ambitious new peers, and declining old ones. It had an extraordinary tenacity of attraction for the most marginal."<sup>70</sup> John Bossy thinks the English Catholic population increased by one-half, from 40,000 to 60,000, between 1603 and 1641.<sup>71</sup> A similar growth in the Catholic population in Ireland occurred during the period, for the same reason.<sup>72</sup>

No reliable census was taken. This means exact population estimates for Catholics during the seventeenth century are a "pipe dream," as Anne Whiteman

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<sup>66</sup>*Ibid.*, pp. 73-74.

<sup>67</sup>J. J. Scarisbrick, *The Reformation and the English People* (Oxford: Basil Blackwell, 1984), pp. 39, 164-170.

<sup>68</sup>Aveling, *Northern Catholics*, p. 252.

<sup>69</sup>W. K. Jordan, *The Charities of Rural England, 1480-1660: The Aspirations and Achievements of the Rural Society* (London: George Allen and Unwin, 1961), p. 21.

<sup>70</sup>*Ibid.*, p. 286.

<sup>71</sup>Bossy, *English Catholic Community*, p. 193.

<sup>72</sup>O'Grady, *Strafford and Ireland*, vol. 1, pp. 409, 433-434, writes that the established church in Ireland had little wealth such as parish benefices to attract clergy. The confiscated monastic lands had gone to the Catholic and Protestant landlords. On the other hand, there were 1,000 continental-educated Catholic clergy in Ireland by the 1610s.

puts it.<sup>73</sup> Some scholars such as Keith Lindley refuse to make an estimate.<sup>74</sup> Nevertheless, it is safe to say that by the Civil War period, Catholics were at best only 5 or 10 percent of the 5 million English population.<sup>75</sup> Estimates of the Catholic population in 1641 range from 60,000 to 500,000. The 60,000 figure consists of the convicted recusants for whom documentation still exists plus their children and an allowance for administrative inefficiency in enforcing the penal laws.<sup>76</sup> John Bossy is the chief defender of this figure.

To the 60,000 figure a number of scholars would add several groups. First, poverty saved probably a quarter to one-half of the laboring Catholics from recusancy prosecution, assuming the proportion of poor Catholics was similar to the proportion of poor people in the English population as a whole.<sup>77</sup> According to Christopher Hill and Peter Burke, laborers, servants, the young, and the old may have rarely attended church, whether Catholic or Protestant. They did not have the money to make them worth prosecuting for non-attendance and consequently did not end up in the court records.<sup>78</sup> In some cases, the authorities prevented or attempted to prevent them from attending services because they did not have proper clothes for church. This non-enforcement of the penal laws was

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<sup>73</sup>Anne Whiteman, "Introduction," *The Compton Census of 1676: A Critical Edition* (London: Oxford University Press, 1986), p. lxxvii.

<sup>74</sup>Keith Lindley, "The Part Played by the Catholics in the English Civil War," unpublished Ph.D. dissertation, University of Manchester, 1968, pp. 19-42.

<sup>75</sup>Among the total English population estimates for the period are Gregory King, *Two Tracts, (a) Natural and Political Observations and Conclusions upon the State and Conditions of England, (b) of the Naval Trade of England*, ed. George Barnett (Baltimore: The Johns Hopkins University Press, 1936), p. 18, who estimated the English population at 5.5 million in 1688; Edward A. Wrigley and R. S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (London: Edward Arnold, 1981), p. 208, Table 7.8; Peter Lindert and Jeffrey Williamson, "Revising England's Social Tables, 1688-1812," *Explorations in Economic History*, vol. 19 (1982); G. S. Holmes, "Gregory King and the Social Structure of Pre-Industrial England," *TRHS*, 27 (1977), 41-68.

<sup>76</sup>Bossy, *English Catholic Community*, pp. 184, 188, 422.

<sup>77</sup>D. C. Coleman, "Labor in Seventeenth-Century England," *EcoHR*, (1956), 283-284, estimates that between one-fourth and one-half of England's population in 1660 was "chronically below what contemporaries regarded as the official poverty line."

<sup>78</sup>Barry Reay, "Popular Religion," *Popular Religion in Seventeenth-Century England* (New York: St. Martin's Press, 1985), p. 95; Christopher Hill, *Society and Puritans in Pre-Revolutionary England* (New York: Schocken Books, 1967), pp. 472-475; Aveling, *Catholic Recusancy in the City of York*, p. 87.

not a case of administrative inefficiency but a policy of efficiency. As was mentioned earlier, exaction of the 12d fine was disregarded by parochial officers because it would have meant pauperdom for the Catholics, Puritans, and others who did not conform. Paupers became a charge on the parish; that is to say, a financial drain.<sup>79</sup> The interest of the church warden was to collect parish revenue, not needlessly to expand obligations.<sup>80</sup>

A second group that some scholars would add to the convicted Catholics were the church Catholics.<sup>81</sup> The church Catholics were those who escaped recusancy conviction by either partial or occasional conformity to the established church. Occasional conformity meant reception of communion in the established church at least once within forty days after Easter, as required by Canon 112 of the 1604 code.<sup>82</sup> Partial conformity meant those who attended services in the established church without taking communion. The requirement of communion was seldom imposed by governmental authorities as a test.<sup>83</sup>

Determining how many Catholics were partial conformists is difficult because in some places one-half or more of those who attended established services, whether Catholic or not, never took communion.<sup>84</sup> As one study notes, partial conformers apparently went to see their friends, to pray and sing, and especially to hear the sermon, which sometimes was political in nature. Paul Seaver remarks:

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<sup>79</sup>Aveling, "Some Aspects of Yorkshire Catholic Recusant History," p. 108.

<sup>80</sup>Bossy, *English Catholic Community*, p. 187, discusses the procedures by which church wardens brought charges.

<sup>81</sup>Alan Davidson, "Roman Catholicism in Oxfordshire from the Late Elizabethan Period to the Civil War, 1580-1640," unpublished Ph.D. dissertation, University of Bristol, 1970, pp. 18, 22.

<sup>82</sup>Whiteman, "Introduction," *Compton Census*, p. xxxiii; Edward Cardwell (ed.), *Synodalia: A Collection of Articles, 1547 to 1717* (Oxford: Farnborough: Gregg International, [1842] 1968), vol. 1, p. 309; E. Elliot Rose, *Cases of Conscience: Alternatives Open to Recusants and Protestants Under Elizabeth and James* (Cambridge: Cambridge University Press, 1976), p. 11. The Act of Uniformity of 1559 required reception three times per year. But there was no penalty for not going to communion. The only fine was for not attending services.

<sup>83</sup>Hibbard, "Early Stuart Catholicism," p. 17. H. Chalmer Bell, "Introduction," *Lyndwood's Provinciale: The Text of the Canons therein contained, reprinted from the translation made in 1534* (London: Faith Press, 1929), p. xlix, notes that the canons of 1604 had canonical authority only in the province of Canterbury, not in York, where most Catholics resided.

<sup>84</sup>Whiteman, "Introduction," *Compton Census*, p. xxxviii.

In an age when printing was still the only means of mass communication, and a means often obstructed by censorship and illiteracy, preaching understandably had a potency that it has largely lost since. In an age, moreover, when theology still provided the basis not only for cosmology but also for politics, . . . preaching necessarily had political implications.<sup>85</sup>

During periods when local Anglican parishes had preachers who were particularly popular or unpopular, attendance fluctuated significantly.<sup>86</sup> At Rowley in East Riding, for example, a new loft had to be built on the church there in 1634 to hold the overflow of non-parishioners attracted to hear sermons by anti-royalist lecturers.<sup>87</sup> Catholics who lived in the many areas that did not have regular access to Catholic clergy were probably partial conformers because they found a benefit from attending Anglican services rather than because of penal laws. A report in the early part of the seventeenth century noted that the Catholics enjoyed having the scripture and psalms in English and joined in the singing.<sup>88</sup>

Even the Catholics who had regular access to the clergy were partial conformists when it came to matters such as baptism, marriage, and burial. Double baptism by both the Catholic and the established priest was common, especially among the ordinary people who wanted their children entered in the parish registers to avoid allegations of illegitimacy.<sup>89</sup> Double marriages among Protestant and Catholic couples was an accepted practice.<sup>90</sup> Partial conformity for burial was universal, as Catholics wished to be buried in consecrated ground. This included Jesuits like Edward Knott who had spent their life "impatient with eirenicism and ready to defend the privileges of the Jesuits and the prerogatives of

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<sup>85</sup>Paul Seaver, *The Puritan Lectureship: The Politics of Religious Dissent, 1560-1662* (Stanford: Stanford University Press, 1970), p. 55.

<sup>86</sup>*Ibid.*, p. 58; Whiteman, "Introduction," *Compton Census*, pp. xxxvii, xxxvix.

<sup>87</sup>Allen, *In English Ways*, p. 165.

<sup>88</sup>Bossy, *English Catholic Community*, p. 122; Thomas F. Knox (ed.), *Letters and Memorials of William Cardinal Allen* (London: Nutt, 1882), pp. 55-56; Walker, "Implementation of the Elizabethan Statutes," p. 29.

<sup>89</sup>Hugh Aveling, *The Catholic Recusants of the West Riding of Yorkshire, 1558-1790* (Leeds: Proceedings of the Leeds Philosophical and Literary Society, 1963), p. 250; Bossy, *English Catholic Community*, p. 134.

<sup>90</sup>Hugh Aveling, "Marriages of Catholic Recusants, 1559-1642," *JEH*, 14 (1963), 72; Bossy, *English Catholic Community*, p. 136.

the Holy See at the slightest provocation."<sup>91</sup> They preferred the Protestant church to burial in unmarked ditches among paupers.<sup>92</sup> The only objections came from some established clergy who tried to keep recusants out, on the principle that they died excommunicated.<sup>93</sup>

Partial conformity among Catholics with regular access to the clergy also involved their children. Except for Catholic gentry who could afford to send their children abroad, the parish school was the normal way Catholic children were educated. Catholic children who attended parish schools attended parish services.<sup>94</sup> Even the gentry who sent their children to the continent for education started them off by sending them to learn the rudiments of latin grammar at the village school which was often run by the local curate. The standard latin grammar in the village schools was William Lily's *A Short Introduction of Grammar*, first published in 1549 and many times thereafter.<sup>95</sup> In the grammar one finds as teaching materials the latin prayers and hymns that Catholics had been using for centuries. These included the "Veni Creator Spiritus," "Pater Noster," "Credo," "Decalogus Decem Praeceptorum," and the words for the sacrament of baptism. In his study of Yorkshire, Hugh Aveling discusses several of the Catholic gentry who chose to have their children educated completely in England:

Robert Holtby went to Oswaldkirk school. Ninian Girlington of Wycliffe, a recusant, sent his son William to the town school at Alderborough, Boroughbridge and then to Caius College, Cambridge, and Lincoln's Inn. Francis Scrope of Danby was sent to the ordinary schools at Thornton Steward and Pocklington before entering the Puritan Sidney Sussex College at Cambridge--and emerging to be convicted as a recusant. . . Henry Constable of

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<sup>91</sup>Clancy, "The Jesuits and the Independents, 1647," p. 84.

<sup>92</sup>Foley, *Records*, vol. 5, p. 629, discusses the burial of Edward Knott at St. Pancreas in London.

<sup>93</sup>Aveling, *Catholic Recusants of the West Riding*, p. 252; Bossy, *English Catholic Community*, p. 140.

<sup>94</sup>Bossy, *English Catholic Community*, p. 166. Foley, *Records*, vol. 3, p. 124; A. Kenney (ed.), *The Responso Scholarum of the English College, Rome, 1598-1685* (St. Albans, Eng.: Catholic Record Society, 1962-1963), vols. 54-55, nos. 608, 612.

<sup>95</sup>William Lily (d. 1522), *A Short Introduction of Grammar, 1549* (Menston: Scolar Press, 1970).

Burton Constable, a Catholic seems to have attended the fashionable school run by the Rev. Anthony Higgin (later dean of Ripon) at Well in Richmondshire--and to have presented Higgin with a Catholic book.<sup>96</sup>

What Anne Whiteman concludes about the Restoration period seems to hold for the Civil War, that it was by no means as easy to distinguish papists from conformists "as historians of the nineteenth and early twentieth centuries, accustomed to sharper divisions" between Catholics and Protestants, used to assume.<sup>97</sup> Along the same lines Christopher Haigh comments, "Catholicism was a varied and amorphous phenomenon, and individuals drifted in and out of formal recusancy while always regarding themselves as Catholics and retaining Catholic habits."<sup>98</sup> Elliot Rose in studying the penal laws remarks that "The church-papist must have thought of himself as a Catholic and that is how I shall regard him."<sup>99</sup>

Reginold Kiernan and Brian Magee estimate the total number of Catholics at 500,000, while Martin Havran and Ludwig Pastor, citing contemporary estimates, put it at 360,000.<sup>100</sup> If Kiernan and Magee are near the mark, then 80 percent of the Catholics were church papists. This is consistent with the evidence from Maryland. Of the 100 known Catholics who lived there during the Civil War period, there is no record that any of them had ever been convicted recusants prior to migration or that any of their relatives who continued to live in England were ever convicted.<sup>101</sup> But there are records that some of them, including Leonard

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<sup>96</sup>Aveling, *Northern Catholics*, p. 294.

<sup>97</sup>Whiteman, "Introduction," *Compton Census*, p. lxxvi.

<sup>98</sup>Haigh, "The Continuity of Catholicism in the English Reformation," p. 207; see also Christopher Haigh, "The Fall of a Church or the Rise of a Sect? Post-Reformation Catholicism in England" *Historical Journal*, 21 (1978), 184-185. Richard Challoner, *Memoirs of Missionary Priests and Other Catholics of both Sexes, that have Suffered Death in England on Religious Accounts from the years 1577 to 1684* (London: Burns and Oates, [1803] 1924), pp. 238-240, has the case of the sometimes church Catholic John Rigby.

<sup>99</sup>Rose, *Cases of Conscience*, p. 5.

<sup>100</sup>Magee, *English Recusants*, pp. 111-120; Reginold H. Kiernan, *The Story of the Archdiocese of Birmingham* (West Bromwich, Eng.: Joseph Wares, 1951), pp. 4-5; Martin Havran, *The Catholics in Caroline England* (Stanford, Cal.: Stanford University Press, 1962), pp. vii, 156; Ludwig Pastor, *The History of the Popes: From the Close of the Middle Ages* (St. Louis, Mo.: B. Herder, 1938), vol. 29, p. 311; David Mosler, "Warwickshire Catholics in the Civil War," *RH*, 15 (1980), pp. 259, 261.

<sup>101</sup>It could be argued at least for the Maryland migrants if not for their English relatives, that perhaps half were teenagers at the time of migration and their youth would have preserved

Calvert, the governor, and Thomas Cornwallis, had relatives who were church Catholics. Leonard Calvert's father, George Calvert, was from a non-noble, sometimes recusant family that was a tenant on and farmed land formally owned by a monastery.<sup>102</sup> To attend Oxford University, George Calvert conformed.<sup>103</sup> He conformed as a member of Parliament and secretary of state, which required taking the oath of uniformity and supremacy. He continued to conform until he was forced from office in 1624 along with John Digby, earl of Bristol and others, who had favored the unsuccessful Spanish marriage policy.<sup>104</sup> When it no longer was necessary for economic and political reasons, he stopped conforming. But he was never a convicted recusant or ever fined for failing to attend services of the established church.<sup>105</sup> He baptized his children, including Leonard, in the Protestant church and directed that he himself be buried in a Protestant church.<sup>106</sup> He was not subservient to the clericalism of either the Roman establishment or the established church. There are a number of possibilities as to where Cornwallis originated.<sup>107</sup> One possibility is he was related to an individual of the same name who attended established services but read from a Catholic prayer book which he kept in his pew.<sup>108</sup> From the perspective of Maryland, D. S. Reid's criticism of those who omit or minimize the church Catholics and poor Catholics in discussing population figures is well taken:

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them from prosecution. But from 1606 the age for conviction was nine years old. See Aveling, "Some Aspects of Yorkshire Catholic Recusant History," p. 107.

<sup>102</sup>Harry Newman, *The Flowering of the Maryland Palatinate* (Baltimore: Genealogical Publishing Co., 1984), p. 6; James Foster, *George Calvert: The Early Years* (Baltimore: Maryland Historical Society, 1983), pp. 26, 28, 32-33, 48; Roger Dodsworth, "Yorkshire Church Notes," *Yorkshire Archaeological Society Record Series*, 34 (1904), 234. Philip Wharton's land which the Calvert's leased had belonged to an abbey prior to its confiscation under Henry VIII.

<sup>103</sup>Foster, *George Calvert*, p. 48.

<sup>104</sup>John Krugler, "Sir George Calvert's Resignation as Secretary of State and the Founding of Maryland," *MHM*, 68 (1973), 239-254.

<sup>105</sup>Aveling, *Northern Catholics*, p. 217.

<sup>106</sup>George Cokayne, "Cecil Calvert," *The Complete Peerage of England, Scotland and Ireland*, ed. Vicary Gibbs (12 vols., London: St. Catherine Press, 1910), vol. 1, p. 393; Foster, *George Calvert*, p. 80.

<sup>107</sup>Edwin Beitzell, "Captain Thomas Cornwallis: Forgotten Leader in the Founding of Maryland," *CSM*, 20 (1972), 169-171; Hugh Bowler, "Introduction," *Miscellanea* (Newport, Eng.: Catholic Record Society, 1959), vol. 52, pp. xxxix-xl.

<sup>108</sup>Bossy, *English Catholic Community*, p. 122.

"Church Papists" can not be included among those whose numbers can be ascertained, for the whole point of being a "church papist" was to effect concealment of whatever attachment one might have to Catholicism.<sup>109</sup>

A third group besides the poor and the church Catholics that might be added to the 60,000 recusant figure were those who either because of necessity or choice did not have the habitual services of a priest. John Bossy excludes these from his population estimates.<sup>110</sup> If they were excluded from Maryland estimates, there would be no Catholics to study. Maryland Catholics at several points did not have the services of a priest for up to two years. Nevertheless, they met without clergy and held their own services during these periods. Even when a priest was available, some Catholics did not make use of them. For example, one priest did not respect the rights of a Catholic's Protestant spouse. The planter involved along with other Catholics had the priest recalled to England.<sup>111</sup> To exclude from population estimates those who refused to permit excessive clericalism in Maryland might mean excluding much of the Catholic population. In some districts of England, a priest visited but once or twice per year.<sup>112</sup> The Catholics officiated at the sacraments themselves. For example, Richard Danby of Masham in York, for lack of a priest, baptized all seven of his children.<sup>113</sup> These individuals thought of themselves as Catholics, were recognized as such by other Catholics, and probably should have a place in the population statistics.

Exact population figures are difficult to determine, but, as has been noted, it is evident that by the Civil War, Catholics were a relatively small group, less than 10 percent of the total population by even the most liberal estimates. What is more certain than population figures is that a majority of Catholics both in England and Maryland were people of ordinary occupations, not gentry.<sup>114</sup>

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<sup>109</sup>D. S. Reid, "P. R. Newman and the Durham Protestation," *RH*, 15 (1979), 371.

<sup>110</sup>Bossy, *English Catholic Community*, p. 183.

<sup>111</sup>Edwin Beitzell, *The Jesuit Missions of St. Mary's County, Maryland* (Abell, Md.: n.p., 1976), p. 28.

<sup>112</sup>Aveling, *Northern Catholics*, p. 252.

<sup>113</sup>*Ibid.*, p. 191.

<sup>114</sup>Aveling, *Catholic Recusancy in the City of York*, pp. 86-87; J. A. Hilton, "The Recusant Commons in the Northeast, 1570-1642," *NCH*, no. 12 (Autumn 1980), 4; Keith Lindley, "The Lay Catholics of England in the reign of Charles I," *JEH*, 22 (1971) 203; J. Anthony

David Mosler finds the following occupational breakdown of Catholic recusants in the Warwickshire sequestration and composition records of 1642:

Table 1-1:<sup>115</sup>  
Occupations of Warwickshire Recusants

Occupation	Number of Catholics	Percentage of Catholics
yeomen	37	11
husbandman	51	15
artisan	62	18
laborer	68	19
widows	49	14
spinster	18	5
other	3	1
<hr/>		
non-landlord (total)	288	83%
gentry ("overwhelmingly marginal")	57	17
knights	4	1
<hr/>		
landlord (total)	61	17%

In J. H. Hilton's study of northeast England, an area of relatively high Catholic concentration, 41 percent of the Catholics were husbandmen, mainly copyholders and cottagers, such as day laborers, ploughhands, dairymaids, artisans, and apprentices in husbandry.<sup>116</sup> They paid rent to a landlord and farmed up to 25 acres.<sup>117</sup> Among the better off Catholics were freeholders or yeomen who farmed their own land, which was generally less than 100 acres. They owned cows, horses, sheep, dwellings, and farm equipment worth up to £500 and averaged from £40 to £120 per year in income.<sup>118</sup>

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Williams, *Bath and Rome: The Living Link, Catholicism in Bath from 1559 to the Present Day* (Bath: Searight's Bookstore, 1963), p. 14; Scarisbrick, *Reformation and the English People*, p. 156; Louis B. Wright, *Religion and Empire: The Alliance Between Piety and Commerce in England's Expansion, 1558-1625* (New York: Octagon Books, 1965), p. 142.

<sup>115</sup>Mosler, "Warwickshire Catholics in the Civil War," p. 261.

<sup>116</sup>Hilton, "The Recusant Commons in the Northeast," p. 4.

<sup>117</sup>*Ibid.*; see also, Patricia Croot, "Agrarian Class Structure and the Development of Capitalism: France and England Compared," *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, ed. T. H. Ashton (New York: Cambridge University Press, 1985), p. 86.

<sup>118</sup>Lawrence Stone, "The Crisis of Aristocracy," *Social Change and Revolution in*

Table 1-2:  
Expenditures and Receipts for a 100 Acre Farm<sup>119</sup>

Expenditures	£s	Receipts	£s
rent (28%)		fallow 25 acres	
100 acres arable @ 15s	76		
farm maintenance	7		
seed (12%)		grain	
45 bu wheat @ 4s	10	20 acres wheat	
19 bu barley @ 2s	2	(400 bu @ 4s)	90 (30%)
128 bu oats @ 1s	11		
70 bu peas @ 2s	8		
soil dressing (manure)	32	5 acres barley	
		(120 bu @ 2s)	15 (5%)
draught animals (11%)			
feed (grass, hay, oats)	31	30 acres oats	
interest & depreciation	5	(1080 bu @ 1s)	101 (33%)
misc (shoes, medicaments)	3		
labor (26%)		20 acres peas	
ploughing, harrowing & carting		(560 bu @ 2s)	70 (23%)
600 person days @ 1s 2d	35		
harvesting			
20 acres wheat @ 5s	5		
5 acres barley @ 2s	0.5	straw	
30 acres oats @ 2s	3	37 tons @ 10s	19 (7%)
20 acres peas @ 2s	2		
threshing			
50 qtr wheat @ 2s	5		
15 qtr barley @ 1s	1	manure	6 (2%)
135 qtr oats @ 1s	6		
70 qtr peas @ 1s	5		
miscellaneous (dunging, sowing, weeding)	7		
<u>marketing</u>	3		
total expenditures (100%)	£267	total receipts	£302 (100%)
		net profit	£35 (12%)

Peter Bowden gives the above table showing the expenditures and receipts

*England: 1540-1640* (London: Longmans, Green and Co., 1965), p. 116; F. J. Fisher (ed.), "Thomas Wilson's *The State of England*," *CM* (1936), series 3, vol. 52, no. 1, pp. 18-20; Leslie A. Clarkson, *The Pre-Industrial Economy in England, 1500-1750* (New York: Schocken, 1972), p. 66. David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford: Oxford University Press, 1987), p. 10; Croot, "Agrarian Class Structure," pp. 79, 86; Guy Bois, "Against the Neo-Malthusian Orthodoxy," *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, ed. T. H. Ashton (New York: Cambridge University Press, 1985), p. 145.

<sup>119</sup>Peter Bowden, "Agricultural Prices, Wages, Farm Profits and Rents," in Thirsk, *Agrarian History*, vol. 5, p. 88.

of an average 100 acre farm during the early eighteenth century. Bowden's table suggests what occupied much of the life of a Civil War Catholic yeoman, and it will be found to be useful both as a comparison with Maryland farming and in the discussion of the relation of landlords and capitalist tenants.

A majority of the Catholics were engaged in agriculture, but there were also sizable numbers involved in occupations that were not directly farming. In Hilton's study, 16 percent worked as blacksmiths, butchers, laborers, mercers (cloth sellers), millers, miners, saddlers, sailors, tailors, tavern keepers, teamsters, and textile workers.<sup>120</sup> The recusant records for Warwickshire list non-agrarian trades such as blacksmith, laborer, innkeeper, drover, barber, saw-maker, flax dresser, weaver, thread maker, musician, yeomen, husbandmen, and saddler.<sup>121</sup> Catholic women, in addition to the above, were engaged in dairying, semptrying, spinning, weaving, knitting, lacemaking, gardening, baking, and winnowing.

In London as in the four other major towns and cities of Norwich, Bristol, Newcastle, and York, there were relatively large Catholic populations. Their occupations included apothecaries, goldsmiths, innkeepers, lace weavers, merchants, physicians, printers, schoolmasters, silk weavers, students pursuing their studies, tobacco pipe makers, and watermen.<sup>122</sup> One contemporary counted among the London Catholics 26 physicians, eight surgeons, and apothecaries (four in Fleet Street alone), and numerous barber surgeons.<sup>123</sup> There were also the unemployed Catholics: orphans, widows, spinsters, beggars, paupers, vagrants, wandering poor, blind, insane, and lame.

Along with laboring people, there were also gentry among the Catholic population. Nearly 30 years ago Lawrence Stone wrote, "For all intents and purposes seventeenth-century Catholicism was a quietest sect of aristocrats and upper-gentry families."<sup>124</sup> Stone wrote before the advent of the county studies. In

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<sup>120</sup>Hilton, "The Recusant Commons in the Northeast," p. 7.

<sup>121</sup>Kiernan, *The Story of the Archdiocese of Birmingham*, p. 5.

<sup>122</sup>Lindley, "Lay Catholics of England," p. 204. Gregorio Panzani, *The Memoirs of Gregorio Panzani*, ed. Joseph Berington (introduction by T. A. Birrell) (London: Gregg International Publishers, [1793], 1970), p. 138.

<sup>123</sup>Foley, *Records*, vol. 1, p. 670; Scarisbrick, *Reformation and the English People*, p. 157.

<sup>124</sup>Lawrence Stone, *The Crisis of Aristocracy, 1558-1641* (New York: Oxford

a few areas of the country as indicated in Table 1-1, the gentry were as much as 17 percent of the recusant Catholic population. In the north and west, however, where most of the Catholics lived, they were closer to 5 percent of the total Catholic population. If the church Catholics were included, the gentry figure would probably be even smaller.

To sum up, this chapter has set forth the three arguments or observations which this study makes, it introduced the ideal type methodology followed here and it discussed in demographic and career terms the English Catholics from which those in Maryland sprang. The English Catholics were relatively small in number and clustered in the north, west, and larger towns where the needs of laboring people were relatively less well attended by the established church.

It was suggested that the partial conformers or church Catholics and those who were not prosecuted for recusancy because of their poverty should be counted as part of the Catholic population along with the convicted recusants. If only convicted recusants were counted, then not a single Catholic that migrated to Maryland could be counted a Catholic. The Catholic migrants and their relatives whom they left behind in England were church Catholics or too poor to be prosecuted for recusancy. From Rome's perspective the partial conformers were excommunicate, but they and the Catholic clergy who served them exercised on the subject a jurisdiction independent of Rome.

It was also pointed out that the county studies since World War II have revised earlier ideas about the Catholic's occupational or career characteristics. Most were laboring people, mainly agrarian field workers and artisans. Nineteenth and early twentieth-century accounts over emphasized the Catholics as gentry and nobility. These were but a small percentage of the total population. The county studies confirm what one sees about the occupational characteristics of those who migrated to Maryland. They were laboring people. No Catholic gentry as measured by English standards lived in Maryland during the Civil War period.

## Chapter 1

### The English Catholic Belief Background Concerning Labor, Politics, the Clergy, and the Market

The demographic and career characteristics of the English Catholic community from which the Maryland community sprang have been outlined. This chapter discusses the English background to the four beliefs of the Maryland Catholics that will be taken up in later chapters. It will touch first upon the beliefs of English Catholics concerning labor, then concerning politics and the clergy, and finally market relations. It is the argument in this study that Catholics in England and in Maryland held beliefs that were consistent with the circumstances of their lives.

One belief that was supportive of their careers concerned the value which they placed on labor. That English Catholics valued labor and productivity can be seen from a sampling of their pamphlet literature. Examples include Richard Weston of Surrey and Robert Wintour of Gloucestershire. They were gentry "improvers." Weston wrote a scientific treatise in 1650 on how to increase crop productivity in sandy soil by planting flax, turnips, and clover.<sup>1</sup> In his treatise he expressed his belief that God wanted and favored husbandry.<sup>2</sup> In Wintour's writings, agrarian husbandry was called the root of all riches.<sup>3</sup>

Another Catholic, the London lawyer Edward Bolton, wrote a treatise in 1629 called *Cities Advocate* that defended those such as himself who worked for a living. He was critical of those who glorified the idle gentry. He held up for emulation Martin Calthorpe, who started out as an apprentice, became mayor of London, and to whose skills even Queen Elizabeth had paid homage:

Queen Elizabeth acknowledged Martin Calthorpe, the Lord Mayor

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<sup>1</sup>Richard Weston (1591-1652), *A Discourse of Husbandrie used in Brabant and Flanders Showing the Wonderful improvement of land there serving as a pattern for our practice in this Commonwealth* (London: William DuGard, 1650), pp. 1-4, 6, 20; Joan Thirsk, "Agricultural Innovations and their Diffusion," in Thirsk, *Agrarian History*, vol. 5, pt. 2, p. 549; "Richard Weston," *DNB*, vol. 20, pp. 1278-1280.

<sup>2</sup>Weston, *Discourse*, p. 6.

<sup>3</sup>Robert Wintour, *To Live Like Princes: A Short Treatise concerning the New Plantation Now Erecting in Maryland*, ed. John Krugler (Baltimore: Enoch Pratt Free Library, [1635] 1976), p. 35.

of London, who started as apprentice. I pray to resemble the worthies of this city, out of whatever obscure parentage, than being descended of great nobles, to fall by vice far beneath the reckoning of the poorest prentiser.<sup>4</sup>

The value which English Catholics put on labor was reflected perhaps in the catechism written by Thomas White in 1637 and published several times during the Civil War period. White pictured God as a producer, the maker of the universe.<sup>5</sup> White was a secular priest whose many writings sympathized with the interests of ordinary Catholics. During at least part of the period, he lived in London and boarded in Drury Lane with John and Mary Gregson, who were apparently people of ordinary occupations.<sup>6</sup>

Along with God as a laborer, the maker of the universe, Jesus and his followers were pictured as laboring people. "Each in scripture has a trade and exercises it daily," Paul the tentmaker, Peter the fisherman, Joseph the carpenter.<sup>7</sup> Kings, bishops, and popes claimed their positions were God's charism. Catholic laboring people countered by claiming their own skills were God's charism:

The virtuous industrious are to be cherished, yea, God himself (the only best pattern of governors) has made it known, that mechanical qualities are his special gifts and his infused, as it were charismata.<sup>8</sup>

Genealogy, a favorite theme used by the the gentry to justify itself, was made to honor laboring people, "Scripture not only makes the skill of laboring people immortally famous, but puts down their parentage, and birth places in contrast to that of many princes. Thus in Hiram's case (1 Kings 7:13-47; 2 Chronicles 2:14),

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<sup>4</sup>Edward Bolton, *The Cities Advocate, in this case, or a Question of honor and arms, whether Apprenticeship extinguisheth Gentry? Containing a clear refutation of the Pernicious common Error affirming it, swallowed by Erasmus of Rotterdam, Sir Thomas Smith in his "Commonweal", Sir John Ferris in his "Blazon", Ralph Broke York Herald and others. With the copies or transcripts of three letters which give occasion of this work* (Norwood, N.J.: W. J. Johnson, [1629], 1975), pp. 1, 3.

<sup>5</sup>Thomas White, *A Catechism of Christian Doctrine* (Paris: n.p., 1637, 1640, 1659), pp. 4, 15. See also Beverley C. Southgate, "Thomas White's *Grounds of Obedience and Government*, A Note on the Dating of the First Edition," *NQ*, 28 (1981), 208-209.

<sup>6</sup>D. Shanahan, *Essex Recusant*, 8 (April, 1966), 60-61, remarks that White was a secular priest, the son of an Essex County freeholder. Gillow, "Thomas White," *Literary*, vol. 5, pp. 578-581, mentions White boarded with the Gregsons.

<sup>7</sup>Bolton, *Cities Advocate*, pp. 20-21.

<sup>8</sup>*Ibid.*, p. 19.

the brass-founder's family is recorded."<sup>9</sup> According to Edward Bolton, Solomon was satisfied with nothing less than the best in building the temple because there was a religious quality in work well done. Thus Hiram, who was not even a Jew, but was an artisan of great skill, was asked to come from Tyre to make the bronze pillars for the temple.

One finds in Catholic pamphlets a bible that was filled with working people and God's love of them. Scripture that was quoted included that about Noah, the ark builder, and Genesis 4:20, which honored Jabel (Iabel), the father of agricultural husbandry: "Moses put into eternal monuments that Jabel was *pater pastorum*, the most ancient of increase."<sup>10</sup> At one point Edward Bolton compiled a list of various "secondary" trades given praise in the bible, such as iron workers, hammer-smiths, engravers, furniture makers, and metal founders. He remarked that if these non-essentials were delighted in by God, how much more were the essential trades to be honored:

If then such honor be done by God not only to those which are necessary hand-crafts, but to those also which are but the handmaid of magnificence and outward splendor, as engravers, metal founders and the like, he shall be very hardy who shall embrace honest industry with disgraceful censures, and too unjust who shall not cherish, or encourage it with praise and worship.<sup>11</sup>

Several studies of religion among English laboring people indicate they had their own patron saints, feast days, clergy, street pageants, pilgrimages, and prayers, which celebrated labor.<sup>12</sup> In rural areas the symbolic rituals were related to the productive cycle, that is the harvest year. These rituals seem to have glorified labor and productivity.<sup>13</sup> Lady Day (March 25) marked the initiation of sowing and was the first day of the year in the old calendar. Michaelmas

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<sup>9</sup>*Ibid.*, p. 20.

<sup>10</sup>Bolton, *Cities Advocate*, p. 19.

<sup>11</sup>*Ibid.*, p. 21.

<sup>12</sup>Peter Burke, "Popular Culture in Seventeenth-Century London," *Popular Culture in Seventeenth-Century England*, ed. Barry Reay (New York: St. Martins Press, 1985), p. 57; Keith Luria, "The Counter-Reformation and Popular Spirituality," *Christian Spirituality: Post-Reformation and Modern*, ed. Louis Dupre and Don Saliers (New York: Crossroad, 1989), pp. 93, 106.

<sup>13</sup>Christopher Haigh, "The Recent Historiography of the English Reformation," *The English Reformation Revised* (New York: Cambridge University Press, 1987), p. 25.

(September 29) was the beginning of reaping.<sup>14</sup> Martinmas (November 11) was the original harvest and thanksgiving day celebrating the filled barns and stocked larders. The farming people went to mass and observed the rest of the day with games, dances, parades, and a festive dinner, the main feature of which was the traditional roasted goose (Martin's goose).<sup>15</sup> The symbolic rituals included a cycle of eight feast-days, distributed throughout the year at intervals of about six weeks: Christmas, the first Sunday of lent, Easter, Whitsun, St. Peter and Paul (June 29), the Assumption (August 15), Michaelmas (September 29), and All Saints (November 1).<sup>16</sup>

Rural religion was characterized by work-related songs, ballads, and jigs, which were sung while laboring. These songs concerned among other things, cultivated crops set in straight rows, well-kept homesteads, and satisfaction with the completion of the days' labor.<sup>17</sup> Perhaps also in the category of celebrating life and productivity were the Whitsun Ales, may-poles, morris dancing, village pipers, plays and drama, and pilgrimages.<sup>18</sup> The May festival commemorated full spring and nature's triumph, when trees stood in their early foliage and flowers blossomed in abundance. Cottages were adorned with flowers and the branches of pale-green tender leaves. A "May Queen" was chosen by vote of the young men, who led a procession to the place of the spring festival, where she presided over the celebration. She was crowned with a wreath of flowers and held a wooden

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<sup>14</sup>Frederick Blundell, *Old Catholic Lancashire* (3 vols., London: Burns and Oates, 1941), vol. 1, p. x.

<sup>15</sup>F. W. Hackwood, *Good Cheer: The Romance of Food and Feasting* (New York: T. F. Unwin, 1911), p. 201; Francis X. Weiser, *Handbook of Christian Feasts and Customs: The Year of the Lord in Liturgy and Folklore* (New York: Harcourt, Brace and World, 1952), pp. 270-271.

<sup>16</sup>John Bossy, *The English Catholic Community, 1570-1850* (London: Darton, Longman and Todd), 1975, p. 118.

<sup>17</sup>Bernard Capp, "Popular Literature," *Popular Culture in Seventeenth-Century England*, ed. Barry Reay (New York: St. Martins Press, 1985), p. 204; Ann Kussmaul, *Servants in Husbandry in Early Modern England* (London: Cambridge University Press, 1981), p. 68; T. G. Crippen, *Christmas and Christmas Lore* (Detroit: Gale Research Co., 1923), describes the hundreds of Christmas carols popular among laboring people.

<sup>18</sup>Cecil Sharp, *The Morris Book: A History of Morris Dancing with a description of Eleven Dances as performed by the Morrismen of England* (London: Novello Co., 1907), pp. 6-7; John Playford, *The English Dancing Master* (London: Schott, [1651] 1957); Douglas Kennedy, *English Folk Dancing, Today and Yesterday* (London: G. Bell, 1964).

scepter adorned with flowers in her hand.<sup>19</sup>

These customs were strong in Catholic areas, such as Lancashire and North Riding and were sometimes led by Catholics.<sup>20</sup> Frederich Blundell remarks that both Catholic adults and their children enjoyed dancing around the maypole and flowering the marl pits.<sup>21</sup> Part of the festival included children burning their puppets with great solemnity.

In urban areas, artisans celebrated their craft skills and labors on religious feast days in the common hall of their companies.<sup>22</sup> Every profession of men and women had its own patron saint whose virtues were held up for emulation.<sup>23</sup> Pride in labor was manifested in coats of arms: cloth workers had a coat of arms with a tezel on it, merchant taylorers had one with a robe, grocers a clove, merchant-adventurers an anchor.<sup>24</sup> Such religion dated back to the pre-Reformation era, the guild system, and confraternities.<sup>25</sup> Guild priests were those

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<sup>19</sup>Weiser, *Handbook of Christian Feasts and Customs*, p. 164.

<sup>20</sup>Christopher Haigh, "The Continuity of Catholicism in the English Reformation," *The English Reformation Revised* (New York: Cambridge University Press, 1987), pp. 206-207, 214; Hugh Aveling, *Northern Catholics: The Catholic Recusants of the North Riding, Yorkshire, 1558-1790* (London: Geoffrey Chapman, 1966), p. 289. Some of the material in the plays of the Catholic dramatist Philip Massinger (d. 1640) may have had roots in the rural people's beliefs about productivity. Doris Adler, *Philip Massinger* (Boston: Twayne Pub., 1987), p. 78, remarks that his plays were characterized by "the struggle between those who produce wealth and those who only consume that wealth in extravagant luxury." His plays, which were put on at London's Red Bull and Phoenix, had popularity with working people. See *ibid.*, p. 74. Massinger's popular acceptance contrasted with that of William Davenant, a royalist Catholic whose plays were put on at Blackfriars. Davenant flattered the crown and maintained his position because of royal backing. He was named by the royalists in 1649 to be governor of Maryland, but was arrested while still in European waters. Joseph Gillow, "Philip Massinger," *Literary*, vol. 4, p. 525, discusses Massinger's Catholicism.

<sup>21</sup>Blundell, *Old Catholic Lancashire*, vol. 1, p. xi.

<sup>22</sup>Bolton, *Cities Advocate*, pp. 53, 56.

<sup>23</sup>John Cosin, *The Works of the right Rev. Father in God, John Cosin, Lord Bishop of Durham*, ed. J. Sansom (5 vols., Oxford: John Parker, 1855), vol. 1, Sermon X, p. 142. As a substitute for the labor saints, the pope offered a list of Roman ecclesiastical saints, such as popes, bishops, and members of religious orders. But these were not popular. See Luria, "The Counter-Reformation and Popular Spirituality," p. 110.

<sup>24</sup>Bolton, *Cities Advocate*, p. 49.

<sup>25</sup>Lester Little, *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Commune* (Northampton, Mass.: Smith College, 1988), pp. 35-36; John Bossy, "The Counter-Reformation and the Peoples of Catholic Europe," *PP*, 47 (1970), 59; A. J. Gurevich, *Categories of Medieval Culture* (Boston: Rutledge and Kegan Paul, 1985), p. 265.

who were employed by the guild and looked to the needs of laboring people.<sup>26</sup> One scholar suggests that the relative strength of Catholicism within some of the northern coal-mining communities was due to traditional habits like the observance of saints' days by coal miners.<sup>27</sup>

In the thought of some Catholic urban laboring people was the belief that their labor was what accounted for progress and civilization. It was said that without those like Tubal Cain, the iron worker, hammer-smith, and founder of the guild of metal-workers, described in Genesis 4:22 and Ecclesiasticus, "there can be no civilization."<sup>28</sup> Labor was an honor:

Some say London is a place of vice and should be reduced to servility. But they are wrong. Industry and civil virtue are the lawful things of this life. Their nearest object is honor and honest wealth. It is a foul note to brand them as associated with bondage, or give them any the least disparagement at all. The ancient excellent policy of England did and does constitute corporations of artisans and adorns companies with banners of arms.<sup>29</sup>

No doubt Protestant and Catholic laboring people shared some of this religion in common. This was despite efforts at times to outlaw it by both the established church and the Roman establishment.<sup>30</sup> One of the objections raised by some Protestant pamphleteers was that the religion of laboring people was based more on popular devotions than on scripture, that is, upon scripture as interpreted by clergy who had little regard for labor.<sup>31</sup> Christopher Haigh points out that some of the hierarchy and landlords attempted without much success to replace "socially-minded" religion with an easily manipulated type of personal devotion.<sup>32</sup>

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<sup>26</sup>Paul Seaver, *The Puritan Lectureship: The Politics of Religious Dissent, 1560-1662* (Stanford: Stanford University Press, 1970), p. 74; J. J. Scarisbrick, *The Reformation and the English People* (London: Oxford University Press, 1984), pp. 24, 43.

<sup>27</sup>Bossy, *English Catholic Community*, p. 87; Christopher Hill, *Society and Puritanism in Pre-Revolutionary England* (New York: Schocken Books, 1967), p. 147.

<sup>28</sup>Bolton, *Cities Advocate*, pp. 20-21.

<sup>29</sup>*Ibid.*, pp. 18, 21.

<sup>30</sup>Hill, *Society and Puritanism*, pp. 164-167.

<sup>31</sup>Michael Graham, S.J., "Lord Baltimore's Pious Enterprise: Toleration and Community in Colonial Maryland," unpublished Ph.D. dissertation, University of Michigan, 1983, p. 13.

<sup>32</sup>Haigh, "The Recent Historiography of the English Reformation," p. 25

It might seem surprising that Catholic laboring people had positive views of labor. It will be recalled that the work ethic and Puritanism, not Catholicism, are seen to be almost synonymous in the works of Max Weber and R. H. Tawney.<sup>33</sup> An examination of the English Catholics and their Maryland counterparts seem to indicate, as John Bossy has stated, that Catholic opinions were "perfectly compatible with an entrepreneurial approach to agriculture or anything else."<sup>34</sup> In his study of the Yorkshire Catholic gentry, Hugh Aveling finds the Catholics were prospering in every part of the county because of their hard labor and skills at estate management, trade, or the professions. Thomas Meynell of North Kilvington, the Wintham family at Cliffe, the Yoward, Crosland, and Wycliffe families, and Thomas Middleton of Stockeld were constantly improving their holdings and income.<sup>35</sup> Bertrum Bulmer of Wilton, who was one of the trustees for the funds of the secular clergy, started a lead mine at Marrick in the 1630s and the Lawson family started a coal mine about the same time.<sup>36</sup> Hugh Smithson of Cowton Grange was a yeoman and tenant of Anthony Cotterick. He went to London, prospered in the haberdasher trade, returned to the county in 1638, and bought a farm called Stanwick from his former landlord.<sup>37</sup> Among the professional families were the Applebys of Clove Lodge, the Swales and Inglebys of Rudby, the Jacksons of Knayton, the Pudseys and the Metcalfes of Hood, the Tophams, Lawsons, and Pudseys, all of whom had successive generations of lawyers.<sup>38</sup> Ambrose Appleby did well enough in the law that he bought farms at Larrington and Linton on Ouse in 1640.<sup>39</sup> Two of his sons were ejected from Gray's Inn in London in 1638 for persistent non-communicating.

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<sup>33</sup>Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Charles Scribners, 1958), pp. 79, 115-116; Richard Tawney, *Religion and the Rise of Capitalism* (London: Harcourt, Brace and Co., 1926), pp. 229-230.

<sup>34</sup>Bossy, *English Catholic Community*, p. 103; see also, Fernand Braudel, *Civilization and Capitalism, Fifteenth to Eighteenth Centuries* (3 vols., London: Collins, 1984), vol. 2, pp. 566-569.

<sup>35</sup>Aveling, *Northern Catholics*, pp. 191, 218, 256, 260, 267; Thomas Meynell, "The Recusancy Papers of the Meynell Family," *Miscellanea*, ed. Hugh Aveling (Newport, Eng.: Catholic Record Society, 1964), vol. 56, p. xiv.

<sup>36</sup>Aveling, *Northern Catholics*, pp. 259, 266, 269.

<sup>37</sup>*Ibid.*, pp. 159, 259, 266.

<sup>38</sup>*Ibid.*, pp. 191, 266.

<sup>39</sup>*Ibid.*, p. 259.

Solomon Swale of Grinton entered Gray's Inn in 1630 and his son went there in 1648.<sup>40</sup> Among the professional Catholic women was Jane Grange who taught a private school at Bedale and was also a housewife.<sup>41</sup> Aveling sums up his study by saying that "there was no universal or necessary connection between Puritanism, the 'new gentry' or officials, and economic progressiveness--and, in fact, comparatively little actual connection."<sup>42</sup>

In addition to having beliefs about labor that grew out of and sustained their material lives, Maryland Catholics had a second belief, the European background of which will now be addressed. The Maryland Catholics believed that political independence from both the royalist and the parliamentary gentry served their interests. This belief corresponded to similar beliefs held by the English laboring people, both Catholic and Protestant. Familiarity with the English background makes one unsurprized at the spirit of independence in Maryland. During the Northern War in 1639 and the first Civil War between 1642 and 1646, most ordinary English Catholics took an independent position with only a minority serving in the parliamentary or royal forces or holding parliamentary or royal offices.

It should be emphasized that the laboring Catholics who were the majority, unlike the gentry Catholics, did not take the royalist side. This is a point that has confused scholars like Christopher Hill and Francis Edwards, S.J. Edwards, for example, writes, "Inevitably, the Catholics supported the king's cause, and drew enmity on themselves for that alone."<sup>43</sup> Hill remarks in similar fashion, "The Catholics were solidly royalist in the Civil War."<sup>44</sup> If one looks only at the Catholic gentry, then Edwards and Hill are accurate. About one-third of the officers in the king's northern army were Catholic.<sup>45</sup> Of the 500 royal

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<sup>40</sup>*Ibid.*

<sup>41</sup>*Ibid.*

<sup>42</sup>*Ibid.* p. 205.

<sup>43</sup>Francis Edwards S.J., *The Jesuits in England from 1580 to the Present Day* (Tunbridge Wells, Eng.: Burns and Oates, 1985), p. 72. See also, Gordon Albion, *Charles I and the Papacy* (Norfolk, Eng.: Royal Stuart Society, 1974), p. 11.

<sup>44</sup>Christopher Hill, *The Century of Revolution, 1603-1714* (New York: Norton, [1961], 1980), pp. 60, 173.

<sup>45</sup>Alan Dures, *English Catholicism: 1558-1642* (Harlow, Eng.: Longman, 1983), p. 86; Peter Newman, "Catholic Royalist Activities in the North, 1642-1646," *RH*, 14 (1977) 29.

officers killed during the war, about 200 were Catholic.<sup>46</sup> The Catholic gentry's pamphlet literature abounded with admonitions about being obedient to the established royal authority.<sup>47</sup>

However, in contrast to the gentry, the Catholic laboring people saw themselves as having nothing to gain in 1639 by having Scotland reduced to an English colony and by imposing a system of bishops on the Scottish church.<sup>48</sup> Nor was there any advantage to them in the first Civil War in helping the king to overthrow Parliament. Keith Lindley, J. T. Pickles, and J. M. Gratton have studied the diversity of economic and class interests within the Catholic community and note the corresponding political diversity. Lindley comments:

When Catholic royalism is related to Catholics generally in the counties, it is apparent that the Royalists managed to raise only a minority of Catholic support for their body. . . Catholics were not a unified group in this period, but were divided by status and interest, and to some extent they appear to have reacted to the formation of the parties in the same way as their Protestant counterparts.<sup>49</sup>

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<sup>46</sup>Reginold H. Kiernan, *Archdiocese of Birmingham* (West Bromwich, England: Joseph Wares, 1951), pp. 4-5.

<sup>47</sup>Anonymous, *Good Catholic No Bad Subject, or a letter from a Catholic Gentleman to Mr. Richard Baxter, modestly accepting the challenge* (London: John Dinkins, 1660), p. 1; Nicholas Caussin, *The Holy Court, or the Christian Institution of Men of Quality with Examples of those who in Court have Flourished in Sanctity* [1626, 1634, 1638, 1650, 1663, 1664, 1678, 1898], 1977, trans. Basil Brooke in *ERL*, Eng. eds., vol. 3, p. 69; Joan Wake, *The Brudenells of Deene* (London: Casell, 1954), pp. 124, 128.

<sup>48</sup>Joan Wake, *The Brudenells of Deene*, p. 126, states:

There was no sympathy with the king's determination to inflict a prayer-book of his and Laud's devising and a bench of bishops into the bargain on the Scottish church.

<sup>49</sup>Keith Lindley, "The Lay Catholics of England in the Reign of Charles I," *JEH*, 22 (1971), 220. At another point, Keith Lindley, "The Part Played by Catholics in the Civil War," *Politics, Religion and the English Civil War*, ed. Brian Manning (London: Edward Arnold, 1973), p. 126, comments:

The Catholics who became Royalists did not do so because they were Catholics, but for the same reason as the protestants. The Catholic support for the king drew its impetus from the nobility and gentry. Lower-class Catholics, in so far as they escaped the domination of royalist landlords, did not readily identify their interests with those of the king's party.

J. T. Pickles, "Studies in Royalism in the English Civil War, 1642-1646, with special reference to Staffordshire," University of Manchester M.A. Thesis, 1968, pp. 196, 257, says, "Catholics as a body did not flock to the king's banner." See also, J. M. Gratton, "The Earl of Derby's Catholic Army" *Transactions of the Historic Society of Lancashire and Cheshire*, 137 (1987), 44.

In a sampling of 1,500 London Catholic recusants, Lindley finds that 82 percent took an independent position during the war; which is to say, they did not join the royal side.<sup>50</sup> In his history of the Lancashire County Catholic recusants, B. G. Blackwood documents that even among the gentry, a number served in the parliamentary army or in the parliamentary government as sequestration agents, assessors, collectors, or magistrates.<sup>51</sup> The Catholic Alexander Barlow, who was a sheriff for Lancashire in 1651 under the parliamentary government, had two uncles in the Benedictine religious order.<sup>52</sup>

Hugh Aveling and John Cliffe's examinations of Yorkshire Catholic recusant gentry make findings similar to those of Lancashire. Of 110 Catholic gentry, 46 took an independent position.<sup>53</sup> Cliffe lists ten who served in the parliamentary army or government. This amounted to 11 percent of Catholic gentry for whom sufficient data could be found to determine loyalties.<sup>54</sup> Some Catholics such as Edward Saltmarshe of Saltmarshe in Yorkshire and Robert Brandling (1617-1669) of Leathley in York held positions of rank in the parliamentary army. Saltmarshe served as a captain "ever since the beginning of the war." His sons Peter and Gerald, became priests.<sup>55</sup> Brandling was

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<sup>50</sup>Lindley, "The Part Played," in Manning, p. 174.

<sup>51</sup>B. G. Blackwood, "The Lancashire Gentry and the Great Rebellion, 1640-1660," *Chetham Society*, 25 (1978), pp. 40, 43-45, 71, 170; PRO, *London Close Rolls* C54/3832/34 (White's record), cited in Blackwood, *ibid.*, pp. 124, 152; *Royal Composition Papers*, vol. 6, pt. ii, 304-305; B. G. Blackwood, "Plebeian Catholics in the 1640s and 1650s," *RH*, 18 (1986), 45-46. The parliamentary Catholic gentry included Thomas Brockholder at Cloughton in Armourerness Hundred, Francis Morley (b. 1614) at Wennington in South Lonsdale, and members of the Bannister family at Altham in Blackburn Hundred, the White family at Kirkland in Armourerness Hundred, and the Rawlinson family at Marshgrade in North Lonsdale.

<sup>52</sup>PRO, *List of Sheriffs for England and Wales from the Earliest Times to 1831* (Liechtenstein: Kraus, 1899 revised), vol. 9, as cited in Keith Lindley, "The Part Played by Catholics in the English Civil War," unpublished Ph.D. dissertation, University of Manchester, 1968, p. 251. Among the non-gentry Lancashire Catholics who came over to the parliamentary side were those among the 20,000 artisans and laborers employed in the woolen, linen, and fustian (cotton cloth) textile industry. They lived in the highland, pastoral area of the country. See Blackwood, "The Lancashire Gentry," p. 3.

<sup>53</sup>Aveling, *Northern Catholics*, p. 309.

<sup>54</sup>John T. Cliffe, *The Yorkshire Gentry from the Reformation to the Civil War* (London: Athlone Press, 1969), pp. 343-348, 360-362.

<sup>55</sup>*Yorkshire Arch. Society Rec.*, vol. 20, pp. 120-121; J. S. H., "Appendix D: Catholic Registers of York Bar Convent Chapel," *Miscellanea*, (Newport, Eng.: Catholic Record Society, 1907), vol. 4, 382; vol. 11 (1911), 576; Hugh Aveling, "Introduction to the Recusancy Papers of

commissioned a cavalry colonel on July 16, 1644.<sup>56</sup>

In the North Riding district of Yorkshire, Aveling lists Charles Howard, Solomon Swale of Grinton, who as mentioned earlier was a member of Gray's Inn, Robert Hunter, the Beckwiths of Tanfield, and the Stapletons of Warter as having served in the parliamentary army or held offices such as treasurer under the parliamentary government.<sup>57</sup> Jordan Methan of Wiggantherpe in North Riding went to Rome to act as Parliament's agent there.<sup>58</sup> William Salvin of Newbiggin returned from college in Lisbon in March 1644 and immediately was in arms for Parliament in Colonel Welton's regiment.<sup>59</sup>

A number of Catholic gentry including those who had served as royal military officers joined the parliamentary army starting in 1644, after it became evident the king was heading for defeat.<sup>60</sup> William Lloyd, a contemporary in speaking of royal officers, noted that "of the Catholics that fought for the king, as long as his fortunes stood, they stood; when that was once declined, a great part fell from him."<sup>61</sup> Among the former Catholic royal officers who became parliamentary military officers were Anthony Morgan of Marshfield in Monmouthshire, a colonel who came over in 1645.<sup>62</sup> Thomas Brockholder and Francis Morley of Lancashire had both started out as royal officers before joining Parliament.<sup>63</sup>

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the Meynell Family," *Miscellanea*, (Newport, Eng.: Catholic Record Society, 1964), vol. 56, p. xvi; Lindley, "The Part Played," in Manning, p. 174; *Ibid.*, "The Part Played," Dissertation, p. 249; John O. Payne (ed.), *The English Catholic Nonjurors of 1715* (Farnborough, Eng.: Gregg, [1885], 1969), pp. 81, 140; *Catholic Magazine*, 6 (Edinburgh, 1842) 575, 580; Gillow, "Edward Saltmarshe," *Literary*, vol. 5, p. 471.

<sup>56</sup>Newman, "Catholic Royalist Activities in the North, 1642-1646," p. 31; Newman, "Robert Brandling," *Royalist Officers*, p. 40.

<sup>57</sup>Aveling, *Northern Catholics*, pp. 307, 312.

<sup>58</sup>*Ibid.*, p. 307.

<sup>59</sup>*Ibid.*

<sup>60</sup>Thomas Clancy, S.J. "The Jesuits and the Independents, 1647," *AHSJ*, 40 (1971), 72; Samuel Gardiner, *History of the Great Civil War, 1642-1649* (4 vols., London: Longmans, Green, 1891), vol. 3, p. 7, states that many ex-royalist, Catholic troops came into the parliamentary army in 1644 and 1645.

<sup>61</sup>William Lloyd, *The Late Apology in behalf of the Papists Re-printed and Answered, in behalf of the Royalists* (London: n.p., 1674), p. 14. See also Ivan A. Roots, *The Great Rebellion, 1642-1660* (London: Batsford, 1966), pp. 63, 66.

<sup>62</sup>Newman, "Anthony Morgan," *Royalist Officers*, p. 262.

<sup>63</sup>"Francis Morley," *ibid.*, p. 264. Morley had been a lieutenant colonel; F. R. Raines

Most of the Catholics, like most of the Protestants in the parliamentary army who are known by name, were officers and members of the gentry. But some of the Catholic rank and file are also known. Among these was John Hippon, a member of Cromwell's own regiment in the New Model Army.<sup>64</sup> Hippon referred to himself as a "Catholic and a Parliamentarian." Allen Prickett was a church papist who served first in the trained band for "part of St. Sepulchers parish and other parts adjacent to the city of London" and on March 8, 1642, he joined the parliamentary army.<sup>65</sup> Another was a weaver, who was mentioned by Richard Baxter in his account of the war. Baxter was a chaplain in the same unit with this follower of "Thomas More":

When I came to the Army, among Cromwell's soldiers, I found a new face of things, which I never dreamed of. I heard the plotting heads very hot upon that which intimated their intention to subvert church and state. Independency and anabaptistry were most prevalent; antinomianism and arminianism were equally distributed; and Thomas More's followers (a weaver of Wisbitch and Lyn, of excellent parts) had made some shifts to join these two extremes together. . . I perceived that they took the king for a tyrant and an enemy and really intended absolutely to master him or ruin him; They said, what were the Lords of England but William the Conqueror's colonels, or the barons but his majors, or the knights but his captains?<sup>66</sup>

An anonymous parliamentary pamphlet in 1643 discussed the presence of Catholics within the parliamentary army, noting that unlike the royal army, where regiments or companies were led by Catholic officers and "exactly and distinctly known to be such," in the parliamentary army the Catholics were integrated in the ranks. The author maintained that even if it was desirable, Catholics could not be

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(ed.), *William Dugdale's Visitations of the County Palatine of Lancaster* (3 parts, vols. 84, 85, 88, Manchester: Chetham Society, 1872-1873), II, p. 210.

<sup>64</sup>John Hippon, "Examination before the Westminster Justice of the Peace" (June 21, 1654), *Harleian Miscellany* (London: White Murray, and Harding, 1813), vol. 10, pp. 210-215, as cited in Lindley, "The Part Played," in Manning, p. 174.

<sup>65</sup>John Waite and John Bickers, "Petition" (March 8, 1642), *HLA*, cited in Lindley, "The Part Played," Dissertation, p. 249.

<sup>66</sup>Richard Baxter (1615-1691), *Reliquiae Baxterianae* (1696), reprinted in Blitzer, *Commonwealth Documents*, p. 29. See also Charles H. Firth, *Cromwell's Army: A History of the English Soldier During the Civil War, Commonwealth and the Protectorate* (London: Meuthen, [1902] 1962), p. 328.

kept out of the parliamentary army because their friends among the Protestant captains and other officers paid no attention to their religion.<sup>67</sup> Royalists like the Catholic Edward Somerset (Lord Herbert) and non-Catholics like Edward Hyde, Earl of Clarendon, and William Cavendish, Earl of Newcastle complained about the "very many" Catholics who joined the parliamentary army.<sup>68</sup>

Laboring Catholics were to be found not only within the parliamentary army but in the parliamentary government. For example, Thomas Stich of Fetter Lane worked as one of Parliament's attorneys in the office of the Treasurers Remembrancer throughout the war. He lent Parliament £300 on December 4, 1644.<sup>69</sup> He appeared on the recusant rolls in 1644, 1650, and 1651.

Thomas Clancy, S.J. suggests that after the crown's defeat in 1646, Catholics "overwhelmingly" supported the Independent party within Parliament.<sup>70</sup> This included the Catholic gentry and clergy who wished to benefit from the religious toleration offered by the Independents. They drew up an oath of loyalty to the parliamentary government on September 10, 1647. In preparing the oath they had one of their priests, George Ward, S.J., formerly a professor of theology at Liege, consult with representatives (agitators) within the New Model Army.<sup>71</sup> The Norfolk lawyer, John Austin, one of the Catholic gentry seeking toleration published a study in 1651 that demonstrated most Catholics had not backed the crown. It made use of the case records of the Catholics who had

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<sup>67</sup>Anonymous, *A Confutation of the Earl of Newcastle's Reasons for taking under his command divers Recusants in the Northern Parts* (London: n.p., 1643), pp. 4-6; J. A. Hilton, "The Recusant Commons in the Northeast, 1570-1642," *NCH*, no. 12 (Autumn 1980), 2, 4-6, 8.

<sup>68</sup>William Cavendish, *A Declaration Made by the Earl of Newcastle . . . for entertaining some Popish recusants in his forces* (London: n.p., 1642); Edward Hyde, *The History of the Rebellion and Civil War in England Beginning in the Year 1641*, ed. W. Dunn Macray (6 vols., Oxford: Clarendon Press, [1888], 1958), vol. 2, pp. 276-277; John Webb, *Memorials of the Civil War. . . as It Affected Hertfordshire and the Adjacent Counties* (London: Longmans, Green & Co., 1879), vol. 1, p. 98.

<sup>69</sup>"Copy of Order " (December 4, 1644 and November 21, 1646), *HLA* (annexed papers), cited in Lindley, "The Part Played," in Manning, p. 173; see also, *Ibid.*, "The Part Played," Dissertation, p. 249. See also, W. P. Harper, "Public Borrowing 1640-1660 with Special Reference to the City of London between 1640 and 1650" (unpublished Ph.D. dissertation, University of London, Department of Political Science, 1955).

<sup>70</sup>Clancy, "The Jesuits and the Independents, 1647," pp. 67-68.

<sup>71</sup>*Ibid.*, pp. 70-71, 73, 77, 82; Thomas White, *Blacklo's Cabal Discovered in Several of their Letters*, ed. Robert Pugh (1610-1679), re-edited, T. A. Birrell (Farnborough, Eng.: Gregg International Publishers, [1680], 1970), p. 128.

appeared before the parliamentary committee for compounding at Haberdasher's Hall in London.<sup>72</sup> More recent studies of these records reach the same conclusion: only an eighth of all sequestered Catholics supported the king. The majority were sequestered, that is fined, merely as recusants.<sup>73</sup> Charles II complained of this in 1657:

It is necessary to take notice of the general temper of the kingdom and of the fact that the majority of the king's friends have an aversion for Catholics. This aversion is a natural consequence of the Catholics having "more than an ordinary zeal for Cromwell."<sup>74</sup>

Among the Catholics who were independent in their political beliefs after the crown's defeat were the 450 Catholic secular clergy. They were governed by their own elective dean and chapter system. Their independence was based on goals such as the re-establishment of a system of Catholic bishops. They argued without success to Cromwell that allowing Catholic bishops in addition to Protestant bishops to govern in the ancient sees would counterpoint the Protestant bishops who had used their positions to promote the interests of the crown.<sup>75</sup>

Unlike the gentry and clergy who came to independent beliefs after the crown's defeat, most ordinary Catholics took an independent political position throughout the war. This was because independence served their interests. Independence did not mean neutrality. They had nothing to gain but probably much to lose by the crown overthrowing Parliament. Derek Hirst has shown that Parliament was often responsive to laboring people. This was despite two-thirds of the adult male population, including a similar proportion of church Catholics, not having the franchise. Tenants and wage workers did not generally meet the

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<sup>72</sup>John Austin, *The Christian Moderator (first part), or Persecution for religion condemned by the light of Nature, Law of God, Evidence of our own principles, with the explanation of the Roman Catholic belief, concerning these four points: their church, worship, justification and civil government* (London: printed for J.J., published twice in 1651, twice in 1652 and three times in 1653), p. 78, discusses the case of Robert Knightley of Essex; p. 80, has the case of James Hanham; see also, pp. 51, 86.

<sup>73</sup>Paul Hardacre, *The Royalists During the Puritan Revolution* (London: Hager, 1950), pp. 8, 80; see also, Lindley, "The Part Played," in Manning, p. 129.

<sup>74</sup>Charles II, "Letter to Cardinal de Retz" (July 1658), *CCSP*, vol. 4, p. 56; see also, Charles II, "Four Memorials to Don Juan" (Dec. 22, 1656), *ibid.*, vol. 3, p. 1, which states that many of the Catholics were "corrupted."

<sup>75</sup>Pugh (ed.), *Blacklo's Cabal*, pp. 30-40; Hughes, *Society of Jesus*, vol. 2 (text), pp. 613-617; Bossy, *English Catholic Community*, pp. 64-66.

requirement of possessing a freehold that produced an income of 40 shillings per year.<sup>76</sup> But as Ann Kussmaul finds there was little in the way of economic and political interests that separated yeomen and artisans who had the vote and the tenants and wage workers who did not.<sup>77</sup> The young in many parts of England served agrarian apprenticeships as wage laborers in order to acquire knowledge and savings prior to farming on their own account. Membership in Parliament was generally confined to the gentry, but the yeomen through the ballot exercised considerable influence over public policy.<sup>78</sup>

Illustrative of a parliamentary policy that was favorable to ordinary people and that may have made them reluctant to see the crown overthrow Parliament was the tax system. During the 1630s when it ruled without Parliament, the crown imposed an illegal "ship money" tax to fund itself. This tax fell heavily on the ordinary people, both rural and urban, and was resented, especially by the poor.<sup>79</sup> The Catholic playwright Philip Massinger (d. 1640) was among those who protested against the tax. In his play *The King and the Subject* (1636), which the crown called "insolent" and refused to license, Massinger put the following lines into the tyrannical king's mouth:

Money? We'le raise supplies what way we please,  
And force you to subscribe to the blanks, in which  
We'le mulct you as we shall think fit. The Caesars  
In Rome were wise, acknowledging no laws  
But what their swords did ratify.<sup>80</sup>

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<sup>76</sup>Derek Hirst, *The Representative of the People? Voters in England under the Early Stuarts* (Cambridge: Cambridge University Press, 1975), pp. 7, 19, 29, 32-33.

<sup>77</sup>Kussmaul, *Servants in Husbandry*, p. 47.

<sup>78</sup>Hirst, *The Representative of the People*, pp. 30-34, 153, 157.

<sup>79</sup>Cyrus Karraker, *The Seventeenth-Century Sheriff: A Comparative Study of the Sheriff in England and the Chesapeake Colonies, 1607-1689* (Chapel Hill: University of North Carolina Press, 1930), p. 57; Stephen Dowell, *A History of Taxation and Taxes in England From the Earliest Times to the Present Day* (4 vols., London: Longmans, Green, 1884).

<sup>80</sup>Philip Massinger, *The King and the Subject*, later called *The Bashful Lover*, in *Three New Plays: The Bashful Lover, etc.* (London: Humphrey Moseley, 1655); see also, Adler, *Philip Massinger*, p. 115. Massinger's attack on ship money can be contrasted with the drama of the royalist Catholic, William Davenant, whose *Britannia Triumphans* (1638) defended ship money taxation. See William Lawes, *Trois Masques a la cour-de Charles Ier d'Angleterre. . . Britannia triumphans* (Paris: Editions du Centre National de la recherche, 1970); Parry, *Golden Age Restored*, p. 196; Kevin Sharp, *Criticism and Compliment: the Politics of Literature in the England of Charles I* (New York: Cambridge University Press, 1987), p. 247.

In her writings the English Benedictine nun Gertrude More (d. 1633) remarked on the "unjust taxes" inflicted on the people.<sup>81</sup> In 1639 there was a mass refusal to pay the "ship money" tax.<sup>82</sup> Derek Hirst describes the widespread opposition to "ship money" taxation that was manifested in the parliamentary elections of 1640:

The likelihood is that the open challenges to aspects of government policy which took place at many of the 1640 elections were not wholly manufactured by the gentry. Unlike ordinary parliamentary taxation, which left the bulk of the population untroubled, ship money hit the pockets of a very extensive social group, and was correspondingly resented.<sup>83</sup>

Not long after Parliament took over, it abolished the "ship money" tax. Beginning in 1643 an assessment tax explicitly on landowners was established as one of Parliament's main sources of revenue.<sup>84</sup> Tenants who paid what was due on account of their farms were entitled to deduct it from the rent. While the ordinary people had no objections, both the royalist and parliamentary gentry disliked the assessment, which was collected on a weekly and then a monthly basis and which equaled from 15 to 70 percent of the gentry's rent receipts.<sup>85</sup> It was only the New Model Army's threat of rebellion that kept Parliament from repealing the assessment after 1646.<sup>86</sup> The Catholic recusant landowners such as Arthur Tyrer and his wife Margaret in the parish of West Derby (Liverpool),

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<sup>81</sup>James Gaffney, *Augustine Baker's Inner Light: A Study in English Recusant Spirituality* (Scranton, Pa.: University of Scranton Press, 1989), p. 104.

<sup>82</sup>G. E. Aylmer, *Rebellion or Revolution: England from Civil War to Restoration* (New York: Oxford University Press, 1986), p. 6.

<sup>83</sup>Hirst, *Representative of the People*, p. 150; see also, pp. 157-158, 173-174.

<sup>84</sup>Christopher Clay, "Landlords and Estate Management in England," in Thirsk, *Agrarian History*, vol. 5, pt 2, p. 120. The assessment tax took a certain percentage, such as tenths or fifteenths, per pound of real and movable property. See Aylmer, *Rebellion or Revolution*, p. 20. A poll tax was collected by Parliament in 1641 and again in 1660-1661. Poll taxes depended on the number of people within a household. The 1641 poll tax was the first one of that type since 1381 when the Peasants' Revolt led by Wat Tyler was raised against it. See Richard Kaeuper, "Peasants' Rebellion," *Dictionary of the Middle Ages* ed. Joseph Strayer (New York: Scribners, 1989), vol. 9, p. 480; Rodney Hilton, *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381* (New York: Viking, 1973); Margaret Aston, "Lollardy and Sedition, 1381-1431," *PP*, no. 17 (1960), pp. 1-44.

<sup>85</sup>Clay, "Landlords and Estate Management," pp. 122-123; Clive Holmes, *The Eastern Association in the Civil War* (Cambridge: University Press, 1974), p. 271, note 46.

<sup>86</sup>Ann Hughes, "Militancy and Localism: Warwickshire Politics and Westminster Politics, 1643-1647," *TRHS*, 3 (1981), 67.

Lancashire had a double reason to resent the tax, as it was doubled against them.<sup>87</sup>

Illustrative of how the tax worked was a case at the manor of Sowerby Thirsk in Yorkshire. Sowerby Thirsk had enough Catholics that it had its own Catholic school.<sup>88</sup> The manor was owned by the Catholic Thomas Meynell, a "radical encloser" who had been censured by the quarter sessions court as a depopulator. He rented to a number of tenants who were probably Catholic.<sup>89</sup> These included the families of Lawrence Brown and Christopher Hawe, who stopped paying rent all together during the Civil War period. His other tenants turned over their rent to the county committee instead of to Meynell. Meynell disliked this. As was mentioned earlier, his income was about £500 per year and was normally understated as £40 per year for tax purposes.<sup>90</sup> Meynell was unable to dodge his taxes when his tenants handed over their rent directly to the county committee. In 1647 he called his tenants "vulgar plebeians" because they "presumed to assess the true landlord. . . as though he had been one of their coridons. . . The lord's rent at Sowerby was never assessed or questioned until these late new times. The bushhopper tenants were never so unkind or foolish to access their lords' rent."<sup>91</sup> Meynell appealed to the county committee, but it took the side of the tenants.<sup>92</sup>

The independence which the tenants at the Sowerby Thirsk manor showed their landlord was a normal pattern both in England and Maryland. Manors were governed by assemblies of tenants, which as David Allen points out, required wide participation in government.<sup>93</sup> Manors dominated in areas of open field

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<sup>87</sup>Aveling, *Northern Catholics*, p. 303; Firth, *Acts*, vol. 1, p. 74 (Feb. 3, 1643), p. 79 (Feb. 11, 1643), p. 117 (Mar. 31, 1643), p. 531 (Oct. 16, 1644); Blundell, *Old Catholic Lancashire*, vol. 1, p. 55.

<sup>88</sup>Aveling, *Northern Catholics*, p. 296.

<sup>89</sup>Meynell, "Recusancy Papers," vol. 56, pp. xiv, xxxvii, 84-85; Aveling, *Northern Catholics*, pp. 212, 234, 274, 316-317.

<sup>90</sup>Aveling, *Northern Catholics*, pp. 215, 220.

<sup>91</sup>Meynell, "Recusancy Papers," vol. 56, pp. 78-79.

<sup>92</sup>Aveling, "Introduction to the Recusancy Papers," p. xxxvii.

<sup>93</sup>David Allen, *In English Ways: The Movement of Societies and the Transferal of English Local Law and Customs to Massachusetts Bay in the Seventeenth Century* (Chapel Hill, University of North Carolina Press, 1981), p. 38.

production, such as the north and west of England, where Catholics had their greatest strength. Allen takes note that Massachusetts towns such as Cambridge, Ipswich, and Watertown were settled by those from the eastern part of England, where government was not as "democratic--in the sense of offering wide participation."<sup>94</sup> Seen in this English context, the behavior of Maryland Catholics, who were at least as independent if not more so than their Massachusetts counterparts, is less surprising.

Besides taxation, another policy that made laboring Catholics unenthusiastic for the royal side in 1642 was the crown's drafting and billeting of troops for the Northern War beginning in 1639.<sup>95</sup> Laboring people were targets of the troop levies and they resented it. On the other hand, Parliament found favor with ordinary people because it abolished many crown monopolies and patents, eliminated a number of rotten boroughs to improve Parliament's representativeness, abolished the Star Chamber, which had been used by the crown to control the county justice of the peace network, eliminated the House of Lords in 1647, which was a landlord institution, outlawed slavery (servitude) and the incidents of post-conquest feudal tenures in 1646, released poor debtors from prison, and in some cases allowed the landless to take over royal and common land.<sup>96</sup> Because the peerage was abolished Catholic nobles like Henry Arundell were denied trials in the house of peers. They had to appear in their county courts, which were sometimes more receptive to popular needs. Arundell fell victim to the local Wiltshire county court and resented its jurisdiction over him.<sup>97</sup>

Abolition of the tithes and the establishment of a voluntary system for

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<sup>94</sup>*Ibid.*, p. 39.

<sup>95</sup>Hirst, *Representative of the People*, p. 151. The Catholic William Habington protested in 1640 against the English crown for seeking to imitate the tyranny of French and Spanish monarchies. See "William Habington," *DNB*, vol. 8, p. 859; William Habington, *History of Edward the Fourth, King of England* (London: Thomas Cotes, 1640), pp. 1, 8.

<sup>96</sup>Hirst, *Representative of the People*, pp. 3, 7; Margo Todd, *Christian Humanism and the Puritan Social Order* (Cambridge: Cambridge University Press, 1987), p. 258; Firth, *Acts*, vol. 2, pp. 240-241, 378-379, 582, 785; William Shaw, *Select Tracts and Documents Illustrative of English Monetary History, 1626-1730* (2 vols., London: George Harding, 1896, 1935); Christopher Hill, "The Norman Yoke," *Democracy and the Labor Movement*, ed. John Saville (London: Lawrence and Wishart, 1954), p. 21; Firth, *Cromwell's Army*, pp. 35-55, 363. The Ordinance of Sept. 24, 1647 brought an end to the House of Lords.

<sup>97</sup>George Cokayne, *The Complete Peerage of England, Scotland, and Ireland*, ed. Vicar Gibbs (12 vols., New York: St. Martins Press, 1984), vol. 1, p. 264.

maintaining the clergy was a popular demand favored by the Catholics that was achieved by Parliament in November 1653. However, the Presbyterian and Anglican minority in the Barebones Parliament went to Cromwell and got him to overturn Parliament's decision.<sup>98</sup> But Cromwell was not able to prevent the people on their own from substantially reducing the income of the established clergy.<sup>99</sup>

Catholics took an independent position because they had nothing to gain by the crown overthrowing Parliament, but they may also have had nothing to gain by the abolition of the monarchy in 1649. The crown was sometimes seen by laboring people as an asset. It forced the gentry in Parliament to seek the aid of and make concessions to the ordinary people, especially those in the army, in order to gain their support against the threats of the crown. As was noted, concessions were sometimes won on issues involving toleration of opinion, expanding voting rights, and taxes that hurt the poor, not the least of which were tithes and excises.<sup>100</sup> Because it eliminated some of their leverage against the gentry, there was opposition to the king's execution from the levelers and artisans, including weavers, painters, and journeymen in the city companies.<sup>101</sup>

The opposition of laboring people against the excise tax illustrates how they used the crown against Parliament. The excise was a tax on consumer goods

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<sup>98</sup>Christopher Hill, *God's Englishman: Oliver Cromwell and the English Revolution* (London: 1970), pp. 133-135; Eric Evans, "Tithes" in Thirsk, *Agrarian History*, vol. 5, pt. 2, p. 394; Margaret James, "The Political Importance of the Tithes Controversy in the English Revolution, 1640-1660," *History*, 26 (1941), 11; Margaret James, *Social Problems during the Puritan Revolution, 1640-1660* (New York: Barnes and Noble, 1966); A. D. Wright, "Catholic History, North and South, Revisited," *Northern History*, 25 (1989), 127; Rosemary O'Day and Anne Hughes, "Augmentation and Amalgamation: was there a Systematic Approach to the Reform of Parochial Finance, 1640-1660," *Princes and Paupers in the English Church, 1500-1800*, ed. Rosemary O'Day and Felicity Heal (Leicester: Leicester University Press, 1981), pp. 169-193. Catholic demands for the abolition of tithes went back at least several hundred years and was one of the complaints raised by the Lollards. See Margaret Aston, "Lollardy and Sedition, 1381-1431," *PP*, no. 17 (1960), 9, 16.

<sup>99</sup>Rosemary O'Day, "The Anatomy of a Profession: The Clergy of the Church of England," *The Professions in Early Modern England*, ed. Wilfrid Prest (London: Crown Helm, 1987), p. 54.

<sup>100</sup>A. L. Morton, "Introduction," *Freedom in Arms: A Selection of Leveler Writings* (New York: International Publishers, 1974), p. 52.

<sup>101</sup>*Ibid.*, p. 59; David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford: Oxford University Press, 1987), p. 43-44.

and, unlike the assessment, had a direct impact on laboring people in raising prices. It was often protested by the *Moderate*, which was the newspaper of the Leveler movement, although sustained opposition to it also came from overseas traders and merchants. Rioting in 1646 and 1647 and the threat that the population would join with the recently defeated Royalists forced Parliament to remove the excise tax on salt and meat in June 1647. The widespread refusal to pay it on other items thereafter lessened its usefulness as a revenue measure.<sup>102</sup> Another illustration of how the crown was used against Parliament by laboring people involved Catholic recusants. They joined the Independents in 1647 in winning increased religious toleration by playing the royalist and parliamentary gentry off against each other. The effectiveness of their tactics can be seen in the animosity shown by the Presbyterian gentry in Parliament who baited Cromwell and the Independents for their neglect to enforce the anti-Catholic laws:

Is not this like the practice of Garnet the Jesuit who did lay his commands on the papists to obey their king and keep themselves quiet, and all in order that the plot might not be suspected? If Cromwell follows Garnet's steps, I would have him take heed of Garnet's end.<sup>103</sup>

Cromwell took pride in stating that citizens of all creeds enjoyed liberty of conscience under his rule, provided they did not use religion as a cloak for rebellion.<sup>104</sup>

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<sup>102</sup>G. E. Aylmer (ed.), "Introduction," *The Interregnum: The Quest for Settlement, 1646-1660* (London: Macmillan, 1972), p. 19; Ivan Roots, "Cromwell's Ordinances," in *ibid.*, p. 160; J. P. Cooper, "Social and Economic Policies Under the Commonwealth," in *ibid.*, p. 125, citing Bodleian MS Rawlinson D 918 f. 184, "Abstract of Excise Commissioners' Receipts" (1650); Don M. Wolfe (ed.), *Leveler Manifestoes* (New York: Nelson and Sons, 1944), pp. 136-137, 193, 215, 268, 288.

<sup>103</sup>Anonymous, *Works of Darkness Brought to Light* (July 23, 1647), cited in Gardiner, *History of the Great Civil War*, vol. 3, p. 148.

<sup>104</sup>Godfrey Davies, *The Early Stuarts: 1603-1660* (2nd ed., Oxford: Clarendon Press, 1959), pp. 208-210; Joseph LeCler, *Toleration and Reformation* (2 vols., New York: Association Press, 1960), vol. 2, p. 456; Avihu Zakai, "Religious Toleration and Its Enemies: The Independent Divines and the Issue of Toleration During the English Civil War," *Albion*, 21 (Spring 1989), 1-7; Rosemary Bradley, "'Jacob and Esau Struggling in the Womb': A Study of Presbyterian and Independent Religious Conflicts, 1640-1648," unpublished Ph.D. dissertation, University of Kent, 1975; J. K. Graham, "'Independent' and 'Presbyterian': A Study of Religious and Political Language and the Politics of Words during the English Civil War, 1640-1660," unpublished Ph.D. dissertation, Washington University, 1978; Claire Cross, "The Church in England: 1646-1660," in Aylmer (ed.), *Interregnum*, p. 113.

At the local level, as well as at the national, Catholic political independency did not mean neutrality. This can be seen in the reaction of Catholic tenants both in England and Maryland who turned the Civil War into a war against their landlords. The troubles which the Maryland proprietor, Cecil Calvert and his Arundell in-laws had with their tenants are illustrative. Calvert and the Arundells were Catholics and lived in southwest Wiltshire. Arundell had at least some Catholic tenants.<sup>105</sup> The records are silent about the religious denomination of Calvert's tenants, but it was common for a Catholic landlord to have Catholic tenants.<sup>106</sup> Both Arundell and Calvert identified with the crown and were to a degree leveled during the war. Their tenants seem to have taken part in the leveling. Derek Hirst finds that assaults on the Catholic gentry's houses in the early part of the war were often a pretext for forays against the manorial records.<sup>107</sup> Tenants, including Catholics, took the war as an opportunity to settle economic grievances. The leveling in May 1643 of Wardour castle, which was the Arundell's residence, was precipitated by the siege there of Edward Hungerford, Edmund Ludlow, and their parliamentary troops. But when it came to confiscating from the castle and its surrounding lands some £100,000 worth of cattle, farm animals, tools, furniture, cartloads of fish from ponds that were drained dry, and oak and elms worth £5 per tree that were felled and sold at 4d per tree, the neighbors and tenants, including no doubt Catholics, took a hand.<sup>108</sup>

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<sup>105</sup>J. Anthony Williams, *Catholic Recusancy in Wiltshire, 1660-1791* (Newport, Eng.: Catholic Record Society, 1968), pp. 201-202.

<sup>106</sup>Hill, *Society and Puritanism*, p. 44; Bossy, *English Catholic Community*, pp. 174-177; Aveling, *Northern Catholics*, pp. 217, 231, 286; David Mosler, "Warwickshire Catholics in the Civil War," *RH*, 15 (1980), 262; Hilton, "The Recusant Commons in the Northeast," p. 5.

<sup>107</sup>Hirst, *Representative of the People*, p. 110; see also, Brian Manning, "The Outbreak of the English Civil War," *The English Civil War and After*, ed. R. H. Parry (London: Macmillan, 1970), p. 16.

<sup>108</sup>George Harrison, "Royalist Organization in Wiltshire, 1642-1646," unpublished Ph.D. dissertation, University of London, 1963, p. 185; Edmund Ludlow, *Memoirs of Edmund Ludlow* (London: A. Millar, 1751), vol. 1, pp. 57, 70, 449-450. Even the ordinary Catholics in the king's army proved to have an independent nature. In November 1643, the Royalists attempted to win Wardour castle back from Parliament by laying siege to it. In the attempt Irish Catholic soldiers were used under the command of William Vavasour of York. Because they were not properly paid, the Irish broke off the siege and mutinied against the Royalists. Henry Arundell, the third baron of Wardour and the nephew of Calvert's wife came with his royal troops and put down the mutiny by executing three of the Irish as ringleaders. See Harrison, *ibid.*, p. 221; Ralph Hopton, *Bellum Civile*, ed. Charles Healey (London: Harrison and Son, 1902), p. 65; Newman,

A number of studies find that thousands of gentry houses, woods, and parks were plundered and at least 200 houses "of major importance" were reduced to ruins.<sup>109</sup> This looting was directed at both royalist and parliamentary, Catholic and Protestant gentry, and it would be natural that the beneficiaries sometimes included Catholic tenantry and laborers.

Likewise, some of Cecil Calvert's tenants turned the Civil War into a rebellion against him. After he was sequestered in November 1645 by the parliamentary Wiltshire County committee, his tenants questioned and at least one refused his right to hold a manor court, impose the homager's oath, and receive the economic benefits that went along with such rights.<sup>110</sup>

The troubles which Arundell and Calvert had with their tenants were common throughout the period and reflected the tendency of copyholders and tenants-at-will, both Catholic and Protestant, to take a political position that was independent of and directed against the authority and rights of their royalist or parliamentary landlords. Tenants refused to pay rent or paid less than was customary. They ploughed up the landlord's pastures, put in improper crops, and neglected normal manuring and repairs. Christopher Clay comments, "Tenants threw up their farms, pressed for reductions in rent, ignored husbandry covenants, and encroached on their landlord's rights in other ways."<sup>111</sup> J. P. Cooper

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"William Vavasour," *Royalist Officers*, p. 388; Geoffrey Smith, *Without Touch of Dishonor: The Life and Death of Sir Henry Slingsby, 1602-1658* (Kington: Roundwood Press, 1968), p. 67.

<sup>109</sup>Clay, "Landlords and Estate Management in England," in Thirsk, *Agrarian History*, vol. 5, pt. 2, pp. 133-134; see also, Arthur R. Bayley, *The Great Civil War in Dorset* (Taunton: Barncott and Pearce, 1910), pp. 129, 227-228, 305; George N. Godwin, *The Civil War in Hampshire* (London: J. Bumpus, 1904), pp. 359-361, 366; J. W. Willis Bund, *The Civil War in Worcestershire* (London: Simpkin Marshall, 1905), pp. 152, 158-159; Alfred C. Wood, *Nottinghamshire and the Civil War* (Oxford: Clarendon Press, 1937), pp. 102-103.

<sup>110</sup>Underdown, *Revel, Riot and Rebellion*, p. 220, citing British Library Additional Manuscript 22,084 (Wiltshire Sequestrations Register), fo. 132, describes one of the confrontations that Calvert had:

Calvert threatened such as were absent, that he would re-enter upon their tenements. A few asked by what right he held court, and demanded the order when he said that it was by warrant of the county committee. Baltimore was under sequestration; at least one copyholder was not satisfied and refused to take the homager's oath.

<sup>111</sup>Clay, "Landlords and Estate Management," in Thirsk, *Agrarian History*, vol. 5, pt. 2, p. 123. See also, Alan Everitt, *The Community of Kent and the Great Rebellion, 1640-1660* (Leicester: Leicester University Press, 1966), pp. 169-170; John S. Morrill, *Cheshire 1630-1660: County Government and Society During the "English Revolution"* (Oxford: Oxford University

documents the "irrecoverable rent arrears piling up."<sup>112</sup> David Underdown quotes as not unusual the complaint by a landlord at seeing the "massive arrears" in rents being run up:

Now men are are lawless, trees and hedges are carried away without controlment; tenants use their landlord how they list for their rents, taking this to be a time of liberty.<sup>113</sup>

Most large landowners according to one study were forced to sell land because of lack of rental income in order to pay their debts and taxes.<sup>114</sup> Many were bankrupted and in counties such as Lancashire that had many Catholics, about half the gentry families disappeared permanently as landlords.<sup>115</sup>

Especially in areas with relatively heavy Catholic population, the leveling of landlords has to be seen in part as a result of the independent political beliefs and resulting activities of the Catholic tenantry. They used the disruption caused by the war in behalf of their own rights and authority.

In addition to economic leveling, a second manifestation at the local level of politically independent beliefs among Catholics concerned enclosures. Enclosures and depopulation were long-standing grievances of copyholders and tenants-at-will in areas with relatively heavy Catholic concentrations, such as the western part of England. Landlord-dominated courts and parliamentary legislation allowed land to be confiscated by landlords and turned into pasture on which to raise sheep. In these areas there was more profit for the landlord in wool production than in the income that could be gained by a tenant's production of grain crops.<sup>116</sup> The complaint against enclosures was part of the Grand

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Press, 1974), pp. 112-117.

<sup>112</sup>J. P. Cooper, "In Search of Agrarian Capitalism," *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, ed. T. H. Ashton (New York: Cambridge University Press, 1985), p. 172.

<sup>113</sup>Oxfordshire V.C.H. Office, Glympton papers, J. Wheate to William Wheate, 1643-1644, Hampshire R.O., Catalogue of Kingsmill, MSS (typescript), no. 1362, quoted in Underdown, *Revel, Riot and Rebellion*, p. 159. See also, R. C. Richardson, "Metropolitan Counties: Bedfordshire, Hertfordshire, and Middlesex," in Thirsk, *Agrarian History*, vol. 5, pt. 1, p. 239; Paul Brassley, "Northumberland and Durham," in *ibid.*, vol. 5, pt. 1, p. 44.

<sup>114</sup>H. J. Habakkuk, "Landowners and the Civil War," *EcoHR*, 18 (1969), 131.

<sup>115</sup>Lawrence Stone, "The Crisis of Aristocracy," *Social Change and Revolution in England: 1540-1640*, ed. Lawrence Stone (London: Longmans, Green and Co., 1965), p. 79; Blackwood, "The Lancashire Gentry," p. 160.

<sup>116</sup>Joan Thirsk, "Agricultural Policy: Public Debate and Legislation," in Thirsk,

Remonstrance in 1641.<sup>117</sup> According to R. C. Richardson, "the central agrarian issue in the English Revolution was whether the landlords or the small farmers should control and develop the wastes."<sup>118</sup>

During the 1620s and 1630s more profits for Catholic landlords like John Wintour and Basil Brooke because of enclosures meant the loss of livelihood for their tenants, some of whom were undoubtedly Catholic. The Catholic Philip Massinger in his plays wrote against those such as Wintour and Brooke who "intrude on their poor neighbor's right" and "enclose what was common land, to their use."<sup>119</sup> During the war, because of their independence from Wintour and Brooke's royalist inclinations, it was the tenants who profited and Wintour and Brooke who had a reduced livelihood.<sup>120</sup> Wintour, several of whose sons migrated to Maryland for short periods, held a monopoly on royal leases in Gloucestershire's Forest of Dean.<sup>121</sup> These leases were in Lydney and 28 other parishes as well as in several dozen manors. "Forest" did not mean a wooded area, but an area under the crown's ownership and under forest law, rather than common law. Wintour's leases involved some 18,000 acres of arable land, timber, iron mills, and coal mines, much of which had been enclosed in the years prior to the war.<sup>122</sup> The revenues from these leases was so great that Wintour had acted as

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*Agrarian History*, vol. 5, pt. 2, p. 318. Because many areas lacked good water transport facilities to London or the coast, it was not attractive for grain production. Hence the tendency for landlords to enclose and give over to wool production. Kiernan, *Story of the Archdiocese of Birmingham*, p. 14, remarks that there were relatively high concentrations of Catholic tenants in the west.

<sup>117</sup>John Rushworth, *Historical Collections and Private Passages of State* (8 vols., London: Thomas Newcomb, [1701] 1721), vol. 4, p. 438; Hill, *God's Englishman*, pp. 18, 61. Brian Manning, *The English People and the English Revolution, 1640-1649* (London: Heinemann, 1976), pp. 113-118; Roger Manning, *Village Revolts: Social Protest and Popular Disturbance in England, 1509-1640* (Oxford: Clarendon Press, 1988).

<sup>118</sup>Richardson, "Metropolitan Counties," in Thirsk, *Agrarian History*, p. 240; see also, Howard Shaw, *The Levelers* (London: Longmans, 1968), pp. 13, 68.

<sup>119</sup>Philip Massinger, *A New Way to Pay Old Debts*, ed. George Stronach (London: J. M. Dent, [1625] 1904), Act IV, sc. i, lines 145-146; see also, Massinger, *The Guardian in Three New Plays*. . . *The Guardian* (London: Moseley, [1633] 1655).

<sup>120</sup>Cyril Hart, *Free Miners of the Royal Forest of Dean* (Gloucester: British Book Co., 1953), p. 175, describes Basil Brooke's patents in the Forest of Dean; F. H. Harris, *Wyntours of the White Cross House* (1923).

<sup>121</sup>John Krugler, "Introduction," in Wintour, *To Live Like Princes*, p. 8.

<sup>122</sup>Newman, "John Wintour," *Royalist Officers*, p. 419; Historical Manuscript Collection, "Fourth Report Appendix, 1636-1637," *Report* (London: H. M. Stationary Office, 1874), pp. 69, 71, 228; "John Wintour," *DNB*, vol. 21, pp. 684-686; John Wintour, *A True*

a financier for the crown during the 1630s when the king had ruled without Parliament.<sup>123</sup>

Wintour's displaced tenants used the war as an opportunity to stage a widespread, successful uprising. They tore down some 17 miles of enclosures standing 4½ feet high worth £1,000.<sup>124</sup> They burned structures used for coal mining.<sup>125</sup> At one point 3,000 people assembled including 8 score Welshmen and staged a mock funeral for Wintour. Armed with guns and pikes they carried his effigy accompanied by two drums, two colors, and a fife. Among the leaders was a cobbler, a glover, and a husbandman.<sup>126</sup> Since 800 A.D. the people of Dean had held land in common for their hogs and cattle to graze upon. They fought to preserve their rights.<sup>127</sup>

What Wintour's tenants achieved was a common occurrence during the period, as Buchanan Sharp documents:

As soon as the members of England's elite found themselves preoccupied with the political crisis that led to Civil War, the inhabitants of forests and fens took advantage of the times to riot once again and destroy the works of enclosers and drainers. In the years between 1642 and 1649 riots erupted in all those western forests which had been the scenes of the riots between 1626 and 1632.<sup>128</sup>

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*Narrative Concerning the Woods and Iron-Works of the Forest of Deene, and how they have been Disposed since the year 1635, and a defense of Sir John Wintour* (London: n.p., 1670); *Sir John Wintour Vindicated from the Aspersion of Destroying the Ship-Timber of the Forest of Deene* (London: n.p., 1660); Robert Ashton, *The Crown and the Money Market: 1603-1640* (Oxford: Clarendon Press, 1960); Cyril Hart, *The Commoners of Dean Forest* (Gloucester: British Publishing Co., 1951); Hart, *Royal Forest: A History of Dean's Woods as Producers of Timber* (Oxford: Clarendon Press, 1966).

<sup>123</sup>Wintour's biographer, *DNB*, vol. 21, p. 685, comments, "The leases were a source of great wealth, for during his eleven years rule without parliamentary supplies, Charles borrowed largely of Wintour."

<sup>124</sup>Hart, *Free Miners of the Royal Forest of Dean*, pp. 175, 196-197; Hart, *Commoners of Dean Forest*, p. 57.

<sup>125</sup>Hart, *Commoners of Dean Forest*, pp. 25-26.

<sup>126</sup>*Ibid.*, p. 34.

<sup>127</sup>*Ibid.*, pp. 3, 27; see also, Thomas Scrutton, *Commons and Common Fields, or the History and Policy of the Laws relating to Commons and Enclosures in England* (Cambridge: Cambridge University Press, 1887).

<sup>128</sup>Buchanan Sharp, "Popular Protest in Seventeenth-Century England," in *Popular Culture in Seventeenth-Century England*, ed. Barry Reay (New York: St. Martin's Press, 1985),

Those who lived in royal forests were militant because the crown's forest law governed. Forest law gave tenants fewer legal remedies than common law. This made rioting, petitioning, leveling, and illegality a necessity in maintaining rights.<sup>129</sup>

Two factors suggest Wintour had at least some Catholic tenants who profited from his reversal during the war. First, as was noted earlier, the west was an area of relatively high Catholic concentration. Second, Catholics, especially recusant Catholics as opposed to church Catholics, tended to rent from the Catholic magnates. This was because the magnates were influential in local politics and prevented recusancy prosecutions or they sometimes paid the fines for their tenantry.<sup>130</sup> B. G. Blackwood documents that in the 1660s, one Catholic landlord had 68 percent, that is 68 of his 99 leases, with Catholics; and another had 85 percent of his leases with Catholics.<sup>131</sup> Catholic tenants of those like Wintour, no less than Protestant tenants, would have resisted being evicted from their customary leases in order to be replaced by sheep. At the national level in Parliament this militancy of both Catholic and Parliament tenants helped block the gentry from re-enacting enclosure and depopulation measures during the war period.<sup>132</sup>

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p. 297; see also, Buchanan Sharp, *In Contempt of all Authority: Rural Artisans and Riot in the West of England, 1586-1660* (Berkeley, Cal.: University of California Press, 1980), pp. 87-104, 121, 208-218, 191-192, 222; Underdown, *Revel, Riot and Rebellion*, pp. 106, 108, 112, 137, 159; *CSPD* (1631-1633), p. 312; Anthony Fletcher, *The Outbreak of the English Civil War* (London: E. Arnold, 1981), p. 81; Eric Kerridge, "The Revolts in Wiltshire against Charles I," *WAM*, 57 (1958-1960), 67-90; Joan Thirsk, *Tudor Enclosures* (London: Historical Association, [1958] 1967), pp. 11, 20; Patricia Croot, "Agrarian Class Structure and the Development of Capitalism: France and England Compared," *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, ed. T. H. Ashton (New York: Cambridge University Press, 1985), p. 81; Robert Brenner, "Agrarian Class Structure," *ibid.*, p. 20.

<sup>129</sup>Hart, *Commoners of Dean Forest*, p. xiii; F. A. Hyett, "The Civil War in the Forest of Dean," *Transactions of the Gloucester Archaeological Society*, 18 (1893-1894).

<sup>130</sup>Christopher Haigh, "The Continuity of Catholicism in the English Reformation," *PP*, 93 (1981), 67-69, and Mildred Campbell, *The English Yeoman* (New Haven: Yale University Press, 1942), p. 291; Barry Reay, "Popular Religion," *Popular Culture in Seventeenth-Century England* (New York: St. Martin's Press, 1985), p. 109.

<sup>131</sup>B. G. Blackwood, "Plebeian Catholics in Later Stuart Lancashire," *Northern History*, 25 (1989) 158.

<sup>132</sup>Thirsk, "Agricultural Policy," *Agrarian History*, vol. 5, pt. 2, p. 321; John Moore, *The Crying Sin of England, of not Caring for the Poor, wherein enclosure is arraigned, convicted, and condemned by the Word of God* (London: n.p., 1653).

In addition to rent and enclosure, another manifestation at the local level of independent political beliefs held by Catholic laboring people concerned the relations of masters and servants. During the war servants found opportunities to make use of the political system which had traditionally been unsympathetic to their rights. The masters' world was so turned up-side-down that they sometimes complained of being slaves of their servants. An illustration of a Catholic servant who turned the tables on his master is given in the following account:

There were obvious dangers in sending away discontented servants at a time of national tension. One Lancashire servant "was required to go, as did his master and mistress, to hear a Jesuit preach. He did not go." He was presumably dismissed as a consequence. Naturally enough he turned informer. "As these times go," one lord was told by his son in similar circumstances, "all servants are masters, and we their slaves."<sup>133</sup>

Prominent among the Catholic masters who were confronted by the independence of their servants was Inigo Jones (d. 1652). As a youth, he had started out as an apprentice joiner and ended up a London architect and surveyor in the employment of the crown and nobility. Among his achievements was an addition to London's St. Paul's Cathedral in the 1620s. He was a Royalist and at the beginning of the war, to avoid taxes and confiscation, he had his four servants bury his money in a secret place near his home in Scotland Yard. As the war continued, however, his servants, who were probably all Catholic, showed sympathy for Parliament. Jones, in his 70s, correctly feared that they would turn him and his money into Parliament. He managed to dig up and rebury his money in Lambeth Marsh before being arrested. He saved his money but spent part of the war in prison.<sup>134</sup>

There was a third belief held by Maryland Catholics, the European background of which this chapter will discuss. As has been noted, most English Catholics were laboring people and believed in the value of their labor and in a political order which advanced their interests. They also believed the role of the clergy was to serve their needs, a belief that was repeated in Maryland. There

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<sup>133</sup>Bossy, *English Catholic Community*, p. 170; see also, Joseph S. Leatherbarrow, *The Lancashire Elizabethan Recusants* (New York: Johnson Reprint Corp., 1968), p 90; Wake, *The Brudenells of Deene*, p. 142.

<sup>134</sup>Gillow, "Inigo Jones," *Literary*, vol. 3, p. 652.

were several obstacles to the full achievement of this belief in England, including first the penal laws and the established episcopacy's control of traditional church property, and second the sometimes contrary beliefs held by the Catholic gentry, who tended to monopolize the clergy as live-in chaplains and tutors.<sup>135</sup>

Christopher Haigh and A. D. Wright argue that the Catholic gentry, more so than the penal laws, were the obstacle to the Catholics' belief about the role of the clergy. Haigh writes:

The Catholic gentry, the second group of heroes of the Persons' version of English Catholic history, arrogated to themselves an inappropriate share of the clerical resources of the post-Reformation mission. The gentlemen have been credited with ensuring "the survival of the faith" and so they did, but their faith, at the expense of everyone else's! The fact that English Catholicism became more and more seigneurial in structure does not demonstrate the crucial role of the gentry in its survival: that was the way it was, but not the way it had to be.<sup>136</sup>

The gentry had a negative influence, but Haigh probably overstates the case in saying English Catholicism was gentry dominated. There co-existed along with gentry Catholicism and its beliefs that the role of the clergy was to serve gentry interests, the belief among the laboring majority that the clergy should serve their needs. This latter belief was demonstrated by the Civil War Catholics in Lancashire, Yorkshire, the Northern High Peake district, and Monmouthshire on the South Wales border. They had their own itinerant and congregational clergy who they supported financially. Ralph Corby, S.J. (1598-1644) was one of their priests. A report discussed the esteem in which he was held, "He was so beloved of the poor people and so revered and esteemed for his pious labors and functions that he was commonly called by them apostle of the country."<sup>137</sup> Henry Foley, S.J. writes of Corby:

He pursued a moderate and poor style of living with the laboring class of men, and always visited the neighboring places on foot. In

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<sup>135</sup>Philip Massinger attacked the servility of domestic chaplains in the character of "Parson Willdo." See Massinger, *A New Way to Pay Old Debts*, p. 97, Act IV, sc. iii, line 127.

<sup>136</sup>Christopher Haigh, "From Monopoly to Minority: Catholicism in Early Modern England," *TRHS*, 31 (1981), 145; see also, Wright, "Catholic History, North and South, Revisited," p. 128.

<sup>137</sup>Quoted in Haigh, "From Monopoly to Minority," p. 144.

the neighborhood where he lived, were many Catholics of narrow means and obscure station. There he always thought it his duty to administer the sacraments and to visit among their villages and in their houses. He used to go without a cloak, in a very humble dress, so that he might have been taken for a servant, a farm-bailiff or letter-carrier. His reception too and manner of living was such as is usually to be met with among the laboring classes. He did not visit by appointment, but casually. And he was as much delighted with chance fare as with the greatest luxuries.<sup>138</sup>

Another of their priests was Nicholas Postgate who served in Cleveland, which was in Yorkshire. He reported, "at this moment I have quite 600 penitents, and could have more if I wished; or rather, what I lack is not will, but help; I am working to the limits of my strength."<sup>139</sup> In parts of England the clergy of the established church did not very enthusiastically serve poor laboring people. In addition in some areas, such as Lancashire and Yorkshire, where Catholicism made advances among laboring people, there were large populations scattered over large areas and few established priests. While in some counties there was one Anglican priest per 400 people, in Lancashire's 56 Anglican parishes, it was sometimes closer to 1,700 people per priest.<sup>140</sup> Catholic priests willing to serve without pay or rather to serve a circuit in exchange for a meal with a family and a night's rest under their roof had unlimited congregations.<sup>141</sup> The Benedictine Ambrose Barlow (d. 1641), for example, served 23 years at Leigh in Lancashire. From a neighborhood gentry family, he spent one week in circuit for every three he spent at home. On circuit he lived with the country farmers, wore country

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<sup>138</sup>Foley, *Records*, vol. 3, pp. 70-71.

<sup>139</sup>Nicholas Postgate, quoted in Haigh, "From Monopoly to Minority," p. 145. Other priests who served congregations of laboring people are listed in Richard Challoner, *Memoirs of Missionary Priests and Other Catholics of both Sexes, that have Suffered Death in England on Religious Accounts from the years 1577 to 1684*, ed. John Pollen (London: Burns and Oates, [1803] 1924). Among these were John Sugar, *ibid.*, p. 275; Roger Cadwallader, who walked a circuit for 16 years, *ibid.*, p. 300; Thomas Somers who lived with the poor, *ibid.*, p. 322; and William Southerner, *ibid.*, p. 359. See also, Godfrey Anstruther, "Lancashire Clergy in 1639," *RH*, 4 (1958), 38-46; Godfrey Anstruther, *The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales, 1558-1850* (4 vols., Ware, Eng.: Edmund's College Press, 1969), vol. 2, p. 250.

<sup>140</sup>Christopher Haigh, *Reformation and Resistance in Tudor Lancashire* (Cambridge: Cambridge University Press, 1975), p. 22.

<sup>141</sup>Bossy, *English Catholic Community*, p. 236.

dress, walked, not rode, and ate the meatless diet of whitemeats such as cheese and eggs and the garden produce of the ordinary people.<sup>142</sup> The circuits of some clergy, such as that of the Jesuit, Thomas Gascoigne, extended for 200 miles and took a month to complete.<sup>143</sup> At his home base, Gascoigne lived in a cottage and chopped his own wood for fire.

To get a picture of how effective the Catholics were in realizing their belief about the role of the clergy, the number, geographical, and class distribution of the Catholic clergy can be considered. There were between 750 and 1,000 Catholic priests serving in England during the Civil War.<sup>144</sup> John Bossy, assuming the lower figure, estimates that about 450 were secular priests and 300 were regular priests, that is Jesuits, Benedictines, and those of several other orders. Of the seculars, 70 served in the north, 60 in Wales, 40 in London, and 270 in the south and midlands. The regular clergy were similarly distributed. More than half, especially among those serving in the south and midlands, were chaplains and tutors for the gentry, with little service to the ordinary Catholics.<sup>145</sup>

That more than half the clergy should have ended up serving at best 20 percent of the Catholic population is not surprising. Two-thirds of both the seculars and regulars were from gentry families, as it was generally the gentry who could afford to send their children to the continent for the extensive education received by the clergy.<sup>146</sup> Service to the gentry meant earning £20 to £25 per year, twice what laboring Catholics who supported families were able to make.<sup>147</sup> Leander Jones noted in 1634 that being a priest was a way for the gentry to gain a comfortable living.<sup>148</sup> In addition the ordered clergy, such as the Jesuits

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<sup>142</sup>*Ibid.*, pp. 252, 262; Challoner, *Memoirs of Missionary Priests*, pp. 393-400; "The Apostolical Life of Ambrose Barlow," *Downside Review*, 44 (1926), 240-241.

<sup>143</sup>Bossy, *English Catholic Community*, pp. 252-253; Challoner, *Memoirs of Missionary Priests*, pp. 232, 339; Foley, *Records*, vol. 3, pp. 91, 101; vol. 7, pt. 2, pp. 1111-1112.

<sup>144</sup>Bossy, *English Catholic Community*, pp. 211, 217, 227.

<sup>145</sup>*Ibid.*, pp. 227-228, 237.

<sup>146</sup>*Ibid.*, pp. 166, 199, 210; Thomas Knox (ed.) *The First and Second Diaries of the English College, Douay* (London: D. Nutt, 1878), pp. 44-45. Those from a laboring background seemed to have had a preference for serving in the secular clergy. See Blackwood, "Plebeian Catholics in Later Stuart Lancashire," p. 172.

<sup>147</sup>Bossy, *English Catholic Community*, p. 231.

<sup>148</sup>*Ibid.*, p. 220; Leander Jones, "Apostolici Status Missionis in Anglia," *CCSP* (1767-1786 edn.), vol. 1, pp. 199-200.

and Benedictines, were by their beliefs, constitutions, and customs restricted from pastoral-congregational-parish employment.<sup>149</sup> Robert Southwell, S.J., one of the early ordered priests in the country after the Reformation, was a domestic chaplain to the countess of Arundel. He was critical of another priest who served laboring people through an itinerant ministry, "I am much grieved to hear of your unsettled way of life, visiting many people, at home with none. We are all, I acknowledge, pilgrims, but not vagrants; our life is uncertain, but not our road."<sup>150</sup> Thomas Aquinas, an ordered priest himself, taught that the secular clergy who served in parishes belonged to a "lower grade of perfection" than the ordered clergy, whose only employment was prayer.<sup>151</sup> It was the exception rather than the rule when laboring Catholics were able to obtain the services of the ordered clergy for their congregations.

What is surprising is not the number of clergy who served the gentry, but that the laboring people were able to attract to their service the number that they did, despite all the obstacles. In some places the congregation of mainly tenants and yeomen owned their own chapel or held services in barns and farmyards.<sup>152</sup> A few congregations numbered up to 200 people. In and about Lancashire there were Catholic chapels, some of which are still in use, at Brindle, Chorley, Claughton, Gillmoss, Little Crosby, Liverpool Lytham, Manchester, Pleasington, Preston, Wigan, and Woolton.<sup>153</sup> There were villages that were entirely Catholic in population.<sup>154</sup> In some villages the school master or catechist were Catholics,

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<sup>149</sup>John O'Malley, S.J. "Was Ignatius Loyola a Church Reformer? How to Look at Early Modern Catholicism," 77 *CHR* (1991), 181, 188; Ignatius Loyola, *The Constitutions of the Society of Jesus*, trans. George Ganss, S.J. (St. Louis: Institute of Jesuit Sources, 1970), p. 215, part vii, ch. 2, paragraph 622 d-c; see also, pp. 267-271, pt. 7, ch. 1, pars. 603-617.

<sup>150</sup>Robert Southwell, quoted in Haigh, *English Reformation Revised*, p. 198; see also, Foley, *Records*, vol. 1, p. 338; Challoner, *Memoirs of Missionary Priests*, p. 232. William Andleby was another priest criticized for lowering the priestly dignity by dressing as, living among, and serving congregations of laboring people.

<sup>151</sup>Thomas Aquinas, *Questiones quodlibetales*, ed. R. Spiazzi (Taurino: Casa Marietti, 1956), I. 7, 2; III. 6, 3; Leonard Boyle, *Pastoral Care, Clerical Education and Canon Law, 1200-1400* (London: Variorum, 1981), pt. II, p. 251.

<sup>152</sup>Bossy, *English Catholic Community*, pp. 161, 234, 261.

<sup>153</sup>Blundell, *Old Catholic Lancashire*, vol. 1, pp. 14, 32, 49, 67, 77, 121, 131, 145, 162; vol. 2, pp. 25, 48, 91, 128.

<sup>154</sup>Robin Clifton, "The Popular Fear of Catholics in England," *PP*, 52 (1971), 47; Blundell, *Old Catholic Lancashire*, vol. 3, pp. 133-134.

either licensed or as in the case of Thomas Wood at Leake and Emmanuel Dawson at Lanmouth, unlicensed.<sup>155</sup> They taught the rudiments of religion as well as English and Latin. Women who had been educated in the seventeen English language continental convents also served as school teachers and catechists in these villages.<sup>156</sup> In 1637 Mary Ward established a community of women at Newby, Ripon, which made its living as teachers.<sup>157</sup> In 1639 three English Franciscan nuns established a convent in York to teach school.<sup>158</sup>

Hugh Aveling has studied the congregational structure of the Catholic community in York, which was probably similar to that in Maryland. In the Langbaugh district of York there were eight Catholic congregations in 1642, with a total membership of about 500.<sup>159</sup> In the North Riding district there were 28 self-supporting congregations served by both secular and ordered clergy. These congregations and the number in them were: Egton (28), Lythe (40), Forcett (81), Thronton-le-Street (64), Bradsby (38), Malton (42), Northallerton (39), Leake (38), Wensley (35), Catterick (31), Manfield (28), Brotton (43), Crathorne (25), Bedale (19), Yarm (13), Hilton (21), Helmsley (28), Hovingham (40), Kirkleavington (23), Arsgarth (19), Appleton Wiske (25), Stokesley (21), Grinton (24), Masham (62), Whitby Strand (58), Stanwick St. John (61), Kirkby Ravensworth (43), and Middleton Tyas (16).<sup>160</sup> Catholics in some Yorkshire districts seemed to have persuaded their landlords, such as the Constable, Gascoigne, and Fairfax families, who had their own house chaplains, to pay for the services of a second priest to serve themselves.<sup>161</sup>

The Catholics' belief in the role of the priest as their servant successfully met with another obstacle besides that presented by the gentry. Some of the Roman establishment's ideas about the role of the clergy ran counter to that of providing service. Many of the popes at the time believed they had the right to demand that the clergy and Catholics seek the overthrow of the English

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<sup>155</sup>Aveling, *Northern Catholics*, pp. 291-294, 317.

<sup>156</sup>*Ibid.*, pp. 253-255.

<sup>157</sup>*Ibid.*

<sup>158</sup>*Ibid.*, p. 257.

<sup>159</sup>*Ibid.*, p. 267.

<sup>160</sup>*Ibid.*, p. 257.

<sup>161</sup>*Ibid.*, p. 384; Bossy, *English Catholic Community*, p. 260.

government. These popes also believed they had the right to excommunicate priests and Catholics who took oaths of allegiance to the English government or who attended services in the established church.<sup>162</sup> Had the Maryland Catholics permitted such authority to the Roman establishment, they would have all been excommunicated. It was standard for migrants to take an oath of allegiance to the English government on departing from England and upon arriving in Maryland. The assembly in 1639, a majority of whose delegates were Catholics, enacted legislation providing for swearing allegiance to the English government.<sup>163</sup> In England it has already been noted, up to 80 percent of the Catholic population may have been church Catholics. If they had permitted papal authority they would have been cut off from the services of the clergy.

In maintaining their belief about the role of the clergy, the Catholics had several defenses against Roman authority. First, from the beginning, the English church was self-financed.<sup>164</sup> The Roman establishment had no economic leverage. The papacy also had no political leverage with the English government, but just the opposite. For example, the English Catholic bishop Richard Smith sought to set up a church court which would have had jurisdiction to excommunicate Catholics for failure to follow Roman authority. In response, the Catholic gentry went to the privy council for help. The council issued a proclamation for the bishop's arrest on a charge of treason. This forced him into exile in 1631.<sup>165</sup>

All during the Civil War, England's only Catholic bishop lived in exile in Paris until he died in 1655. This was despite the change in government during the war and even the negotiations with the Protestant Independents in 1647 to re-establish the system of Catholic bishops as a balance against the established

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<sup>162</sup>E. Elliot Rose, *Cases of Conscience: Alternatives Open to Recusants and Protestants Under Elizabeth and James* (Cambridge: Cambridge University Press, 1976), pp. 5, 42, 74, 112, 243.

<sup>163</sup>Third Assembly, "Act Ordaining Certain Laws for the Government of this Province" (Mar. 19, 1639), *Md. Arch.*, vol. 1, pp. 82-83; Hughes, *Society of Jesus*, text, vol. 1, pp. 416-417; *ibid.*, documents, pp. 158-161. See also, *ibid.*, text, vol. 1, p. 355, for a 1635 oath of allegiance to the crown composed by the Maryland proprietor, Cecil Calvert.

<sup>164</sup>Bossy, *English Catholic Community*, p. 231.

<sup>165</sup>Philip Hughes, *Rome and the Counter-Reformation in England* (London: Burns and Oates, 1942), pp. 370-373, 382, 389; Hughes, *Society of Jesus*, vol. 1 (text), p. 206.

bishops. At least part of the reason he remained in Paris seems to have been Catholic hostility against his interest in church courts. It is perhaps more than a coincidence that one of the first enactments of the Maryland assembly, a majority of whose members with known religion were Catholics, was a praemunire law in 1638.<sup>166</sup> The law provided for the hanging of any Catholic bishop that came to Maryland or anyone else who sought to extend Roman judicial jurisdiction there. The Maryland law was one of a series of measures designed to make the clergy there serve the interests of the laboring people.

An even more dramatic example of the political vulnerability of the Roman establishment is discussed by Thomas Hughes, S.J. It started in 1647 and involved an effort to deport the entire 170 Jesuits plus the Catholics who were associated with them from England into Maryland. The Jesuits in reputation, if not always in fact, had a special allegiance to Rome's authority. They received their authority or faculties to serve in England directly from Rome, whereas the seculars received their faculties from their locally elected dean and chapter government.<sup>167</sup> The deportation scheme failed, but it demonstrates the strategy and the length to which Catholics would go in defending their beliefs against Roman interference. Hughes remarks:

A project had been started by a certain class of Catholics, to invoke the power of the heterodox Parliament to expel from England into far-off Maryland another class of Catholics who did not agree with them in religion and political views. And the Jesuits they proposed to rid the realm of altogether. . . Whereas the Cromwellian formula had been "Off to Virginia," or "Off to Barbados," for the Scotch prisoners taken at Dunbar, the Catholic agitators in 1647 introduced the variation, "Off to Maryland," as the lot of English Roman Catholics.<sup>168</sup>

The Catholic attempts to expel the Jesuits continued after the Civil War. Caroline Hibbard remarks that "some seculars entered into a curious practical alliance with the English government with the hopes of effecting an expulsion of the Jesuits. It was an alliance that would persist into the Restoration period and

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<sup>166</sup>Thomas Copley, S.J., "Letter to Lord Baltimore" (Apr. 3, 1638) in *Calv. Pap.*, p. 165.

<sup>167</sup>Bossy, *English Catholic Community*, p. 65.

<sup>168</sup>Hughes, *Society of Jesus*, vol. 2 (text), pp. 13-14, 613-617. See also, Pugh (ed.), *Blacklo's Cabal*, pp. 28, 34.

produce government-sponsored anti-Jesuit literature from Catholic hands that was as violent as any Puritan publican."<sup>169</sup>

Coinciding with the deportation scheme were the maneuverings in 1647 mentioned earlier of the Catholic gentry with the Protestant Independents to gain toleration. The Catholics proposed that they take an oath to the parliamentary government. Anyone including the clergy who refused to take it would be banished. Among the advocates of the oath was Andrew White, S.J., who had served in Maryland.<sup>170</sup> When the pope learned of the oath and that the clergy had agreed to take it, he ordered the Jesuit and Benedictine superiors to give up their offices and go into exile.<sup>171</sup> Over the seculars the pope was powerless. Part of the Catholic proposal was that the bishops who would be established would be outside of the pope's power to remove. If he refused to consecrate them, they would get themselves consecrated in France or Ireland by their fellow bishops.<sup>172</sup> The issue of "exterior spiritual jurisdiction," that is, an effective clerical superiority over the spiritual aspects of English Catholicism, was left negotiable.

In defending their right to have the clergy serve their needs against Roman clericalism, English Catholic laboring people generally had an ally in the chapter government of the secular clergy. A description of the chapter written some years after the war described its 28 members. One was John Medcalf, who was archdean of Northumberland and Cumberland. He maintained that if he headed the English government, he would proscribe all priests who refused to take the oath of allegiance.<sup>173</sup> Rome asked Humphrey Waring, who was dean or head of the chapter, why he was unwilling to comply with "the decrees of His Holiness, for the keeping of which decrees one hundred and forty martyrs had shed their blood, and undergone a glorious death." He responded that he and the other clergy

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<sup>169</sup>Caroline Hibbard, "Early Stuart Catholicism: Revisions and Re-Revisions," *JMH*, 52 (1980), 24.

<sup>170</sup>Clancy, "The Jesuits and the Independents, 1647," p. 73, 85.

<sup>171</sup>Pugh (ed.), *Blacklo's Cabal*, p. 128; Clancy, "The Jesuits and the Independents, 1647," pp. 70-71, 73, 77, 82; Francis Edwards, S.J. (ed.), "Introduction," *The Elizabethan Jesuits of Henry More* (London: Phillimore, [1660] 1981), p. 7.

<sup>172</sup>Bossy, *English Catholic Community*, p. 65; Pugh (ed.), *Blacklo's Cabal*, p. 34.

<sup>173</sup>John Medcalf, quoted in George Leyburn, "A List of the More Noteworthy Priests who are to be Found at Present among the English Secular Clergy," in *The Douay College Diaries, 1598-1654*, ed. Edwin Burton (London: Catholic Record Society, 1911), vol. 11, p. 549.

had made up their minds "to live for the future according to the customs of the Gallican church."<sup>174</sup> Chapter member and archdeacon Henry Turbervill was said by Rome to "constitute himself defender of the oath, commonly known as the oath of allegiance, in which are contained many things contrary to Catholic faith and the authority of the Roman church."<sup>175</sup> Thomas Carr another member of the chapter "to the best of his power promoted Jansenism."<sup>176</sup> Chapter member John Leyburn was a "'neopoliticus Gallus,' looking after his own rather than the public good," the "public" being Rome.<sup>177</sup> The non-sectarian bent of some secular priests, such as Thomas Carter and William Johnson included occasional attendance at services in the established church.<sup>178</sup>

Roman interference with the rights of the Catholics was limited, but that does not mean there were not instances of it, as when particular priests would uphold prohibitions on church Catholicism. A Northumberland priest in the 1650s did not allow a nine year old to make his first communion because he attended a village school, which included attending services at the established church.<sup>179</sup> When a priest in Maryland similarly attempted to excommunicate a planter there in the 1650s, he was arrested, taken to court, and later recalled to England by his superiors.<sup>180</sup>

The ordinary Catholics, in seeking to make the clergy serve their needs, manifested a low regard for clericalism. One can see in the pamphlets of Catholic professionals like John Austin and Thomas Hawkins a respect for the clergy but an apparently widespread Catholic impatience with and embarrassment at the doctrines of papal temporal power and papal infallibility.<sup>181</sup> Their low regard for

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<sup>174</sup>Humphrey Waring, quoted in *ibid.*, p. 547.

<sup>175</sup>*Ibid.*

<sup>176</sup>*Ibid.*

<sup>177</sup>*Ibid.*, p. 548.

<sup>178</sup>Aveling, *Northern Catholics*, p. 248.

<sup>179</sup>Bossy, *English Catholic Community*, p. 166; Kenney, *Responsa Scholarum*, nos. 608, 612.

<sup>180</sup>Beitzell, *Jesuit Missions*, p. 28.

<sup>181</sup>Austin, *The Christian Moderator (first part)*, p. 2; Thomas Hawkins, *A View of the Real Power of the Pope and of the Priesthood over the Laity, with an account of How they use it* (London: n.p., 1639, 1733); Anonymous, *A New Petition of the Papists for Toleration* (London: n.p., 1641); William Barclay, *Of the Authority of the Popes: Whether and How Far Forth He has Power and Authority over Temporal Kings and Princes* (1600, 1609) in *ERL*, vol. 136; Richard

these doctrines was similar to the independence they showed toward the pretensions of both the royalist and parliamentary gentry during the Civil War. When the king was in power, church Catholics lied in taking the oath of supremacy, which acknowledged the king as head of the church. Then the Catholics lied in taking Parliament's oath of abjuration when that oath was imposed after 1642.<sup>182</sup> Blaise Pascal in his *Provincial Letters* of 1656 blamed Rome and the Jesuits for teaching the doctrine of equivocation, that is, that it was licit to lie under oath. But Rome and the Jesuits were teaching just the opposite. Pope Innocent X in 1649 denounced equivocation because it was "ecclesiastically subversive."<sup>183</sup> If the pope had had his way, Catholics would not have taken the oaths. They would have shed their blood for Roman clericalism.

Against both Rome and the royalist and parliamentary gentry the Catholics constituted themselves as a law unto themselves, not unlike the Protestant antinomians. Antinomianism, meaning literally "against the law," involved, as Christopher Hill points out, the repudiation of "all human law, not just Mosaic law."<sup>184</sup> It is not surprising, as noted earlier, that the Presbyterian-dominated Parliament in 1646 enacted the death penalty against those who taught the antinomian doctrine.<sup>185</sup> Because they did not control the army, however, the Presbyterians were unable to enforce the prohibition against antinomianism. The parliamentary gentry used antinomian arguments against the crown, but once they

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Sheldon, *Certain General Reasons, Proving the Lawfulness of the Oath of Allegiance* (London: Felix Kyngston, 1611); Thomas Preston (Roger Widdrington), *Roger Widdrington's Last Rejoinder to Mr. Thomas Fitzherbert's Reply Concerning the Oath of Allegiance, and the Pope's Power to Depose Princes* (1616, 1633) *ERL*, vol. 280; Thomas Preston, *A New-Years Gift for English Catholics, or a Brief and Clear Explanation of the New Oath of Allegiance* (1620), *ERL*, vol. 130; Maurus Lunn, "The Anglo-Gallicanism of Dean Thomas Preston, 1567-1647," *Studies in Church History*, 9 (1972), 244; William Warmington, *A Moderate Defense of the Oath of Allegiance* (1612), *ERL*, vol. 276.

<sup>182</sup>Aveling, *Northern Catholics*, pp. 303, 317.

<sup>183</sup>John McNeill, *A History of the Cure of Souls* (New York: Harper and Brothers, 1951), p. 291.

<sup>184</sup>Christopher Hill, *The Collected Essays of Christopher Hill: Religion and Politics in Seventeenth-Century England* (Amherst: University of Massachusetts Press, 1986), vol. 2, p. 174.

<sup>185</sup>"Ordinance Against Heresie" (Nov. 20, 1646), in Scobell, *Acts*, pp. 2, 150, cap. 114, made punishable "the opinions that revelations and the workings of the spirit are a rule of faith or of Christian life; [it also made punishable the doctrine], that the moral law of God contained in the ten commandments is no rule." Gertrude Huehns, *Antinomianism in English History with special Reference to the Period, 1640-1660* (London: Cresset Press, 1951), p. 114.

achieved success during the first Civil War, they wished to cut off the doctrine to the laboring people.

One can see repeated in the Catholic pamphlets that took the side of the laboring people, the antinomian themes that were developed by the Protestants, such as universal grace and eschatology.<sup>186</sup> The secular priests William Rushworth and Henry Holden wrote that it was wrong to look to the law and scripture like the pharisee, "We should look to our own hearts: Christ's law is written in a Christian's heart."<sup>187</sup> In justifying the overthrow of the crown, Holden remarked that the royalist "sycophants" did "basely flatter all supreme power and act as if we ought to look upon them as to be worshiped and adored as Gods."<sup>188</sup> Catholic millennialists wrote of the imminent rule of the saints on earth during which wealth would be redistributed to producers, social injustice would be eradicated for a thousand years prior to the final judgment day and a "third age of the church" would be established.<sup>189</sup>

The Catholics believed that the role of the clergy was to serve them and allowed neither the crown, Parliament, or the pope to stand in their way. If as much as 80 percent of the Catholics were church-going, it seems appropriate to also mention their beliefs about the Anglican clergy, whom they encountered when they attended established services. As in the Catholic church, Catholics no doubt believed the established clergy should serve their needs. This belief would have inclined them to take the Independent side on the questions that arose during the war about how the established church was to be governed. That is, just as in civil politics, so in church politics, there was an Independent-Presbyterian split

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<sup>186</sup>Thomas White, *Apology for Rushworth's Dialogues, wherein the Exceptions of the Lords Falkland and Digby are Answered and the Arts of their Commended Daille discovered* (Paris: Chez Jean Billan, 1654), pp. 64-66.

<sup>187</sup>William Rushworth, *Rushworth's Dialogue, or, the Judgment of Common Sense in the Choice of Religion* (Paris: n.p., 1640), pp. 555-556; see also, Austin, *Christian Moderator, (first part)*, p. 73.

<sup>188</sup>Holden, *The Analysis of Divine Faith, or Two Treatises of the Resolution of Christian Belief* (Paris: n.p., [1652, 1655] 1658), p. 358.

<sup>189</sup>S. W., *A Vindication of the Doctrine in Pope Benedict XII, his Bull, and the General Councils of Florence Concerning the State of Dependent Souls, wherein the purposes of Master White's lately maintained Purgatory is laid open* (Paris: n.p., 1659), pp. 140-141, condemned the millennial doctrine of Thomas White, who denied there was immediate judgment after death. Judgment would come only with the millennium.

throughout much of the period. The Presbyterian gentry and clergy wanted to make the church serve their interests. After the abolition of episcopal judicial control in January 1643, the Presbyterian clergy, through parliamentary legislation, sought to put the church under the control of regional and national clerical-dominated assemblies.<sup>190</sup>

However, the Presbyterians, despite controlling Parliament until 1648 and enacting legislation on the subject, were for the most part never able to actually gain control of the church at the parish level. The local congregations refused to recognize the synods or send deputies to them.<sup>191</sup> They remained under the control of local communities and their elected parish vestries and wardens. In these local church governments, church Catholics or their bailiffs no doubt did service. Those Catholics with more than an ordinary voice in their parish governments included Ralph Sheldon who paid to have the church built at Beoley, Thomas Stonor who gave the parish at Watlington its bell, and Thomas Nevill who paid for an addition to the parish church at Holt, which to the present day has his name inscribed over the entrance along with the phrase, "Built this porch at cost 1635."<sup>192</sup> Those like Thomas Arundell who owned the rectory and advowson of the vicarage of Anstye in Wiltshire until his death in 1643, and Edward Vaux who owned the rectory and parsonage at Irthlingborough, likewise had an

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<sup>190</sup>E. W. Kirby, "The English Presbyterians in the Westminster Assembly," *Church History*, 3 (1964), 418; Rosemary Bradley, "The Failure of Accommodation: Religious Conflict Between Presbyterians and Independents in the Westminster Assembly, 1643-1646," *Journal of Religious History*, 12 (June 1982), 23-47; George Yule, *The Independents in the English Civil War* (Cambridge: University Press, 1958), pp. 13, 45.

The Assembly of Divines was set up by parliamentary legislation on June 12, 1643. It met between July 1, 1643 and February 22, 1649. Even before the ordinance which established it was passed, Charles I had forbidden the assembly to meet, with the result that most of the Anglican members did not attend. Thus the Presbyterians dominated with the Independents also having a role. Known as the Westminster Assembly of Divines, it presented to Parliament a *Directory of Public Worship*, the *Confession of Faith*, and the *Shorter Catechism and Longer Catechism*. See Philip Knachel (ed.), "Introduction," *Eikon basilike: The Portraiture of his sacred majesty in his Solitude and Sufferings* (Ithaca, N.Y.: Cornell University Press, 1966), p. 125.

<sup>191</sup>Seaver, *Puritan Lectureship*, p. 281.

<sup>192</sup>Alan Davidson, "Roman Catholicism in Oxfordshire from the Late Elizabethan Period to the Civil War, 1580-1640," unpublished Ph.D. dissertation, University of Bristol, 1970, p. 703; Leighton Pullan, *Religion Since the Reformation* (Oxford: Clarendon Press, 1923), p. 41; Ettwell A. Barnard, *The Sheldons: Being some Account of the Sheldons of Worcestershire and Warwickshire* (Cambridge: Cambridge University Press, 1936), p. 85; see p. 82; Bernard Elliott, "A Leicestershire Recusant Family: The Nevills of Nevill Holt," *RH*, 17 (1984/1985), 174.

economic leverage that gave them a voice in parish government.<sup>193</sup>

Church Catholics probably had a hand in ejecting some 2,000 established clergy from their churches because these clergy were unsympathetic to congregational needs.<sup>194</sup> Dominated by the Court of High Commission, the ejected clergy had made the pulpit an instrument of crown propaganda.<sup>195</sup> The ejected were often pluralists and non-residents who took the parish income but neglected to minister to the people. Hugh Aveling remarks, "We know that Protestant society then contained many features closely resembling Catholic ones. . . a violent and increasing discontent with the 'mass priest' type of incumbent and curate which the church of England had inherited from the middle ages, together with lay impropriation, non-residence, and pluralism."<sup>196</sup> In addition to supporting the ejection of pluralists and absentees, the church Catholics, like the Independent Protestants probably found the threat of clericalism from the Presbyterian synods just as unattractive as that from the Anglican episcopacy or the Roman establishment. On this an Independent remarked:

Far better to have one tyrant [the pope] whose power is limited to spiritual things and who is outside the realm than to have a tyrant in every parish who meddled in temporal affairs as did the Presbyterians."<sup>197</sup>

Retention of local control over the parish clergy served the needs of church-going Catholics. There were other Independent goals that served the needs of the Catholic recusants as well as those of church Catholics concerning the role

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<sup>193</sup>J. Jackson Howard and Seymour Hughes (eds.), *Genealogical Collections Representing the Roman Catholic Families of England, based on the H. Lawson Manuscript* (n.p.: n.p., 1887), part 5, p. 196; *Court of Chancery, C.2, Charles I, u/3/3.1, as cited in Godfrey Anstruther, Vaux of Harrowden, a Recusant Family* (Newport, Eng.: R. H. Johns, 1953), p. 467.

<sup>194</sup>Wake, *The Brudenells of Deene*, p. 143; Robert Brenner, "The Civil War Politics of London's Merchant Community," *PP*, 58 (1973), 98.

<sup>195</sup>Seaver, *Puritan Lectureship*, p. 57.

<sup>196</sup>Aveling, *Northern Catholics*, p. 252.

<sup>197</sup>Henry Marten (1602-1680), "Speech in Parliament" (Oct. 12, 1647), quoted in Thomas Clancy, S.J. "The Jesuits and the Independents, 1647," *AHSJ*, 40 (1971), p. 83. See also, Gardiner, *History of the Great Civil War*, vol. 3, p. 212; Bossy, *English Catholic Community*, p. 64. Another Independent in Parliament, John Selden, "Seldenus Independente, e tutto interamente ecclesiastico sine ecclesia," Vatican Newsletter (Nov. 1, 1647), Public Record Office, *Roman Transcripts*, ed. William H. Bliss, 31/9/46, fol. 132-136, as quoted in John N. Figgis, *The Divine Right of Kings* (Gloucester, Mass.: P. Smith, [1914] 1970), p. 329, made a similar point, "Presbyterians have the greatest power of any clergy in the world and gull the laity the most."

of the Catholic clergy. One of the obstacles to having the Catholic clergy serve them had always been the established episcopacy, which through a system of courts enforced the penal laws. Independent-backed legislative enactments in 1643 and 1646 abolished the episcopacy and the church and prerogative courts which had enforced the penal laws.— The courts abolished included the High Commission, the Court of Wards, the Council of the North, the court before the president and council in the Marches of Wales, the court of the duchy of Lancaster, and the court of exchequer of the county palatine of Chester.— After the restoration these courts were not re-established. The Catholic support for independent policies helped eliminate this obstacle to the services of their clergy.

There was a fourth and final belief held by Maryland Catholics, the European background of which this chapter will discuss. Ordinary Catholics believed market relations should serve their needs. The Maryland assembly enacted a comprehensive system of market regulations to achieve this end. In England similar regulations existed and were expanded during the Civil War. It is more difficult to pinpoint Catholic support for such legislation in England, because they did not dominate the legislature there, as they did in Maryland. Nevertheless, sentiments supporting market relations that served their needs can be seen in their pamphlet literature and in their political activity.

Illustrative of their belief that market relations should serve their needs was the attitude of Thomas White. He condemned "private" interests that sought to subordinate the market at the expense of the public:

When I see the same person work for a commonwealth, in a free way doing it good, and again for a private person, I see a vast distance between his pretended ends. There is an eminent generosity in one over the other. Whence, I believe it comes that heroes and heroical virtues are chiefly taken in respect of doing

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<sup>198</sup>Carson I. A. Richie, *The Ecclesiastical Courts of York* (Arbroath: Herald, 1956); Aveling, *Northern Catholics*, pp. 205, 247, 322; William Shaw, *A History of the English Church, 1640-1660* (New York: B. Franklin, [1900] 1974), vol. 1, pp. 91, 120-121, 225-227, vol. 2, p. 210.

<sup>199</sup>"Act for the Abolition of the Court of High Commission," (1641), 17 Car. 1, cap. 11, in Henry Gee (ed.), *Documents Illustrative of English Church History* (London: Macmillan, [1896], 1921), pp. 547-550; see also, Scobell, *Acts*, p. 12; Roland G. Usher, *The Rise and Fall of the High Commission* (Oxford: Clarendon Press, 1913); Hill, *Society and Puritanism*, p. 343, discusses the Ordinance of Oct. 9, 1646 which abolished the episcopacy.

good to the whole society.

When I see it thought that good is the same, I find it an intricate labyrinth of equivocation wherein we endless err. To cry the common good is a mere deceit and flattery of words unless we can show that the common good is as great to us as we make it sound.<sup>200</sup>

According to John Bossy, White was the intellectual leader of the 450 secular clergy during much of the period.<sup>201</sup> Robert Bradley, S.J. states, "Few English Catholics of that century had such an impact on their contemporaries as Thomas White had."<sup>202</sup> The Catholic priest George Leyburn remarked at the time on the "zeal" which Catholics had for White, his "wonderful influence," and his being looked to as an "oracle."<sup>203</sup> White's leadership was dependent in part on his representing a broad spectrum of Catholic belief. That White was representative of the thinking of laboring people was also testified to at the time. Robert Pugh, for example, complained that White took the side of the "meanest of the commons, against the just rights of the king, the nobility, and a great part of the gentry."<sup>204</sup> Roger Coke was upset because White spoke for those with "plough-holding" hands.<sup>205</sup>

Pugh and Coke were accurate in attributing to White a sympathy for laboring people. But support for market regulations existed among many of the gentry as well. Derek Hirst remarks on the ubiquity of the "commonweal" market beliefs:

Dearth caused both rich and poor to turn on profiteering middle

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<sup>200</sup>Thomas White, *The Grounds of Obedience and Government: Being the Best Account to All that has been Lately Written in Defense of Passive Obedience and Non-Resistance* (Farnborough, Eng.: Gregg International Publishers, [1649, 1655, 1659, 1685], 1968), p. 70.

<sup>201</sup>White was "in control" of the chapter, as Bossy, *English Catholic Community*, p. 67, puts it, though the nominal leader was John Sergeant. White was occupied mainly with his writing and ministry. See also, T. A. Birrell, "English Catholics without a Bishop, 1655-1676," *RH*, 4 (1958), 142, 161.

<sup>202</sup>Robert Bradley, S.J., "Blacklo and the Counter-Reformation: An Inquiry into the Strange Death of Catholic England," *From the Renaissance to the Counter-Reformation Essays in Honor of Garrett Mattingly*, ed. Charles Carter (New York: Random House, 1965), pp. 349-350.

<sup>203</sup>Leyburn, "A List of the More Noteworthy Priests," pp. 547-548, 550.

<sup>204</sup>Pugh (ed.), *Blacklo's Cabal*, p. 3.

<sup>205</sup>Roger Coke, *Justice Vindicated from the False Fusus put upon it by Thomas White* (London: Thomas Newcomb, 1660), section 2, p. 53.

men, the `caterpillars of the commonweal': the magistrates through quarter sessions and the enforcement of the marketing regulations, the commons by less peaceful means. There was a common espousal of a philosophy of an ordered, inter-dependent commonwealth. While on the one hand this was indeed frequently a pious cover for unrestrained capitalistic enterprise, there seems to have been less hypocrisy from the other side, for there was little direct challenge to the ideal of the commonweal from the poor.<sup>206</sup>

Government granted corporate charters were one of the forms of regulation. These charters gave monopoly rights in a certain area of the economy. But as Astrid Friis remarks, in the seventeenth century the term "monopoly" was generally applied only to something prejudicial to the commonwealth while there was a reluctance to call anything a monopoly when it was considered as contributing to the public welfare.<sup>207</sup> For example, in foreign trade the East India Company had considerable public respect. The trade to Japan and China required the accumulation of large amounts of capital because of the distance and risks. Defenders of monopolies such as that of the East India Company noted that individual merchants had no protection for their ships in piratical waters except that furnished by their own guns. Monopolies dispatched their vessels in fleets. The collective unit increased the potentialities of defense. Joint-stock companies were also able to accumulate the necessary funds to erect warehouses for their own trade, and establish consular offices, which helped promote favorable relations in the diplomatic as well as commercial spheres. Finally, it took large funds to compete against the Dutch, Spanish, and Italians who had monopolies of their own in Asia.<sup>208</sup>

The East India monopoly gave a benefit, but the monopolies in trade to the Baltic, Muscovy, Germany, Holland, and the Mediterranean were often seen as less justifiable. No monopoly existed in trade with France. There was a desire to

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<sup>206</sup>Hirst, *Representative of the People*, p. 5.

<sup>207</sup>Astrid Friis, *Alderman Cockayne's Project and the Cloth Trade: The Commercial Policy of England in its main Aspects, 1603-1625* (London: Oxford University Press, 1927), p. 155; Willard Wallace, "Sir Edwin Sandys and the First Parliament of James," unpublished Ph.D. dissertation, University of Pennsylvania, 1940, p. 68.

<sup>208</sup>William R. Scott, *The Constitution and Finance of English, Scottish, and Irish Joint-Stock Companies to 1700* (3 vols., Cambridge: Cambridge University Press, 1912), vol. 1, p. 123; Ephram Lipson, *The Economic History of England* (3 vols., London: A. & C. Black, [1931], 1961), vol. 2, p. 289; Friis, *Alderman Cockayne's Project*, p. 162.

extend such free trade elsewhere by English producers of cloth, wool, lead, and tin, along with those who imported from abroad and those who lived in port cities like Bristol, Hull, York, and Newcastle.<sup>209</sup> London had one-tenth of the English population, but accounted for eight-tenths of the English foreign trade. It brought in £70,000 of England's £90,000 annual custom revenue in the early part of the century.<sup>210</sup> The English Catholics, who had relatively large concentrations in York, Bristol, and Newcastle were no doubt among those who looked negatively on London's foreign trade monopolization. One can see in the drama of Philip Massinger a Catholic's protest against court party monopolists as "parasites of the kingdom."<sup>211</sup>

There seems to have been a particular dislike of the Merchant Adventurers. They had a monopoly on the export of cloth to the Netherlands and Germany. Clothmakers throughout the country had long sought an end to the monopoly. It enriched the London merchants at the expense of producers.<sup>212</sup> Among the migrants to Maryland who had a dislike of the Merchant Adventurers was Thomas Weston (1575-1647). Weston was an ironmonger of unknown religion. As early as 1617 he was engaged in unlicensed shipments of cloth to the Netherlands. The privy council at the request of the Merchant Adventurers forced him to cease his trade.<sup>213</sup>

Like foreign monopolies, domestic trade and manufacturing monopolies had a potentially positive aspect for laboring people. The justification for domestic monopolies was that they regulated trade, along with justices of the peace, the House of Commons, the common law, and the parish governments. They helped maintain quality and gave uniform prices and supplies. For example,

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<sup>209</sup>Lipson, *Economic History*, vol. 3, p. 17n; Arthur D. Innes, *The Maritime and Colonial Expansion of England under the Stuarts: 1603-1714* (London: S. Low, Marston & Co., 1932), p. 57.

<sup>210</sup>Wallace, "Sir Edwin Sandys," p. 61.

<sup>211</sup>Philip Massinger, *The Emperor of the East* (London: 1631), as quoted in Adler, *Philip Massinger*, p. 87.

<sup>212</sup>Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 124.

<sup>213</sup>Roland G. Usher, "Thomas Weston," *Dictionary of American Biography*, ed. Dumas Malone (New York: Charles Scribners, 1936), vol. 10, pp. 20-21; Roland G. Usher, *The Pilgrims and their History* (New York: Macmillan, 1918); Papenfuse, *Dictionary*, p. 118. Weston was the one who chartered the Mayflower for the English Puritans at Leyden.

Walter Raleigh had had a patent to issue licenses to tavern keepers and wine retailers.<sup>214</sup> Raleigh performed a governmental function in regulating taverns for the public benefit. In addition, a company was obligated because of its charter to have financial obligations to the state commensurate with the scope of its enterprise and investment. These duties would involve furnishing a loan to the government, providing a guarantee of credit to the king, or making extraordinary customs payments.

The problem with monopolies for laboring people came when their benefit was less than their burden. Conyers Reid maintains the Stuarts generally turned monopoly corporations from being effective governmental regulative devices into mere money-raising expedients. This was because the Stuarts sought to rule and spend money without the consent of Parliament.<sup>215</sup> The dislike of patents came when they were given as one contemporary put it, for "a private and disordered engrossing, for the enhancing of prices, for a private purpose, to a public prejudice."<sup>216</sup> The crown granted patents to get loans and revenue, and often ignored the abuses caused by monopolies.

During the Civil War Catholics, as given voice in the writings of Thomas White, along side the levelers, supported the parliamentary council of trade at the national level and its promotion of free trade and the right to unrestricted migration and naturalization.<sup>217</sup> Free trade meant freedom from private monopoly, it did not mean freedom from government regulations. Government regulations were sometimes desired because they were beneficial to trade and protected the public from private monopoly.<sup>218</sup>

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<sup>214</sup>Scott, *Constitution and Finance*, vol. 1, pp. 109-114; C. T. Carr, *Select Charters of Trading Companies* (London: Selden Society, 1913), vol. 28, p. lxii ff.

<sup>215</sup>Conyers Read, "Mercantilism: The Old English Pattern of a Controlled Company," *The Constitution Reconsidered* (New York: Columbia University Press, 1938), pp. 67-70.

<sup>216</sup>*Commons Journal*, vol. 1, p. 985, as cited in Wallace, "Sir Edwin Sandys," p. 54; see also, Philip Massinger, *The Guardian*, Act II, Sc. 4, lines 79-106, attacked domestic patent men such as the Catholic John Wintour, who was Massinger's neighbor in Gloucester. Against the public interest they "grubbed" up forests for their iron mills.

<sup>217</sup>Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 130; Charles M. Andrews, *The Colonial Period of American History* (1938), vol. 4, pp. 37-44.

<sup>218</sup>Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 124.

The enthusiasm which those like Thomas White had for the council of trade and more generally for the republican order established by the abolition of the crown was due in part to their belief that republics were better for producers than monarchies.<sup>219</sup> J. P. Cooper points out, it was "the commonly held view that republics were more beneficial for trade than monarchies."<sup>220</sup> Thomas Violet in 1660 wrote that the "common sort of people" do better under a commonwealth than "the nobility and gentry." This idea "has for twenty years been the oil that fed the flame of rebellion in London."<sup>221</sup>

Just as at the national level, so at the local level, the Catholics' belief about market relations seems to have coincided with the thinking of the Protestants who helped enact and enforce legislation at the county and parish level that made the market responsive to the needs of laboring people. One type of local regulation was directed against monopolization by merchants. County committees, grand juries, assize courts, and parishes such as in Wiltshire and Cheshire, no doubt with the help of Catholics, licensed grain dealers or set up commissions to see that grain was sold without hoarding for unjust profits.<sup>222</sup> The same forces also made prohibitions during times of shortage on the export of items such as beer, cattle, corn, cheese, beef, port, candles, and sheepskin.<sup>223</sup>

When crops were bad, county and parish governments sometimes suppressed alehouses and limited the sale of grain to maltsters in order to get a better distribution of grain.<sup>224</sup> Ale making wasted barley, which was the ordinary

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<sup>219</sup>*Ibid.*, p. 122; PRO, CSPV, 1647-1652, pp. 187-188; Thomas White, *Grounds of Obedience*, pp. 133, 147, 152, 170, justified the execution of the king in 1649 as for the "public good."

<sup>220</sup>Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 122.

<sup>221</sup>Thomas Violet (d. 1622), *An Humble Proposal against Transporting Gold and Silver* (1661), pp. 2-3.

<sup>222</sup>Underdown, *Revel, Riot and Rebellion*, p. 241; John Walker, "Grain Riots and Popular Attitudes to the Law," *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries*, ed. John Brewer (New Brunswick, N.J.: Rutgers University Press, 1980), pp. 62-63; Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 126.

<sup>223</sup>Joyce Appleby, *Economic Thought and Ideology in Seventeenth-Century England* (Princeton: Princeton University Press, 1978), p. 100.

<sup>224</sup>*Ibid.*; see also, Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, pp. 140-141; John Walter, "Dearth and Social Order in Early Modern

bread corn. As in Maryland, typical English ordinances authorized the constables to search all "houses, barnes, and men holding corn more than for necessary support of themselves and their families."<sup>225</sup> Those with excess were obliged to bring the corn to market by installment and sell it at "at reasonable rates to the poor people." J. A. Chambers writes about the enforcement of antimonopoly regulations during the period:

The middle years of the seventeenth century saw new vigor in the enforcement of the statutes. During the Interregnum, and at least until the later 1680s, active prosecution of offenses by middlemen continued.<sup>226</sup>

Market regulations during the period were not meant to prevent trade but to make it serve more than merely the interests of the merchants. For example, in the 1650s free export was allowed on basic commodities, but only as long as the domestic prices remained below established prices, such as 40s per quarter ton for corn, 24s per quarter ton for peas and beans, and 6d per pound for butter.<sup>227</sup> Merchants could make profits, but not at the undue expense of the ordinary people.

A second type of regulation which corresponded to Catholic ideas about market relations being responsive to ordinary people dealt with unemployment. One of the demands of the Levelers was that the government provide jobs for the unemployed.<sup>228</sup> Mobilized and demobilized parliamentary and royal troops, including no doubt Catholics, were militant in pressing for unemployment and pension measures and sometimes took the law into their own hands.<sup>229</sup>

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England," *PP*, no. 71 (1976) 24, 27, 39.

<sup>225</sup>Walter, "Dearth and Social Order," pp. 24, 27, 39.

<sup>226</sup>J. A. Chambers, "The Marketing of Agricultural Produce," in Thirsk, *Agrarian History*, vol. 5, pt. 2, p. 496.

<sup>227</sup>Thirsk, "Agricultural Policy," in Thirsk, *Agrarian History*, vol. 5, pt. 2, pp. 307-308; Norman Gras, *The Evolution of the English Corn Market from the Twelfth to the Eighteenth Century* (Cambridge: Harvard University Press, 1915), pp. 462-463.

<sup>228</sup>Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 126.

<sup>229</sup>Thirsk, "Agricultural Policy," in Thirsk, *Agrarian History*, vol. 5, pt. 2, pp. 321-322. William Goffe, *How to Advance the Trade of the Nation and Employ the Poor*, in *Harleian Miscellany: or, a Collection of Pamphlets* (London: White Murray, and Harding, 1813), vol. 12, pp. 250-252, defended the right to a job through government created workhouses. It was pointed out that if only two persons got free goods in 9,725 parishes at 3d per day, it would be a daily loss

For example in 1647 many gentry in Parliament proposed to disband the New Model Army without providing for the disabled, the families of those killed, and the arrears of pay. In response the rank and file established a military command system independent from that of their officers, and they set up a press and published newsletters and pamphlets to make their case known to the English people. Then they successfully marched on Parliament to aid those who had been defending their economic rights there.<sup>230</sup> One of their pamphlets demanded that all the "ancient rights and donations belonging to the poor, such as alms houses, enclosed commons, etc. throughout all parts of the land, now embezzled and converted to other uses, may forthwith be returned to the ancient public use and services of the poor, in whose hands soever they be detained."<sup>231</sup>

Most of the areas where Catholics were strongest were areas of chronic unemployment, such as Gloucestershire and Wiltshire in the west, and Lancashire and Yorkshire in the north. These were cloth producing areas. Unemployment was a problem because the market for English undressed broadcloth was in the process of being replaced by a demand for lighter materials produced in Holland. The numbers of cloth pieces produced for export declined from 60,000 in 1600 to 30,000 in 1640.<sup>232</sup> The land in the clothmaking areas had been converted by enclosure from arable to pasture in order to raise wool for cloth production. The small farmers were dependent on clothmaking to supplement their farm income.<sup>233</sup>

Joan Thirsk has remarked that concern for full employment for laboring people quite naturally distinguished their thinking from most gentry.<sup>234</sup> To solve

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of £243 which could be saved by workhouses. See also Anonymous, *Stanley's Remedy* (1646), pp. 2-5, as cited in Appleby, *Economic Thought*, p. 139.

<sup>230</sup>Morton, "Introduction," *Freedom in Arms*, pp. 34-35, 37, 39.

<sup>231</sup>Anonymous, *The Case of the Army Truly Stated*, in Morton, *Freedom in Arms*, p. 41.

<sup>232</sup>James Horn, "Servant Emigration to the Chesapeake in the Seventeenth Century," *The Chesapeake in the Seventeenth-Century: Essays in Anglo-American Society*, ed. Thad Tate (Chapel Hill: University of North Carolina Press, 1979), pp. 80, 82; Peter Bowden, "Agricultural Prices, Farm Profits and Rents," in Thirsk, *Agrarian History*, vol. 4, p. 641.

<sup>233</sup>Horn, "Servant Emigration," p. 82.

<sup>234</sup>Joan Thirsk, "Plough and Pen: Agricultural Writers in the Seventeenth Century," *Social Relations and Ideas. . . Essays in Honor of R. H. Hilton* (Cambridge: Cambridge University Press, 1983), p. 301. What most gentry wished to imitate in the way of economic advancement from abroad was how to breed better horses for war and showing, which might only incidentally

the unemployment problem, a wide range of measures were initiated or continued during the war by England's 10,000 parish governments. F. G. Emmison writes, "It was the duty of everyone to work. It was equally the responsibility of the parish to help them get work."<sup>235</sup> Parish measures sought to provide for full employment and job training through the spinning and weaving of wool, fisheries, the establishment of municipal brewhouses, the draining of fens, clearing of wasteland, working up of flax, and the distribution of confiscated royal estates to the landless for farming.<sup>236</sup> In many parts of the country the relief system gave laboring people the security of a job and of knowing that in their senior years they would not have to worry about their necessities.<sup>237</sup> In London Parliament established the London Corporation of the Poor in 1647 and made it a model for the country.<sup>238</sup>

At the national level Parliament sought to help alleviate unemployment by giving state backing to the subsidization of manufacturing and agricultural projects and the establishment of high import duties that made the import of foreign manufactured goods into England difficult.<sup>239</sup> Illustrative was the House of Commons 1642 Book of Rates, which was protectionist.<sup>240</sup> A 1649 ordinance

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include better grass production.

<sup>235</sup>F. G. Emmison, *Early Essex Town Meetings* (London: Phillimore, 1970), p. x.

<sup>236</sup>Margo Todd, *Christian Humanism and the Puritan Social Order* (Cambridge: Cambridge University Press, 1987), pp. 167, 171, 254, 258; Paul Slack, "Poverty and Politics in Salisbury, 1597-1666," in *Crisis and Order in English Towns: Essays in Urban History*, ed. Peter Clark (Toronto: 1972), p. 188; Valerie Pearl, "Puritans and Poor Relief: The London Workhouse, 1649-1660," in *Puritans and Revolutionaries*, ed. Donald Pennington and Keith Thomas (Oxford: 1978), pp. 214-215; Firth, *Acts*, vol. 2, pp. 130-139; 785.

<sup>237</sup>P. Rushton, "The poor Laws, the Parish, and the Community in North-East England, 1600-1800," *Northern History*, 25 (1989), 151.

<sup>238</sup>Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 126.

<sup>239</sup>Firth, *Acts*, vol. 2, pp. 104-110, 130-139, 785, 1042-1045; *CSPD*, (Nov. 22, 1649), p. 402; Todd, *Christian Humanism*, pp. 165, 258; John U. Nef, *Industry and Government in France and England, 1540-1640* (Ithaca: Cornell University Press, 1957). Samuel Hartlib was among those who received a pension from Parliament to promote agricultural improvements. See Appleby, *Economic Thought*, p. 101; Eric Jones (ed.), *Agricultural and Economic Growth in England, 1650-1815* (London: Methuen, 1967), p. 7, n. 1.

<sup>240</sup>Vertrees Wyckoff, "The International Tobacco Trade in the Seventeenth Century," *Southern Economic Journal*, 7 (1940), 17; Linda Popofsky, "The Crisis over Tonnage and Poundage in Parliament in 1629," *PP*, 126 (1990), 50; Frederick C. Dietz, *English Public Finance, 1558-1641* (London: F. Cass, 1964).

renewed a 1619 act that prohibited the export of wool. This subsidized cloth spinners and weavers by keeping the cost of wool low.<sup>241</sup> One of the complaints in the Grand Remonstrance of 1641 had been about the decline of the cloth-making trade because the government of Holland was more aggressive in promoting the trade there.<sup>242</sup> The Catholic improver, Richard Weston was among those who wrote pamphlets advising Parliament to enact legislation to promote hemp and flax production, which would reduce unemployment:

You shall do a charitable deed by bringing that manufacturer [of flax] into this country. For it keeps a very great number of poor women and children at work in Flanders and Holland that otherwise would not have means to live.<sup>243</sup>

In August 1650 a Council of Trade was set up to consider "how the traders and manufacturers of this nation may most fitly and equally be distributed to every part thereof," and "how the commodities of this land may be vented to the best advantage thereof into foreign countries."<sup>244</sup>

Several studies have commented on how the local and national measures made market relations during the period serve the interests of the ordinary people despite the economic disruption caused by the war.<sup>245</sup> Margo Todd and Valerie Pearl discuss how laboring people sometimes turned up-side down the gentry's approach to market relations and poor relief. The approach of the gentry was

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<sup>241</sup>Firth, *Acts*, vol. 1, pp. 1059-1061; Ephram Lipson, *A Short History of Wool and Its Manufacture, Mainly in England* (Cambridge: Harvard University Press, 1953); Julia Mann, *The Cloth Industry in the West of England from 1640 to 1880* (Oxford: Clarendon Press, 1971), p. 268.

<sup>242</sup>Gee (ed.), "Grand Remonstrance," *Documents Illustrative of English Church History*, p. 558, paragraph 55.

<sup>243</sup>Weston, *Discourse*, p. 22.

<sup>244</sup>Firth, *Acts*, pp. 403-406; Hill, *God's Englishman*, p. 130; Charles McLain Andrews, *British Committees, Commissions, and Councils of Trade and Plantations, 1622-1675* (Baltimore: The John Hopkins University Studies, 1908), series 26, nos. 1-3, pp. 24-25. By November 1651 it had made seven reports to the Council of State and seven to Parliament.

<sup>245</sup>Todd, *Christian Humanism*, p. 159; A. L. Beier, "Poor Relief in Warwickshire, 1630-1660," *PP*, no. 35 (1966), 78; Morrill, *Cheshire 1630-1660*, pp. 247-251; Bossy, *English Catholic Community*, p. 178. Wilbur K. Jordan, *The Charities of Rural England, 1480-1660* (London: Allen and Unwin, 1961), pp. 22, 26, 94, 222, supports Arthur Hildersham's claim made in the 1630s that considerably more money was put into English hospitals, charities, colleges, and schools once the monasteries were confiscated. The monks had consumed a great amount of wealth.

often punitive and designed to enforce obedience to the established order.<sup>246</sup> Provision for full employment and poor relief were part of what Hirst calls the philosophy of the "ordered, inter-dependent commonwealth."<sup>247</sup> Thomas White and the gentry improver Robert Wintour reflected this justification for full employment regulations in their writings.<sup>248</sup> Unemployment hurt market relations: "God and nature have so managed humanity, that none have as much as they desire, but regularly abound in one kind of goods, and want some others which their neighbor has. Hence they mutually assist society to be accommodated with such necessities, as they cannot have but by communication one with another."<sup>249</sup>

Besides regulations directed at monopoly and unemployment, there was a third type of regulations favored by Catholics that addressed the work conditions of laboring people. As John Bossy remarks, the laboring Catholics "invented" and enforced these regulations without the benefit of written legislation. In Maryland, this type of regulation found embodiment in the assembly's legislative code. Laboring Catholics, as in the case of Yorkshire coalminers, limited the amount of time they would work for their masters in part by a system of up to 52 feast-days per year, which they took off as holidays. They valued labor, but they also valued rest.<sup>250</sup>

Catholic laboring people resisted not only the market forces that influenced their masters' interest in excessive profit, but those clergy and Roman pontiffs who throughout the period were seeking to reduce the number of feast-days.<sup>251</sup> Edgar Furniss has shown that a prevalent doctrine among seventeenth-century masters was that wages should be kept at the minimum and hours of labor

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<sup>246</sup>Todd, *Christian Humanism*, pp. 251, 253; Pearl, "Puritanism and Poor Relief," p. 230; Cooper, "Social and Economic Policies Under the Commonwealth," in Aylmer, *Interregnum*, p. 128.

<sup>247</sup>Hirst, *Representative of the People*, p. 5.

<sup>248</sup>Wintour, *To Live Like Princes*, pp. 29, 34.

<sup>249</sup>Thomas White, quoted in Southgate, "The Life and Work of Thomas White, 1598-1676," unpublished Ph.D. dissertation, University of London, 1980, p. 43.

<sup>250</sup>Todd, *Christian Humanism*, p. 151.

<sup>251</sup>Aveling, *The Catholic Recusants of the West Riding*, p. 225; Bossy, *English Catholic Community*, p. 116. Pope Urban VIII in 1642 sought to reduce the number of holydays of obligation to 34, not including Sundays.

at the maximum of physical subsistence.<sup>252</sup> Catholic masters and gentry, like their Protestant counterparts, had an extensive literature that justified, as would be expected, their doctrine on work and wages and that looked with disfavor on the efforts of laboring people to better themselves. Robert Persons, S.J., for example, was an archetype of this type of gentry thinking. Thomas Clancy, S.J. writes of his negative ideas on economic mobility among laboring people:

As for the commons, their economic welfare was to be made the responsibility of their feudal lords. In England there was great inequality among the members of the third estate. . . It was said some gave themselves the airs of gentlemen. This social mobility was to be stopped.<sup>253</sup>

What is of interest is that the English Catholic laboring people had their own pamphleteers, such as Thomas White, who defended their interests. For example, against the claim that the master-servant relation was God-ordained, unchangeable, and not subject to contractual rights by laboring people, White responded, "None think a husbandman, who is hired to till or fence a piece of ground, obeys the hirer more than he that sells a piece of cloth obeys the buyer, because he takes his money; but they are said to contract and perform their part of the bargain."<sup>254</sup> White praised working people who stood up to undue market domination, as he put it, "seeing their labors disposed on to people, of whom they have opinion that they are idle, vicious and unworthy, therefore desire freedom from such a yoke and become masters of their own goods and labors."<sup>255</sup> He pointed out:

What are people better than a herd of sheep or oxen, if they be owned, like them, by masters? What difference is there between their masters selling them to the butcher, and obliging them to venture their lives and livelihoods for his private interest?<sup>256</sup>

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<sup>252</sup>Edgar Furniss, *The Position of the Laborer in a System of Nationalism: A Study in the Labor Theories of Later English Mercantilists* (New York: Kelly and Millman, 1957), pp. 24, 201.

<sup>253</sup>Thomas Clancy, S.J., *Papist Pamphleteers: The Allen-Persons Party and the Political Thought of the Counter-Reformation in England, 1572-1615* (Chicago: Loyola University Press, 1964), p. 42.

<sup>254</sup>White, *The Grounds of Obedience*, p. 28.

<sup>255</sup>*ibid.*, p. 169.

<sup>256</sup>*Ibid.*, p. 142.

About the anti-yoke symbolism used by White, Christopher Hill has remarked on its long-standing popularity among the ordinary English people, especially during the Civil War.<sup>257</sup> It had been a theme since the Norman Conquest.

To sum up, this chapter has looked at the European background to four themes or beliefs that were part of the thinking of Maryland Catholics: the value of labor, political independence, the role of the clergy, and market relations. On these issues the ideal type Catholic seen in this chapter often thought of themselves as a law unto themselves. The resemblance between the Catholic independence and antinomianism was noted in the discussion on the role of the clergy. The Protestant Gerard Winstanley (1609-1652), who demanded that producers have the land rent free, had taught that antinomianism was about the "here and now, not about damnation in the next life."<sup>258</sup> The gentry in making the teaching of antinomianism a treasonable offense in 1647 gave witness to their fear of the doctrine. Catholics like Thomas White were accused of sedition for publishing antinomian passages such as the following:

It is a fallacious principle, though maintained by many, that obedience is one of the most eminent virtues and that it is the greatest sacrifice we can offer to God, to renounce our own wills, because our will is the chiefest good we have. . . . To renounce any natural faculty or the legitimate and fitting use of it, under pretense of pleasing God, is a folly, not a virtue.<sup>259</sup>

But despite hostile claims, the Protestant and Catholic antinomians were not anarchists. The antinomians did not intend to remove the essence of the Mosaic law--its political and moral content--but rather to clear the way for its realization, which the established system prevented.

In being a law unto themselves, there was a continuity between the English and Maryland Catholic population. A majority of Maryland Catholics were born and grew up in England. Their political, religious, and economic

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<sup>257</sup>Hill, "The Norman Yoke," pp. 1, 12, 57, 66.

<sup>258</sup>Quoted in Richard Greaves, "Revolutionary Ideology in Stuart England: The Essays of Christopher Hill," *Church History*, 56 (Mar. 1987), 97.

<sup>259</sup>White, *The Grounds of Obedience*, pp. 22, 25; see also, Thomas White, *Religion and Reason Mutually Corresponding and Assisting Each Other* (Paris: n.p., 1660); Kenneth Campbell, *The Intellectual Struggle of the English Papists in the Seventeenth Century, the Catholic Dilemma* (Lewiston, N.Y.: Edwin Mellon Press, 1986), pp. 83, 96.

thinking was in part formed in England. Most English Catholics were working people and, like their Protestant counterparts, they seemed to have held to views that served their interests. The antinomian beliefs held by Maryland Catholics are less surprising when the English background is understood. In most cases, because the Catholics dominated the assembly in Maryland and embodied their beliefs in legislation, their thinking is easier to reconstruct in Maryland. But the English background in some instances provides a supplement to and further understanding of what was enacted in Maryland.

## Chapter 2

### The Demographic and Career Backgrounds of the Maryland Catholics and their Beliefs about Labor

This and the following chapters take up the Maryland Catholic beliefs about labor, politics, the clergy, and the market during the period of the English Civil War. This particular chapter is about the demographic background of the Maryland Catholics and their beliefs concerning labor. Ninety-five percent of the Maryland Catholics spent much of their lives doing manual labor. To understand what it was to be a typical Catholic, it is necessary to reconstruct their beliefs about such an important part of their lives.

Scholars like Max Weber and Richard H. Tawney identify positive views of labor with the "Protestant ethic."<sup>1</sup> This chapter finds that in Civil War Maryland, the "Protestant ethic" was likewise the "Catholic ethic." As reflected in their migration to the province and the work-lives they led, in their assembly and judicial records, and in their pamphlet literature, most Catholics viewed labor in a positive light, both as a means to an end and as a way of life. John Krugler finds a similarity in some political beliefs between the Maryland Catholics and the Massachusetts Puritans.<sup>2</sup> This chapter finds the similarity extended to beliefs about labor.

That most Catholics had beliefs about labor that grew out of and supported their careers is not to deny that some might have preferred to be like the English gentry, who lived "idle and without labor." Or more to the point, that some Catholics, if not all, would have opted for slaves, had they been available.<sup>3</sup> In

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<sup>1</sup>Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Charles Scribners and Sons, 1958), pp. 79, 115-116; Richard Tawney, *Religion and the Rise of Capitalism* (London: Harcourt, Brace, 1926), pp. 229-230.

<sup>2</sup>John Krugler, "Puritan and Papist: Politics and Religion in Massachusetts and Maryland before the Restoration of Charles II," unpublished Ph.D. dissertation, University of Illinois at Urbana-Champaign, 1971, p. 221.

<sup>3</sup>Among those who refused to opt for slavery in the next generation was William

fact, by 1700 a minority of the next generation owned slaves. While some Civil War Catholics may have dreamed of owning slaves, they adjusted to a reality without slaves. Field labor had been a way of life for them in England. It continued to be so in Maryland. A more basic dream was that migration would improve their way of life. Slaves were unnecessary to achieve this goal. Very few if any owned slaves during the war years and most did not own slaves later. That some did not fulfill their desire to own slaves does not mean they did not achieve their more basic dream, which included a positive view of labor.

A more convincing argument against positive views about labor than the desire for slaves was the widespread existence of indentured servitude. Between 1634 and 1639, but not afterwards, a majority of the Maryland population were indentured servants, owned mainly by 5 percent of the Catholic and Protestant population.<sup>4</sup> These masters exploited their servants, sometimes brutally. One-third of the population died within the first several years of arrival.<sup>5</sup> Disease was the chief killer, but in some cases harsh masters with a low regard for labor were also a cause.

A class system prevailed in Maryland and a diversity of views about labor. The diversity reflected the division in economic interests. The evidence does not support equating the views of the servant with those of the master. Ordinary people, as this chapter will show, were capable of having their own interests, which included a positive view of their labor. Just as they rejected the dominant religious beliefs of the crown, despite considerable obstacles, they had no trouble

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Southby (1640-1720), the "first native-born American to write against slavery." Southby was born and raised a Catholic, married a Quaker, and attended services at her meeting house. See Kenneth L. Carroll, "William Southby, Early Quaker Anti-Slavery Writer," *Pennsylvania Magazine of History and Biography*, 89 (1965), 416.

<sup>4</sup>The statistics on the percentage of indentured servants will be discussed shortly. It needs to be said here only that in 1642, the first year for which tax lists have been preserved, the percentage of indentured servants had declined. There were 53 indentured servants, which was 20 percent of the 265 adult male European population then in the province. See 6th Assembly, "Tax Lists" (Aug. 1, 1642), *Md. Arch.*, vol. 1, pp. 142-146; "Tax Lists" (Nov. 1, 1642), *ibid.*, vol. 3, pp. 120-126; Russell Menard, "Maryland's Time of Troubles: Sources of Political Disorder in Early Maryland," *MHM*, 76 (1981), 134; Russell Menard, *Economy and Society in Early Colonial Maryland* (New York: Garland Pub., [1975], 1985), p. 61.

<sup>5</sup>Carville Earle, "Environment, Disease, and Mortality in Early Virginia," *The Chesapeake in the Seventeenth-Century*, ed. Thad Tate and David Ammerman (Chapel Hill: University of North Carolina Press, 1979), pp. 108-111, 116.

maintaining their own beliefs about labor, despite the local magnates.

This chapter will first discuss the demographic and career background of the Maryland Catholic population. Second it will take up the beliefs of the owner-operators, indentured servants, artisans, and professionals, as manifested in their work-lives, legislation, and court cases. Third it will examine the beliefs of the Maryland landlords. Fourth it will look at several of the theses of this study in light of the discussion presented in the chapter.

The first part of the chapter is about the demographic and career background of the Catholics. Unlike in England, in Maryland everyone was involved in the productive process. There were no gentry, idle or otherwise, although the 5 percent of the population who were landlords and owned most of the indentured servants, were the source of some anti-labor beliefs and activity. Most Catholics were owner-operators, or hoping to become owner-operators. Most owner-operators, unlike landlords, did field labor during the Civil War period.<sup>6</sup> The assembly and judicial records make statements about the value of labor, but they can be fully understood only when read in the context of the owner-operator's work-life of manual labor.

The Catholics were small in number but there were enough to show a pattern of belief about labor. No census of Catholics or of the population generally survives for the period. Scholars, however, using what became the "Career Files of Seventeenth-Century Lower Western Shore Residents," have reconstructed the general figure. The "Career Files" are a modern-day census

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<sup>6</sup>Lois Green Carr and Russell Menard, "Land, Labor, and Economies of Scale in Early Maryland: Some Limits to Growth in the Chesapeake System of Husbandry," *JECO*, 19 (1989), 410, Table 1, reports that in a sample of 306 Maryland farms between 1658 and 1699, a majority had no servants, slaves or hired hands. In a later sample of 543 farms, between 1745 and 1777, owner-operators had become fewer but were still significant in numbers. The following is a summary of the Carr and Menard table:

Number of hands	1658-1699	1745-1777
0	62%	32%
1	16	15
2	9	13
3-4	7	11
5+	4	16

Economy of scale was difficult because of the nature of tobacco production, part of which was beliefs about labor and the market.

made from the surviving court and other records.<sup>7</sup> From the general population figure it is possible to give a range of estimates for the Catholic figure, as indicated in Table 2-1.

Table 2-1:  
Euro-Catholic Population Estimates

	Menard's <u>Total Pop</u> <sup>8</sup>	10% <u>Cath Pop</u>	25% <u>Cath Pop</u>
1640	551	55	138
1650	682 (200 women) <sup>9</sup>	68	171
1660	3,869	386	-

Recusants and church Catholics made up perhaps 10 percent of the total English population.<sup>10</sup> Column two assumes Catholics were the same percent of the population in Maryland.<sup>11</sup> However, the 25 percent estimate in column three can

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<sup>7</sup>St. Mary's City Commission, "Career Files of Seventeenth-Century Lower Western Shore Residents," (manuscript, 27 boxes [men], 4 boxes [women], Annapolis: Hall of Records), facilitator, Lois Green Carr. The "Career Files" contain the names of and biographical material on exactly 100 documented Catholics for the Civil War period, or about 25 percent of the conservatively estimated total number of Catholics. Appendix 1 lists the documented Catholics. In addition it has 27 men identified as Catholics by sources other than the "Career Files." It also lists 56 women who were married to Catholics and many of whom were Catholics.

<sup>8</sup>The first column is from Russell Menard, "Population, Economy and Society in Seventeenth-Century Maryland," *MHM*, 79 (Spring 1984), 72. See also, Menard, *Economy and Society*, p. 136; Menard, "Five Maryland Censuses, 1700-1712: Note on the Quality of the Quantities," *WMQ*, 37 (1980), 610-621; Menard, "Five Censuses," *WMQ*, 30 (1973), 619-621. Menard's figures are based on extrapolations from Maryland tax lists and assembly membership records. These include: (1) the 7th assembly attendance records, which assembly contained all freemen, see 7th assembly, "Proceedings" (Sept. 5, 1642), *Md. Arch.*, vol. 1, pp. 167-198; (2) three separate assessments: a poll tax in August 1642 to pay for the assembly, see 6th assembly, "Tax Lists" (Aug. 1, 1642) *ibid.*, vol. 1, pp. 142-146; and assessments in November and December 1642 to pay for the war against the Susquehannock, see Council Proceedings, "Tax Lists" (Nov. 1, 1642), *ibid.*, vol. 3, pp. 120-126.

<sup>9</sup>Lois Green Carr, "The Planter's Wife: The Experience of Women in Seventeenth-Century Maryland," *WMQ*, 34 (1977), 543.

<sup>10</sup>D. S. Reid, "P. R. Newman and the Durham Protestation," *RH*, 15 (1979), 371; Reginold Kiernan, *The Story of the Archdiocese of Birmingham* (West Bromwich: Joseph Wares, 1951), pp. 4-5; Martin Havran, *The Catholics in Caroline England* (Stanford: Stanford University Press, 1962), pp. vii, 156.

<sup>11</sup>Michael Graham, "Meetinghouse and Chapel: Religion and Community in Seventeenth-Century Maryland," in Lois Green Carr, Philip Morgan, and Jean Russo, *Colonial Chesapeake Society* (Chapel Hill: University of North Carolina Press, 1989), p. 247, finds the 10

be justified at least until 1650 on several grounds. The Jesuit archival sources and the testimony of the provincial secretary stated as much.<sup>12</sup> A second ground for the higher figure is that while there were English Catholics in Virginia and the West Indies, they probably came in higher proportions to Maryland because their clergy were there and because they were actively recruited.<sup>13</sup> The clergy even managed a London migration office in the early 1630s.<sup>14</sup>

Whatever the exact population figures, a Catholic belief pattern about labor can be identified. The pattern was that Catholics came to work. A recruiting pamphlet composed by the clergy summarized the inducement to migrate, "those that do good service, shall receive no small share in the profits of trade."<sup>15</sup> Free

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percent estimate held true in 1661 for St. Clement's Manor, which has some of the best preserved records of any Maryland settlement.

<sup>12</sup>John Lewger, "The Cases" (1638), in Hughes, *Society of Jesus*, documents, vol. 1, p. 158; see also, *ibid.*, text, vol. 1, pp. 347, 496, citing Vatican archives, *Nunziatura d'Inghilterra*, 4, f. 57; and Propaganda Archives, *Letters*, no. 141 [1642], f. 361.

<sup>13</sup>See Andrew White, S.J., *A Brief Relation of the Voyage unto Maryland* (1634), in Hall, *Narratives*, pp. 31, 40; "Annual Letters of the English Province of the Society of Jesus" (1638), in Hall, *Narratives*, pp. 120-122. Even Catholics who had settled earlier in Virginia, like Richard Gardiner (1616-1651), migrated to Maryland in 1637, along with his wife, four children, and two youths employed as servants. See Richard Gardiner, "Career Files," box 10. The Maryland clergy talked of having missions in Virginia and made regular visits there to minister to the Catholics. See Hughes, *Society of Jesus*, text, vol. 2, p. 25. In terms of total numbers, both Virginia and the West Indies probably had more Catholics than Maryland in the 1650s. This was because large numbers of Irish Catholics were deported from or migrated from Ireland after their defeat by Parliamentary troops and their land was confiscated. They perhaps had hopes of a better life in the West Indies. Henry Foley, S.J. *Records*, vol. 3, p. 335, maintains 30,000 Irish Catholics were deported to Virginia after 1649. Riva Berleant-Schiller, "Free Labor and the Economy in Seventeenth-Century Montserrat," *WMQ*, 46 (1989), 544, mentions 60,000 Irish being sent to Barbados and 100,000 of both sexes to the tobacco islands of the West Indies. There were Irish Catholics in Maryland, but seemingly not in the large numbers that were sent elsewhere. Hughes, *Society of Jesus*, text, vol. 1, pp. 282-284, citing PRO, *Domestic Interregnum*, i, 41, p. 45; i, 76, pp. 318-319; i, 122, p. 1; i, 93, p. 6; ii, 70, p. 338, and Thurloe *State Papers*, vol. 4, pp. 23-26, mentions frequent proposals for transporting Irish Catholics to Maryland, but Parliament did not encourage it.

Some of the Catholics in Virginia were the Italian glass makers who came in the 1610s. One source quoted in Richard Davis, *George Sandys, Poet-Adventurer in Anglo-American Culture in the Seventeenth Century* (London: The Bodley Head, 1955), pp. 113-114, 165, noted, "The temperamental glass men were a trial scarcely to be borne." The Virginia Company gave them a monopoly on round glass, drinking glass, and beads in order to induce them to set up a glass furnace and benefit Virginia with their skills. See also, Carl Hatch, "Glassmaking in Virginia, 1607-1625," pp. 119-138, 227-238.

<sup>14</sup>Krugler, "Puritan and Papist," p. 95.

<sup>15</sup>Andrew White, S.J., *An Account of the Colony of the Lord Baron of Baltimore* (1633)

unimproved land was given to all migrants. In order to turn the land into a market crop that in boom periods gave a good return on labor expended, it took three ingredients: capital, skill, and labor. Of these three, labor was the common element possessed by all the Catholics.

As seen in Table 2-2, several categories of Catholics migrated to Maryland. About half of the total as indicated by the "Career Files" paid the £5 passage and arrived as free but for the most part with no capital.<sup>16</sup> Another group, which was about a quarter of the total had a landlord or merchant pay their way. They arrived as indentured servants. A third group, about 5 percent of the total, were landlords. They actually were a subset of the first group mentioned above. They paid their own way and had sufficient capital to purchase indentured servants to work for them. For the fourth group there is not sufficient data to determine arrival status.

Table 2-2:  
Arrival Status<sup>17</sup>

<u>Arr Status</u>	<u>Catholic</u>	<u>Protestant</u>	<u>Rel Unknown</u>
Unknown	28 (28%)	19 (24%)	721 (53%)
Free	47 (47%)	39 (49%)	244 (18%)
<u>Indentured</u>	<u>25 (25%)</u>	<u>22 (28%)</u>	<u>389 (29%)</u>
Total	100	80	1354

The work-life and expectations of each group were somewhat different and will be expanded upon shortly.

Having outlined their demographic and career background, the second part of the chapter now takes up the beliefs about labor of the owner-operators, indentured servants, artisans, and professionals. The positive views about labor encountered in the discussion of the English Catholics were undoubtedly carried

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in Hall, *Narratives*, p. 6. The proprietor, "Instructions to the Colonists, 1633," in Hall, *Narratives*, p. 20, stated, "Those who adventure their fortunes and themselves may reap the fruits of their charges and labors."

<sup>16</sup>John Lewger and Jerome Hawley, *A Relation of Maryland* (1635), in Hall, *Narratives*, p. 96.

<sup>17</sup>"Career Files" sorted on arrival status, religion, and arrival date. The table covers those for whom there are records of having been in the province at any time between 1639 and 1660. Appendix 2 lists by name documented Maryland Catholics according to arrival status.

over or re-invented in Maryland. In addition the Catholics in Maryland possessed some of the same literature discussed earlier, including the bible, that took a positive view of working people. Seventy-five percent of the Maryland Catholics in the "Career Files" for whom there is sufficient evidence to make a determination were literate.<sup>18</sup> Pamphlets were plentiful, judging from the Maryland estate inventories.<sup>19</sup>

However, the best evidence for the Maryland Catholics' views about labor is their work-lives, legislation, and judicial cases. This is the focus in this second part of the chapter. The largest group of Catholic migrants were those who arrived free but without capital. Between 1633 and 1641, and from 1649 to 1656, they were granted a tract of 100 acres. From 1642 to 1648 the grant was 50 acres. Additional tracts were granted for a spouse or child. Single women received headrights equal to those of men. In Virginia the headright was 50 acres, so that between 1633 and 1641, and after 1649, an immigrant got twice as much acreage for coming to Maryland. The quit rent, which amounted to 1 percent of their gross income or about 1s for 50 acres, was what the market would allow and was the same in Virginia as in Maryland.<sup>20</sup> This was cheaper than in England, where annual rents averaged about 30 percent of the tenants gross income or between 5s to 8s per acre and £1 per acre. This reflected the difference in the market value of land and produce between England and Maryland and perhaps the Maryland tenants' political strength.<sup>21</sup>

Because one received free land did not mean it was possible to set up immediately as an independent operator. Table 2-3 shows that by 1642 after

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<sup>18</sup>"Career Files," sorted on religion, literacy, and date of arrival.

<sup>19</sup>See "Richard Lusthead's Estate" (Aug. 23, 1642), *Md. Arch.*, vol. 4, p. 94; "John Cockshot's Estate" (Oct. 28, 1642), *ibid.*, vol. 4, p. 97.

<sup>20</sup>Cecil Calvert, "Conditions of Plantation" (August 8, 1636), *Md. Arch.*, vol. 3, pp. 47-48; Cecil Calvert, "Conditions of Plantation" (Nov. 10, 1641), *ibid.*, vol. 3, pp. 99-100; Cecil Calvert, "Conditions of Plantation" (Aug. 20, 1648), *ibid.*, vol. 3, pp. 223-229; Cecil Calvert, "Conditions of Plantation" (July 2, 1649), *ibid.*, vol. 3, pp. 233-237. See also, Andrew White, S.J., *An Account of the Colony of the Lord Baron of Baltimore* (1633) in Hall, *Narratives*, p. 6; John Lewger and Jerome Hawley, *A Relation of Maryland* (1635), in Hall, *Narratives*, pp. 91-91, 95-96.

<sup>21</sup>Lewger and Hawley, *A Relation of Maryland* (1635), in Hall, *Narratives*, p. 81; Wesley Frank Craven, *The Southern Colonies in the Seventeenth Century: 1607-1689* (Baton Rouge: Louisiana State University Press, 1949), p. 192.

almost a decade of settlement, 76 percent (136 of the 177) of the free Europeans in Maryland still owned no land.

Table 2-3:  
Non-Landowner Figures in 1642<sup>22</sup>

<u>Status</u> <sup>23</sup>	<u>Landowner</u>	<u>Non-Landowner</u>	<u>Status Tot</u>
Free	41	136	177
Servants	0	53	53
<u>Indentured Svt</u>	<u>0</u>	<u>35</u>	<u>35</u>
Total Taxables	41	224	265

The land was free, and it only took three acres to grow the 3,000 to 10,000 tobacco plants that made up a 1,200 pound (4 hogsheads) harvest worth £15 in good years.<sup>24</sup> Three acres was about the maximum a single individual could farm. But as was noted earlier, one of the three ingredients for setting up a plantation besides the land was a minimal amount of capital, about £15, to pay survey and patent fees, to build a house, barn, and other outbuildings, and to purchase seed, cooking gear, hardware, tools, cloth, nails, and farm animals. A 100 acre tract could be patented for 500 of pounds of tobacco, which was equal to five months labor or £5.<sup>25</sup> The same tract could be rented for 100 pounds of tobacco per year.<sup>26</sup> Some bought their land by working it as sharecropper-tenants and purchasing it on credit over a three to seven year period.<sup>27</sup> A dirt-floored cottage from 10 feet by 10 feet to 15 by 30 feet could be put up, depending on size, for

<sup>22</sup>Table 2-3 is based on Menard, *Society and Economy*, p. 61.

<sup>23</sup>Russell Menard, "The Lord Baltimore and the Colonization of Maryland," *Early Maryland in a Wider World*, ed. David Quinn (Detroit: Wayne State University Press, 1982), pp. 68, 201.

<sup>24</sup>Menard, *Economy and Society*, pp. 239-240; Vertrees Wyckoff, *Tobacco Regulations in Colonial Maryland* (Baltimore: The Johns Hopkins University Studies, 1936), no. 22, p. 74.

<sup>25</sup>"William Eltonhead Estate Inventory" (July 1658), *Md. Arch.*, vol. 41, p. 103; Susan Gerard, "Court Proceedings" (Nov. 8, 1658), *ibid.*, vol. 41, pp. 143-144; John Richardson, "Bill of Sale" (Feb. 12, 1638), *ibid.*, vol. 4, p. 15; William Reavis, "The Maryland Gentry and Social Mobility, 1637-1676," *WMQ*, 14 (1957), 423. Susan Falb, *Advice and Ascent: The Development of the Maryland Assembly, 1635-1689* (New York: Garland Publishers, 1986), p. 220.

<sup>26</sup>Gloria Main, *Tobacco Colony: Life in Early Maryland, 1650-1720* (Princeton: Princeton University Press, 1982), p. 121.

<sup>27</sup>Menard, *Economy and Society*, pp. 177, 181, 183.

from 60 to 500 pounds of tobacco.<sup>28</sup>

Most free Catholics arrived with no capital. Between 1638 and 1645 they were faced with a depression in tobacco prices and a cut off in foreign capital investment. This made borrowing capital to set up one's farm difficult but not impossible. In 1642 the five major local landlord-creditors had extended at least some credit to 90 people.<sup>29</sup> The debtors were owner-operators, tenants, and servants who used their loans to buy farm animals, raise crops, or build a house. The pattern was often to become a free servant or tenant to one of the twelve landlords for the first five or ten years of settlement. During this period the immigrants accumulated enough capital to set up on their own. The wage scale was a "full share" or about £10 pounds per year, that is, the same as one would make by setting up as an independent operator. Therefore free laborers were not hired to work in the fields, but to engage in profitable sidelines.<sup>30</sup> Those with specialized skills did better. During the 1630s, Maryland carpenters got wages that were two to three times higher than in England and Ireland, plus food.

The work-life and expectations of the second largest group of Catholics, those who arrived as indentured servants, were similar to the first group. However, they were usually younger than the first group, with many being teenagers. To this group was added an initial period of from four to seven years of labor, depending on age and skill, prior to becoming a free servant or tenant. Those with skills served a shorter time.

Part of the indenture contract and "custom of the country" sometimes required that indentured servants be given land to plant their own crops and raise

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<sup>28</sup>Garry Stone, "Society, Housing, and Architecture in Early Maryland: John Lewger's St. John's," unpublished Ph.D. dissertation, University of Pennsylvania, 1982, pp. 169, 181.

<sup>29</sup>Menard, *Economy and Society*, p. 66, drawing upon *Md. Arch.*, vol. 4, pp. 68-166.

<sup>30</sup>Garry Stone, "Society, Housing, and Architecture," p. 115, comments about wage laborers in his study of John Lewger's plantation at St. Mary's:

Hiring free labor was prohibitively expensive unless Lewger had some profitable sideline requiring labor. Free laborers' wages ranged from 1,000 to 1,500 plus pounds of tobacco a year. In 1642, he hired a laborer with the promise of a cow.

See also, *ibid.*, pp. 116, 169; Hughes, *Society of Jesus*, text, vol. 1, p. 28; Peter Bowden, "Agricultural Prices, Wages, Farm Profits, and Rents," in Thirsk, *Agrarian History*, vol. 5, pt. 2, pp. 5, 91; Manfred Jonas, "Wages in Early Colonial Maryland," *MHM*, 51 (1956), 27-28. Wages ranged from about 20 pounds of tobacco per day to 300 pounds per month.

their own pigs, calves, and other farm animals, which they kept at the end of their service.<sup>31</sup> The master was also required at the end of service to give the servant 50 acres of land, five of which were cultivated, along with clothes and tools.<sup>32</sup> But the servant still had to accumulate capital in order to have the land surveyed and patented and to acquire the other necessities for establishing a plantation. A considerable number of former indentured servants had already managed to set themselves up as owner-operators by 1642. Russell Menard writes of them, "Men who had arrived without capital were establishing households with ease. Twenty to twenty-five men who arrived in Maryland as servants or poor immigrants had become freeholders by 1642."<sup>33</sup> By 1652 74 percent (16 out of 25) of the former indentured Catholic servants had become owner-operators.<sup>34</sup>

Free and indentured immigrants were not able to become owner-operators immediately both because they lacked capital and because tobacco farming was a skill that could be obtained only with experience. Working for one of the landlords was a way to obtain an education in soils, rainfall, mean temperatures, planting, tending, curing, and packing tobacco. Gloria Main comments on the skill demanded in tobacco production:

The success of tobacco culture demands the kind of knowledge acquired only through long experience and diligent attention to detail. Failure to make a proper judgment at any one of the crucial steps in harvesting, curing, and packing might not only reduce the quality of the product but even damage it beyond salvage by inducing fermentation and ultimate spoilage.<sup>35</sup>

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<sup>31</sup>John Hammond, *Leah and Rachel, or, The Two Fruitful Sisters, Virginia and Maryland* (1656) in Force, *Tracts*, no. 14, p. 292; Ann Kussmaul, *Servants in Husbandry in Early Modern England* (Cambridge: University Press, 1981), pp. 25, 39, notes the similar practices in England.

<sup>32</sup>Third Assembly, "An Act Limiting the Time of Service" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 80, states that in default of a contract, a servant got 3 barrels of corn, a hilling hoe, weeding hoe, falling ax, new cloth suit, a new monmouth cap, and a maid servant one new petticoat, one pair of new stockings; 4th Assembly, "An Act Touching Servants Clothes" (Oct. 30, 1640), *ibid.*, vol. 1, p. 97.

<sup>33</sup>Russell Menard, "Maryland's Time of Troubles: Sources of Political Disorder in Early Maryland," *MHM*, 76 (1981), 134.

<sup>34</sup>"Career Files" sorted on religion, arrival status, and land ownership. Appendix 3 lists the nine Catholics who never became landowners.

<sup>35</sup>Main, *Tobacco Colony*, p. 33.

Frequent court cases testify to the skill needed in production and the lack thereof.<sup>36</sup>

Labor was the common element in achieving capital and skill for most Catholics and was the third ingredient in rising from free or indentured servant to owner-operator. Tobacco was a labor intensive crop that required diligence for ten months of the year. It required more work per unit of output than any other commercial crop except flax and rice. It did not do well under gang labor, like sugar or cotton.<sup>37</sup> A nineteenth-century tobacco farmer commented on the work demanded of a tobacco farmer:

It would startle even an old planter to see an exact account of the labor devoured by an acre of tobacco, and the preparation of the crop for market. . . He would be astonished to discover how often he had passed over the land, and the tobacco through his hands, in fallowing, hilling, cutting off hills, planting and replantings, toppings, succerings, weedings, cuttings, picking up, removing out of ground by hand, hanging, striking, stripping, stemming, and prizing.<sup>38</sup>

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<sup>36</sup>Henry Pope and Sepharinah Hack, "Deposition" (Sept. 25, 1657), *Md. Arch.*, vol. 10, p. 531.

<sup>37</sup>Carr, et al. "Land, Labor, and Economies of Scale," p. 409, tabulate the days required for 3 acres of tobacco and 2 acres of corn production on a late seventeenth-century Maryland farm. The following summarizes their table:

Days Required for Tasks					
<u>Wk Days in Period</u>	<u>Tobacco Hills</u>		<u>Corn Hills</u>		<u>Days Left</u>
	<u>Days</u>	<u>Tasks</u>	<u>Days</u>	<u>Tasks</u>	
Jan.-Mar.	69.5	5.0	7.6	hill	55.4
		1.5		(2,420 hills)	
Apr.-June	71.5	28.1	1.8	plant	14.7
			14.4	weed	
				(3 times)	
		7.5			
		4.0			
		1.0			
July-Sept	73.5	43.0	2.0	sucker	13.5
			4.0	top	
		11.0			
Oct.-Dec.	71.5	5.0	4.8	gather,	41.7
			20.0	house	
		20.0		house	
Total Days	286.5	126.1	34.6		125.3

<sup>38</sup>John Taylor, *Arator, Being a Series of Agricultural Essays* (Georgetown, District of Columbia: J. M. and J. B. Carter, 1813), p. 267.

The tobacco crop cycle had three parts: growing, curing, and packing.<sup>39</sup> The first part of the cycle began in early spring. The planter made a seedbed and sowed tobacco seeds kept from the previous year. When the plants had grown to three inches, they were transplanted to prepared hills about four feet apart in other fields. The replanting took place in moist weather in June. The ground was kept clear of weeds by continuous hoeing, and tobacco worms were picked off daily. Within a month, the plant grew to a foot high. After the plants had put out about nine leaves, they were topped to prevent flowering and to force maximum growth in the existing leaves. The planters' large thumb nail, hardened in a candle, served as a tool for the topping process.<sup>40</sup>

Growing ended in September when the second part of the tobacco cycle, the curing process, began. Harvesters cut down the entire plant. The stalks were then taken to specially built houses where they were pegged and hung to cure in the air. It could take six weeks for the tobacco to reach the proper texture. The third part of the tobacco cycle was packing. The plants were "struck" down in moist weather when the leaves were made pliable by the dampness. They were stripped off the stalks, bundled into "hands," and packed into hogsheads. Average tobacco production rose from 700 pounds per planter in the 1630s to 1,300 in the 1650s.<sup>41</sup> The total provincial value of the tobacco as it left the farm in the 1640s was conservatively worth between £800 and £1,200.<sup>42</sup> A planter's average yearly income came to between £5 and £10 per year.<sup>43</sup>

Besides tobacco, the planters' labor was directed at other crops, including grain, livestock, pelts, and cider. An owner-operator would typically plant two or three acres of corn yielding 7 barrels in addition to tobacco. A 50 acre plantation usually consisted of one-half the land in woods, one-fourth in pasture, one-tenth

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<sup>39</sup>This outline is adapted from Main, *Tobacco Colony*, pp. 32-35; George Alsop, "A Character of the Province of Maryland" (1656), in Hall, *Narratives*, p. 363 and Carr, et al., "Land, Labor, and Economies of Scale," p. 409.

<sup>40</sup>Main, *Tobacco Colony*, p. 33.

<sup>41</sup>Menard, *Economy and Society*, pp. 71-72, 462, 490; Stone, "Society, Housing, and Architecture," p. 111.

<sup>42</sup>Stone, "Society, Housing, and Architecture," p. 45.

<sup>43</sup>*Ibid.*, p. 110; Menard, *Economy and Society*, pp. 71, 234, 475; Cecil Calvert, "Commission to sheriff of Kent Island to collect rent" (Dec. 7, 1640), *Md. Arch.*, vol. 3, p. 95. Tobacco prices ranged from 3d to 6d in the 1630s to 1d to 3d in the 1650s.

under cultivation, and the rest fallow and waste.<sup>44</sup> Lois Green Carr and Russell Menard characterize Maryland husbandry as a new "long-fallow agriculture," based on the value of labor, which yielded impressive productivity gains and substantial increases in wealth and income. They describe the system, which did not undermine the long-term fertility of the soil:

First, because the main crops, tobacco for export and corn for subsistence, were very demanding of soil nutrients, they required long rotations after short use if the land was to regain its fertility without manuring. The planter could grow tobacco for three years, followed by another three of corn, which has a deeper root system than tobacco and hence draws on another layer of soil, but the land then had to lie fallow for 20 years before yields could once again be profitable. To maintain this rotation, the planter required 20 acres per head, just for these two crops. Second, while seventeenth century planters introduced domestic livestock, they did not fence and feed it and hence could not use animal manure. Long rotations were therefore the rule. Third, the new system of husbandry afforded few returns to scale.<sup>45</sup>

This chapter argues that their migration to Maryland and back-breaking work in the tobacco fields is evidence of the value which Catholics placed on labor. The tree can be known by its fruit. In England an ordinary person with a low regard for labor could minimize work in their own lives by living at a subsistence level and on the margins of the market economy. The people who migrated to Maryland directed the bulk of their labor to the market economy. They did not tend, even during the depression between 1638 and 1645, to subsistence production, which would have lessened their labor. As John McCusker and Russell Menard put it, the planters responded "creatively" to the periodic depressions. Instead of "retreating into subsistence and riding out the storm," they improved productivity and sharply increased output per worker in the middle decades of the seventeenth century. Tighter and more-careful packaging

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<sup>44</sup>Main, *Tobacco Colony*, p. 41. Catholic women were involved in the field work, but except for widows or the unmarried, probably to a lesser degree than men. There was a customary division of labor. Women took care of the cattle, made butter and cheese, spun flax and wool, helped to sow, reap, and beat corn, wind silk from the worms, gathered fruits, looked after the house, washed, cooked, tended the herb and salad garden, gathered greens in the wild, and kept the poultry. See *Ibid.*, pp. 177-178.

<sup>45</sup>Carr, et al., "Land, Labor, and Economies of Scale," p. 409.

led to permanent savings in shipping costs.<sup>46</sup> They also experimented with new exports like grain, meat, and wood products.<sup>47</sup>

A further observation needs to be made about the work-lives of indentured servants. Once their indentures were served, most continued to labor in tobacco and eventually became owner-operators. They did not return to England or become subsistence farmers, which would have minimized their work. However, for a considerable number, during the period of their indenture, there is evidence that they did not have a high regard for labor. Many unilaterally ended or modified their indenture contracts by running off to live in nearby Indian villages or in Virginia, New York, Delaware, New England, or back to England, or by resorting to other forms of resistance, such as laziness, feigned sickness, theft, refusal to work, breaking and losing tools, mistreating and maiming animals, fighting, arson, alcohol abuse, murder, vexatious lawsuits, and suicide.<sup>48</sup> For example, the Catholic Thomas Allen in 1648 seems to have abused two Irish indentured servants, Nick and Mark. Allen made a will in April 1648 stating that if he died unexpectedly to suspect the pair. Later that year Allen's body washed up on shore at Point Look Out with three holes under the right shoulder and a broken skull.<sup>49</sup> Abbott Smith in his study of Maryland servants, refers to them as

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<sup>46</sup>John McCusker and Russell Menard, *The Economy of British America: 1607-1785* (Chapel Hill, N.C.: University of North Carolina Press, 1985), pp. 126-127.

<sup>47</sup>Lois Green Carr, Russell Menard, Lorena Walsh, "A Small Planter's Profits: The Cole Estate and the Growth of the Early Chesapeake Economy," *WMQ*, 40 (1983), 196.

<sup>48</sup>Edwin Beitzell, *The Jesuit Missions of St. Mary's County Maryland* (Abell, Md.: n.p., 1976), p. 22; Eugene J. McCormac, *White Servitude in Maryland, 1634-1820* (Baltimore: Johns Hopkins University Press, 1904), p. 48; "Declaration of Governor" (June 28, 1642), *Md. Arch.*, vol. 4, p. 67; "Act Against Run-Aways," *ibid.*, vol. 4, pp. 511-514, 517. Cecil Calvert, "Letter to Governor at New Amsterdam" (May 1, 1643), *ibid.*, vol. 4, p. 203, complained that 3 Irish servants, Brian Kelly, Cornelius O'Sulivant, and Balthasar Codd, took refuge with the Dutch; John Robinson, et al., "Depositions" (June 16, 1657), *Md. Arch.*, vol. 10, pp. 511-515; Hughes, *Society of Jesus*, text, vol. 2, p. 62. Second Assembly, "Bill for Punishment of Ill Servants" (Mar. 16, 1638), *ibid.*, vol. 1, p. 21, provided for the punishment of disobedient servants. "Lawrence Starkey, S.J." "Career Files," box 23 (three servants, John Carrington, Richard Wright and Henry Hide [1637-1676] refused to work for Starkey in 1651 and 1652). Carl Everstine, *The General Assembly of Maryland, 1634-1776* (Charlottesville, Va.: Michie, 1980), p. 70, mentions that servants carrying off the goods of their masters was serious enough that the 5th assembly acted as a trial court in one case. Main, *Tobacco Colony*, p. 114, discusses servant suicide. See also, *Md. Arch.*, vol. 54, pp. 362-363, 179, 184; vol. 10, pp. 416, 511, 513-516.

<sup>49</sup>"Thomas Allen," "Career Files," box 1.

"at best irresponsible, lazy, and ungoverned, and at worse frankly criminal in character."<sup>50</sup> Russell Menard comments that servants were "unruly and difficult to discipline."<sup>51</sup> Eugene McCormac writes that running away was characteristic of servitude and that it cut into profits:

One of the most noticeable features of indentured servants, and one which greatly impeded the successful operation of the institution, was the large number of runaways. There is abundant evidence that large numbers of servants deserted the service of their masters.<sup>52</sup>

Servants in the other English colonies and in England also showed negative views about labor and their masters. At St. Kitts and Nevis, they betrayed their masters to Spanish fleets; those in Barbados staged an island-wide rebellion.<sup>53</sup> Timothy Nourse wrote of the "pride" held by the servants whom he encountered:

There is not a more insolent and proud, a more intractable, perfidious, and a more churlish sort of people breathing, than the generality of our servants.<sup>54</sup>

Richard Dunn and Warren Billings remark on the tendency among indentured servants and slaves in Virginia to be lazy and rebellious. In Dunn's view, the laboring people were not so much opposed to labor as they were against not receiving the fruit of their labor, "They worked unwillingly because they could see no personal gain in their work."<sup>55</sup> Timothy Breen argues that the militancy of the Tidewater planters at the time of the American Revolution was related to their

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<sup>50</sup>Abbott Smith, "The indentured Servant and Land Speculation in Seventeenth-Century Maryland," *AHR*, 40 (1934-1935), 467-472.

<sup>51</sup>Menard, *Economy and Society*, p. 247.

<sup>52</sup>McCormac, *White Servitude in Maryland, 1634-1820*, p. 48. See also, Wesley Craven, *The Southern Colonies in the Seventeenth Century: 1607-1689* (Baton Rouge: Louisiana State University Press, 1949), vol. 1, p. 215.

<sup>53</sup>Richard Dunn, "Masters, Servants, and Slaves in the Colonial Chesapeake and the Caribbean," *Early Maryland in a Wider World*, ed. David Quinn (Detroit: Wayne State University Press, 1982), p. 248; Kussmul, *Servants in Husbandry*, p. 35, finds that servant theft of grain was a common form of resistance in Europe.

<sup>54</sup>Timothy Nourse, *Compania Felix, or a Discourse on the Benefits and Improvements of Husbandry* (London: T. Bennet, 1700), p. 200.

<sup>55</sup>Dunn, "Masters, Servants, and Slaves," p. 247; see also, Warren Billings (ed.), *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689* (Chapel Hill: University of North Carolina Press, 1975), p. 131.

fear of losing personal autonomy because of debt to London creditors.<sup>56</sup> The eighteenth-century planters did not want to be slaves to London merchants and probably their seventeenth-century ancestors did not want to be slaves to the local landlords. The eighteenth-century planters, as Breen points out, had a belief in labor. Idleness was seen as a vice. They had a sense of power and responsibility. They would rush out of bed when it rained at transplanting time and would stay up late at night in the fall involved in stripping, stemming, and packing.<sup>57</sup>

Although many Catholic indentured servants hated indentured labor, most of them, based on their post-indenture work-lives, held positive views toward labor when it was freely performed. The militancy against labor by some of them during their period of indenture, as Dunn and Breen suggest, had more to do with not receiving the fruit of their labor than with not liking labor. The tendency among indentured servants to resist exploitation can be seen as testimony to their belief in the labor theory of value. Instead of being an argument that servants had a low regard for labor, servant militancy against their masters can be seen as an argument for the value which they placed on their labors. It was in part because laboring people knew their value and resisted exploitation that the French in establishing settlements in Canada had the home government at times pay the passage and subsidize laboring people in their farming.<sup>58</sup> In eighteenth-century South Carolina, the provincial government also paid the passage for immigrants and subsidized their farming.<sup>59</sup>

It is in the context of laboring people having a high regard for the value of their labor that the leveling of most Maryland landlords in 1645 and 1646 should perhaps be regarded. The leveling followed the overthrow of the proprietor, which was led by the London ship captain Richard Ingle and his crew. Some Maryland working people, including Catholics, took a hand in the overthrow. They overthrew the absentee proprietor's governor and secretary because of his

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<sup>56</sup>T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton: Princeton University Press, 1985), p. xiii.

<sup>57</sup>*Ibid.*, pp. 48, 51.

<sup>58</sup>Peter Moogk, "Reluctant Exiles: Emigrants from France in Canada before 1760," *WMQ*, 46 (1989), 478.

<sup>59</sup>Warren B. Smith, *White Servitude in Colonial South Carolina* (Columbia: University of South Carolina Press, 1961), p. 58.

pro-royalist policies. But the six landlords that were leveled at the same time had generally been united with the ordinary planters in opposing the proprietor. The landlords included both Catholics and Protestants and their own tenants and servants, who were about 20 percent of the population, were the main local levelers. The owner-operators were not generally disturbed. Economics, including ideas about labor, not politics, seems to have been one of the reasons the local tenants and servants took part in the leveling. In England landlords, regardless of their religious or political beliefs, were similarly being leveled by tenants and servants seeking agrarian reform.<sup>60</sup>

The leveling's political background will be discussed in the next chapter. The interest in this chapter is the relation of the leveling to beliefs about labor. The Maryland levelers, like the levelers in England, did not wish to abolish property rights but rather to distribute property more in their own direction, that is in the direction of those whose work had produced it. The English levelers complained that they were "levelers, falsely so called."<sup>61</sup> One pamphlet stated, "We profess we never had it in our thoughts to level men's estates, it being the utmost of our aim that the commonwealth be reduced to such a pass that every man may with as much security as may be enjoy his property."<sup>62</sup> Morton points out that at the time laboring people saw the small property of the small man menaced "not by the poor but by the rich--by monopolists, greedy entrepreneurs, and enclosing landlords." It was against these that security was needed. The levelers represented and appealed in the main to the small and medium producers.

Some scholars maintain that the levelers also did not wish to abolish social hierarchy. However, leveler support for eliminating the peerage and episcopacy, two pillars of hierarchy, argues against this. The labor theory of value and the doctrine of antinomianism that were part of leveler thought also argue against a desire on their part to retain a landlord hierarchy based on birth and unearned wealth. Even among the gentry there were those who wished to reduce the

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<sup>60</sup>Christopher Clay, "Landlords and Estate Management in England," in Thirsk, *Agrarian History*, vol. 5, part 2, p. 123.

<sup>61</sup>A. L. Morton, "Introduction," *Freedom in Arms: A Selection of Leveler Writings* (New York: International Publishers, 1974), p. 23.

<sup>62</sup>Quoted in *ibid.*, p. 27.

hierarchy. An example was the Catholic Kenelm Digby, who served as an unofficial ambassador to France for Cromwell. R. T. Petersson describes Digby's "horizontal" views, "He was a believer in the idea of progress then sweeping across Europe, the new, disorganizing horizontal force that was gradually weakening and replacing the order of things called the `great chain of being.'"<sup>63</sup>

The role which ideas about labor played in the justifications for leveling in England was illustrated earlier. It will be recalled that Catholic pamphleteers called it a virtue for working people to rise up against the yoke of their "idle, vicious, and unworthy" masters and become masters of their own goods and labor.<sup>64</sup> The Catholic-educated William Petty viewed landlords as parasitical and tenants as productive, "Labor is the father and active principle of wealth."<sup>65</sup> He advised the establishment of a tax system that would transfer wealth "from the landlord and lazy, to the crafts and industrious."<sup>66</sup> From the antinomian perspective, as set forth in the leveler tracts, agrarian reforms against the landlords, including the liberation of indentured servants and tenants from exploitative conditions, brought the kingdom of God to earth.<sup>67</sup>

The Maryland levelers apparently thought the landlords were in possession of more than they deserved, that is, more than their "wages of superintendence" had produced. Aron Gurevich remarks, "In a class society, the

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<sup>63</sup>R. T. Petersson, *Sir Kenelm Digby: The Ornament of England, 1603-1665* (London: Jonathan Cape, 1956), p. 185.

<sup>64</sup>White, *Grounds of Obedience and Government*, p. 169. White, in addressing the issue of wealth distribution, seems to have had a better appreciation of distributive justice at the center of agrarian reform than authorities like Thomas Aquinas, who confined their analysis to just price issues. Barry Gordan, *Economic Analysis Before Adam Smith: Hesiod to Lessius* (New York: Macmillan, 1975), pp. 159, 178, remarks:

Because he related economic analysis mainly to questions of commutative rather than distributive justice, Aquinas offers little by way of insight into the theory of income distribution. . . Aquinas does not confront the issue of the relationship of commutation and distribution. . . There is no guarantee that the achievement of justice in pricing will ensure justice in distribution.

<sup>65</sup>Quoted in Edmond Fitzmaurice, *Life of William Petty* (London: J. Murray, 1895), p. 3.

<sup>66</sup>William Petty, *Treatise on Taxes and Contribution*, in Charles Hull (ed.), *The Economic Writings of Sir William Petty* (Cambridge: Cambridge University Press, 1899), vol. 1, p. 36.

<sup>67</sup>John Jubbes, *An Apology . . . touching a proceeding in a paper called Proposals for Peace and Freedom, offered from many worth citizens unto Commissioner General Ireton, for the concurrence of the army, after the prohibition of things of that nature* (London: 1649).

commandment 'Thou shalt not steal' protected property in a way that was much in the interests of the 'haves'.<sup>68</sup> But in a society dominated by the labor, the commandment about theft became the justification for laboring people to repossess the wealth they had created. Catholic tenants like William Lewis, Henry Hooper, and Robert Percy stopped paying the three barrels of corn in annual rent on their 21 year leases.<sup>69</sup> Indentured servants like the Catholic Elena Stephenson ran off or became squatters on the land they had been working for their masters.<sup>70</sup> Both indentured servants and tenants divided up the landlords' cattle, tools, grain, and household goods for their own use.<sup>71</sup>

Scholars like Lois Green Carr, Russell Menard, Lorena Walsh, and David Jordan find that servants generally had an opportunity to move up and have remarked that the relatively small number of levelers and the extent of their leveling should be kept in perspective.<sup>72</sup> Stephen Crow in discussing the leveling, mentions that "placed besides the Levelers, Diggers, and Fifth Monarchy Men, the colonists were a conservative lot, indeed."<sup>73</sup> However, the differences between Maryland and English leveling was probably not about belief in the value of labor. Levelers both in England and Maryland, as indicated by their conduct, held there was nothing sacred about landlordism and the ability of a small class of people to accumulate wealth produced by others. To the extent the Maryland leveling can be called "conservative," it was probably because there was less to level in Maryland than in England. A majority of the working people in Maryland had already achieved and were in the process of achieving much of the Digger program by 1645: taxes were small and non-existent on food and other necessities, and the colony had an annual parliament, a wide franchise, equal constituencies, no tithes or bishops, a simplified legal system, no imprisonment

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<sup>68</sup>Gurevich, *Categories of Medieval Culture*, p. 242.

<sup>69</sup>"Thomas Gerard," "Career Files;" Hughes, *Society of Jesus*, text, vol. 2, p. 25; Stone, "Society, Housing, and Architecture," p. 346.

<sup>70</sup>"Deposition of John Greenway" (Feb. 14, 1650), *Md. Arch.*, vol. 4, p. 524.

<sup>71</sup>Stephen Salmon, "Suit against Cuthbert Fenwick" (Dec. 22, 1647), *Md. Arch.*, vol. 4, p. 362; Giles Brent, "Suit against William Cox" (June 23, 1648), *ibid.*, vol. 4, p. 395.

<sup>72</sup>Dunn, "Masters, Servants, and Slaves," p. 248.

<sup>73</sup>Steven Crow, "Left at Libertie: The Effects of the English Civil War and Interregnum on the American Colonies, 1640-1660," unpublished Ph.D. dissertation, University of Wisconsin, 1974, p. 4.

for debt, and no enclosures.<sup>74</sup> The Maryland levelers were small in numbers, just as in England, but their beliefs about labor were widely shared. Keeping the levelers in perspective does not mean ignoring them, as they give evidence about the way labor was viewed in Maryland. Morton remarks about the English levelers:

A party that held the center of the stage for three of the most crucial years in our nation's history, voiced the aspiration of the unprivileged masses, and was able to express with such force ideas that have been behind every great social advance since their time, cannot be regarded as wholly a failure or deserve to be wholly forgotten.<sup>75</sup>

A second source in addition to work-lives, militant or otherwise, for evidence that the Catholics had positive beliefs concerning labor is the assembly and judicial records. There are two themes in the records that seem to make a statement about the value of labor. These are first, the honor and rights which were given working people and second, their pride in and lack of shame for being working people.

Concerning the first theme, one way the records show working people were held in honor relates to terms of honor such as "gentleman." In England such terms of honor were not customarily used for manual laborers. But it was noted earlier that there were English Catholics, as reflected in their pamphlet literature, who turned the customary use of such terms on their head and used scripture to support their thinking. The assembly records suggest the terms were likewise turned on their head by Maryland Catholics. The term "gentleman" was often used to honor the hardest working and most successful manual laborers. At least eight Catholics who started out as indentured servants and became owner-operators or artisans were referred to as gentlemen. They did not have great wealth or substantial amounts of land. This indicates manual workers were honored.<sup>76</sup> Every owner-operator was a manual laborer, complete with calloused

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<sup>74</sup>Carr, et al., "A Small Planter's Profits," p. 188; Morton, *Freedom in Arms*, p. 28.

<sup>75</sup>Morton, *Freedom in Arms*, p. 73.

<sup>76</sup>"Career Files," sorted on religion, title, and arrival status. The eight Catholics who started out as indentured servants and became gentlemen were Henry Adams (d. 1686), John Althome (d. 1640), Robert Clark (1611-1664), Cuthbert Fenwick (1614-1655), Henry Hooper (d. 1650), Barnaby Jackson (d. 1670), James Langworth (1630-1661), and James Pattison (d. 1698).

hands and hardened thumbnails, for whom hoeing hills and pinching suckers was a way of life. Being a Maryland gentleman, as Lois Green Carr, Russell Menard, and Lorena Walsh point out about the Catholic Robert Cole during the 1650s, did not mean quitting manual labor; rather manual labor was for most Catholics an indispensable part of being a gentleman.<sup>77</sup> Cole called himself a yeoman, meaning a field worker, and a gentleman.

The records show working people were given honor and also at least three different types of rights. In England the franchise was limited to about a third of the adult male population: the gentry, the 40 shillings freeholders, and the merchants.<sup>78</sup> Property qualifications kept working people from holding office. In Maryland all freemen, not merely freeholders, both European and African, including artisans with no land, tenants, and share croppers voted and served as assembly delegates, jury members, and holders of public office such as sheriff.<sup>79</sup> Mathias de Sousa, a mulatto who migrated in 1633 from Portugal, was a member of the March 23, 1642 assembly.<sup>80</sup> The 1638, 1642, and 1648 assemblies were run as town and parish meetings, which, if like in England and New England, would have included women.<sup>81</sup> Edward Papenfuse lists Margaret Brent as an official member of the tenth assembly.<sup>82</sup> As a lawyer she was politically

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<sup>77</sup>Carr, et al., "A Small Planter's Profits," p. 175.

<sup>78</sup>Derek Hirst, *The Representative of the People? Voters and Voting in England Under the Early Stuarts* (Cambridge: University Press, 1975), pp. 5, 22, 32, 157, 233.

<sup>79</sup>Seventh Assembly, "Proceedings" (Sept. 5, 1642), *Md. Arch.*, vol. 1, p. 170; Falb, *Advice and Ascent*, p. 90; John L. Bozman, *The History of Maryland* (Spartenberg: Reprint Co., [1837], 1968), vol. 2, p. 322. It was only in 1670 that Maryland enacted property qualifications for voting.

<sup>80</sup>"Matthew de Sousa," "Career Files," box 8; Mathias de Sousa, "Affidavit" (Nov. 2, 1642), *Md. Arch.*, vol. 4, p. 138. In 1671 he had himself naturalized by the provincial court. This was probably because by then the Maryland landlords were making it dangerous to be of African origin. In the 1640s citizenship and its rights were safer.

<sup>81</sup>Seventh Assembly, "Proceedings" (Sept. 5, 1642), *Md. Arch.*, vol. 1, p. 170; Bozman, *History of Maryland*, vol. 2, pp. 317, 322; Menard, *Economy and Society*, p. 313. Mary Dunn, "Saints and Sisters: Congregational and Quaker Women in the Early Colonial Period," *American Quarterly*, 30 (1978), 585-586, writes that among the justifications given for taking part in church government was the scripture-backed right to prophesize and the passage from Gal. 8:28, "There is neither male nor female; you are all one in Jesus Christ." See Edward Channing, *A History of the United States* (New York: Macmillan, 1912), p. 267; Keith Thomas, "Women and the Civil War Sects," *PP*, 13 (1958), 46-47.

<sup>82</sup>Papenfuse, *Dictionary*, p. 19.

influential throughout the period. In England birth and inheritance were often honored by political privileges. In Maryland, labor was sometimes honored by such privileges.

Besides the franchise a second political right enjoyed by working people, including indentured servants and women, was the right to contract and to litigate in the provincial court.<sup>83</sup> Indentured servants, including the Catholics John Askins, Henry Adams, John Harrington, and James Langworth, brought suits against their masters, summoned witnesses, and demanded jury trials, which they sometimes won.<sup>84</sup> Susan Frizell ran away from her master because of harsh usage. The provincial court freed her from servitude on condition she pay her master 500 pounds of tobacco to reimburse his cost.<sup>85</sup> Russell Menard comments that "the provincial courts seem to have taken seriously its obligation to enforce the terms of indentures and protect servants' rights."<sup>86</sup> Being a laborer with valued skills at times could save one from the full rigors of the law. John Dandy was an illiterate Catholic blacksmith. In 1644 he was sentenced by the provincial court to death for shooting to death an Indian boy named Edward in the stomach. Because Dandy was one of the few people in the province that knew how to make gun locks and other necessities, however, he was pardoned, on condition he

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<sup>83</sup>The Catholic pamphleteer Thomas White, *Grounds of Obedience and Government*, p. 28, contested the belief of those landlords who tended to hold like Thomas Aquinas that laboring people had no right to contract. White wrote, as noted *supra*, p. 86:

None think a husbandman, who is hired to till or fence a piece of ground, obeys the hirer more than he that sells a piece of cloth obeys the buyer, because he takes his money; but they are said to contract and perform their part of the bargain.

Aquinas, *On the Governance of Rulers*, ed. Gerald Phelan (Toronto: St. Michaels College Press, 1935), p. 33, wrote that servants were those whose "bodies belong to another." See also Thomas Aquinas, *Summa Theologiae: Latin Text and English Translation, Introduction, Notes*, ed. Thomas Gilby, O.P. (60 vols. New York: McGraw-Hill, 1964), vol. 37, p. 17, 2a2ae, q. 57, art. 4.

<sup>84</sup>"Career Files"; "Court Proceedings" (June 19, 1638), *Md. Arch.*, vol. 4, pp. 35-39; McCormac, *White Servitude in Maryland*, p. 61; Main, *Tobacco Colony*, p. 116; James Sharpe, "The People and the Law," *Popular Culture in Seventeenth-Century England*, ed. Barry Reay (New York: St. Martin's Press, 1985), pp. 247, 255, discusses the use of the courts by servants and laboring people in 17th-century Europe.

<sup>85</sup>"Susan Frizell," "Career Files."

<sup>86</sup>Menard, *Economy and Society*, p. 69; Mary B. Norton, "Gender and Defamation in Seventeenth-Century Maryland," *WMQ* 44 (Jan. 1987), 5, discusses women like the Catholic Elinor Spinke, who obtained a jury verdict.

become a servant for seven years and serve as the public executioner. However in 1657 Dandy killed his lame servant, Henry Gough by breaking his head with the pole of an ax. This time Dandy was sentenced to be hung by 24 jurors. Despite his skill as an arms manufacturer, the sentence was carried out.<sup>87</sup>

In addition to franchise and judicial rights, a third group of rights that reflected the value in which labor was held were possessed specifically by indentured servants. In some assemblies starting in 1638, a large number of the voters and assembly delegates were former indentured servants. The legislation of servant rights may have reflected in part the value which the former servants placed on protecting indentured servants.<sup>88</sup> If such was the motivation, then it was different from that which motivated Parliament in making concessions to laboring people. As described by Clive Holmes, Christopher Hill, and Roger Manning, the English gentry in Parliament made concessions not because it was in their interest but because they feared revolution. Hill comments about the parliamentary cliques having to come into the open in 1642 to head movements which "threatened to turn. . . against the gentry as a whole if those who were able to give a lead failed to do so." "I am their leader, I must follow them.' To say that by these means `incipient social tension was quickly brought under control' is to ignore the history of the next decade in which `the leaders' badly lost control."<sup>89</sup>

One right specifically for indentured servants began with the second assembly in 1638. It limited the period of service time for which a landlord could contract.<sup>90</sup> If servants came at age twenty or above, four years was the limit. Another right granted servants freedom from labor on Sunday and perhaps on

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<sup>87</sup>"John Dandy," "Career Files," box 7; "Case of John Dandy in the Provincial Court" (Sept. 23, 1657), *Md. Arch.*, vol. 10, p. 522.

<sup>88</sup>The second assembly of 1638 had 15 former indentured servants as delegates. Eleven former indentured servant delegates were Catholics. See "Career Files" sorted on religion, arrival status, cross referenced with Papenfuse, *Dictionary*; Appendix 4. The legislation of servant rights also reflected the militancy discussed earlier. For example, legislation requiring indentured servants be granted land, food, and clothing on completing their service was meant to encourage them to stay in the province and finish their indenture.

<sup>89</sup>Christopher Hill, "Debate: Parliament and People in Seventeenth-Century England," *PP*, no. 98 (1983), 157.

<sup>90</sup>Second Assembly, "Bill for Limiting the Times of Service" (Mar. 17, 1638), *Md. Arch.*, vol. 1, p. 21; 3rd Assembly, "Proposed Act Limiting the Times of Servants" (Mar. 19, 1639), *ibid.*, vol. 1, p. 80.

about forty holydays.<sup>91</sup> Saturday afternoons and Sundays were the days indentured servants customarily tended to their own crops, as well as to hunting, fowling, fishing, and spiritual and social needs. A third right made them full members of the militia, including having their own arms provided and periodic drilling instructions.<sup>92</sup>

The institutionalized denial of labor's rights through the enslavement of Africans and Indians existed in the 1650s in a few instances but was a minor part of the economy.<sup>93</sup> There were several proposed acts in 1639 dealing with slaves, but they were not enacted.<sup>94</sup> In 1649 capital punishment was provided by the assembly for anyone attempting to enslave Indians.<sup>95</sup>

Besides honoring and giving rights to laboring people, the records seem to make a statement about the value of labor in a second way. In some of the Catholic gentry's literature in England, labor was viewed as a base activity about which one should be ashamed. However, this was not a view shared by all English Catholics. In the Maryland assembly and court records, one finds no indication that Catholics viewed their labor with shame.

For example, the assembly of 1649, a majority of whose members with

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<sup>91</sup>Third Assembly, "Proposed Act for the Authority of Justice of the Peace" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 53; 11th Assembly, "An Act Concerning Religion" (Apr. 21, 1649), *ibid.*, vol. 1, pp. 245-246; "Court Proceedings" (June 19, 1638), *ibid.*, vol. 4, pp. 35-39.

<sup>92</sup>Third Assembly, "An Act Ordering Certain Laws for the Government of this Province" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 83; 3rd Assembly, "Proposed Act for Military Discipline," (Mar. 19, 1639), *ibid.*, vol. 1, pp. 77-78; 11th Assembly, "An Act for Militia" (Apr. 21, 1649), *ibid.*, vol. 1, pp. 254-255.

<sup>93</sup>Hannah Littleworth, "Examination on Death of Tony" (Dec. 2, 1658), *Md. Arch.*, vol. 41, pp. 190, 205, mentions both an African and an Indian slave. See also *ibid.*, vol. 7, pp. 203-205. John Baptista, "a moore from Barbary" successfully petitioned the provincial court for his freedom by proving that Simon Overzee, who had "brought him in, did not sell him for his life time." See Thomas Prichard, "Deposition" (June 17, 1661), *Md. Arch.*, vol. 41, p. 499; Stone, "Society, Housing, and Architecture," p. 42.

<sup>94</sup>"Proposed Act Limiting the Time of Servants" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 80; "Act for the Liberties of the People" (Mar. 19, 1639), *ibid.*, vol. 1, p. 41; Alan Watson, *Slave Law in the Americas* (Athens: University of Georgia Press, 1989); Thomas Morris, "'Villeinage. . . as it existed in England, reflects but little on our Subject': The Problem of the Sources of Southern Slavery," *American Journal of Legal History*, 32 (1988), 107. Slavery was part of English statutory and common law in the institution of villeinage, which dated from Roman times. In remote parts of England it continued into the seventeenth century.

<sup>95</sup>Eleventh Assembly, "An Act Touching Indians" (Apr. 21, 1649), *Md. Arch.*, vol. 1, p. 250; 14th assembly, "Stealing of Indians" (Oct. 11, 1654), *ibid.*, vol. 1, p. 346.

known religion were Catholic, was unwilling to enact a code of laws that the proprietor had sent over. They justified themselves not by detailing their objections to the code, but by saying they were ordinary laboring people who had to be at work in their fields. They did not have time to develop an elaborate criticism of his code. "Most of us," they wrote, "are forced upon necessary employment in a crop at this time of year, most of us having no other means of subsistence."<sup>96</sup> Had the assembly representatives been embarrassed about their labor and their having "no other means of subsistence," they probably would not have publicized it in a public document which they collectively sent to the proprietor. They could have found a more "honorable" objection to the code.

Another illustration in the records of a seeming absence of shame about being planters occurred the following year. The transplanting of tobacco from seed beds to prepared hills in other fields took place in moist weather in June. A court day broke up on June 25, 1650 in St. Mary's, when "upon the earnest motion of the inhabitants to be discharged, it being very like to be plantable weather."<sup>97</sup> Enthusiasm not to let judicial matters interfere with their crops was a natural reaction of planters who valued their work. There was no shame associated with it.

Rather than shame, one sometimes sees pride. It was noted that in the English pamphlet literature, some of the Catholics manifested a pride in labor. This can also be seen in the Maryland pamphlet literature. The anonymous author of the pamphlet, *Complaint from Heaven with a Hue and Cry* (1676), looking back to the Civil War period, told with pride of how indentured servants had been able by "hard labor" to advance themselves:

We confess a great many of us came in servants to others, but we adventured our lives for it, and got our poor living with hard labor out of the ground in a terrible wilderness, and soon have advanced ourselves much thereby.<sup>98</sup>

In 1649 the Catholic laborer Nicholas Keiting described his period of service with

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<sup>96</sup>Assembly, "Letter to Cecil Calvert" (Apr. 21, 1649), *Md. Arch.*, vol. 1, p. 241.

<sup>97</sup>"Court Business" (June 25, 1650), *Md. Arch.*, vol. 10, p. 27.

<sup>98</sup>Quoted in Krugler, "With Promise of Liberty," p. 39.

apparent pride as "truly accomplished."<sup>99</sup>

It has been seen that most Catholics, whether they arrived as indentured or free, were manual laborers. They manifested a belief in the value of labor by their work-lives. Their assembly and judicial records also reflected such beliefs. Mention also needs to be made, however, about the labor beliefs of two other groups of Maryland Catholics who did not spend most of their time hoeing tobacco: the artisans and professionals on the one hand and the landlords on the other. Both these groups, it is argued, had a positive view of labor, although some contrary views were held by the landlords.

About one quarter of the Catholics in the "Career Files" never owned land at all. They worked as artisans, innkeepers, professionals, and merchants. Among the Catholic artisans were carpenters, blacksmiths, millers, tailors, and surgeons.<sup>100</sup> Catholic women artisans and professionals included Elizabeth Willan and the Irish-born Audrey Daly, who were tailors.<sup>101</sup> Several Irish Catholic women worked as maid servants for the Protestant merchant Robert Slye and the Catholic planter Thomas Gerard in the 1650s.<sup>102</sup> During the 1650s the Maryland assembly authorized a Catholic woman to run a public ferry, since her cottage was near the crossing.<sup>103</sup> The Catholic Katherine Hebden worked as one of the province's two or three physicians during the 1640s and 1650s. That she had an extensive practice can be seen by the numerous suits which she had to file for her fees. These included suits against the government to pay for doctoring injured militia members.<sup>104</sup> Margaret Brent was an attorney.<sup>105</sup> Among her clients were both Catholics and Protestants. The diligence of the work-life and views about labor among artisans and professionals do not seem to have differed

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<sup>99</sup>"Nicholas Keiting versus Giles Brent" (Jan. 15, 1649), *Md. Arch.*, vol. 1, p. 468.

<sup>100</sup>Appendix 3 has a listing of these Catholics.

<sup>101</sup>"Audrey Daly," "Career Files," box 29; "Elizabeth Willan," "Career Files," box 31.

<sup>102</sup>"Francis Fitzherbert," "Career Files," box 9.

<sup>103</sup>Julia Spruill, *Women's Life and Work in the Southern Colonies* (New York: Russell and Russell, 1938), p. 241. Laurita Gibson, "Catholic Women of Colonial Maryland," unpublished M.A. Thesis, Catholic University of America, 1939, p. 32, states the woman's name was "Mrs. Fenwick."

<sup>104</sup>Katherine Hebden, "Receipt for Payment from Dutch Custom for Services" (Aug. 30, 1651), *Md. Arch.*, vol. 10, p. 375; "Katherine Hebden," "Career Files," box 29.

<sup>105</sup>"Margaret Brent," "Career Files," box 27.

from those of the owner-operators.

The third part of this chapter examines the labor beliefs of the Maryland landlords. With the exception of a few professionals, about 95 percent of the Catholics, like the Protestants, supported themselves by manual labor. This needs to be emphasized because it has sometimes been held, even as recently as 1984 in the authoritative *Maryland Historical Magazine*, that Catholics were not laboring people, but gentry.<sup>106</sup> Some Catholics were gentry in the eighteenth century, but by English standards there were no gentry in the Civil War period. Starting more than 40 years ago, Wesley Craven and many since him have pointed out that it was not the gentry but owner-operators who dominated seventeenth-century tobacco production.<sup>107</sup> But since Craven and those after him have not specifically studied the Catholics, the belief has persisted that Catholics were an exception, the one group of gentry landlords that migrated to Maryland.

One of several factors which has misled writers about the nature of Maryland Catholicism was that the gentry institution of "manor lord" was transported to the province.<sup>108</sup> But this was merely a marketing device created by the proprietor in his unsuccessful effort to interest people with wealth to migrate to Maryland.<sup>109</sup> Maryland's manor lords were not gentry, but mainly laboring people like Nicholas Harvey and Richard Gardiner (1616-1651). Neither could spell their names. They lived in one- and two-room cottages, of wattle and daub, with thatched roofs, dirt floors, and clay-covered log chimneys.<sup>110</sup>

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<sup>106</sup>John Krugler "'With Promise of Liberty in Religion,' The Catholics Lord Baltimore and Toleration in Seventeenth-Century Maryland, 1634-1692," *MHM*, 79 (Spring 1984), p. 37; Michael Graham, "Lord Baltimore's Pious Enterprise: Toleration and Community in Colonial Maryland," unpublished Ph.D. dissertation, University of Michigan, 1983, p. 99; Charles Mclean Andrews, *The Colonial Period of American History* (4 vols., New Haven: Yale University Press, 1936), vol. 2, p. 298; Harry Newman, *Seigniorship in Early Maryland* (Baltimore: Descendants of Lords of the Maryland Manors, 1949), p. 7; Henry Newman, *The Flowering of the Maryland Palatinate* (Baltimore: Genealogical Publishing Company [1961], 1984).

<sup>107</sup>Craven, *Southern Colonies in the Seventeenth Century*, pp. 209, 220. More recently, McCusker et al., *Economy of British America*, p. 124.

<sup>108</sup>Newman, *Flowering of the Maryland Palatinate*, p. 10.

<sup>109</sup>Hughes, *Society of Jesus*, text, vol. 2, p. 633; Bozman, *History of Maryland*, vol. 1, p. 133.

<sup>110</sup>"Career Files"; Thomas Cornwallis, "Letter to Cecil Calvert" (April 16, 1638), *Calv. Pap.*, p. 174; M. W. Barley, "Rural Building in England," in Thirsk, *Agrarian History*, vol. 5, pt. 2, pp. 657, 682; Lorena Walsh, "Charles County, Maryland, 1658-1705: A Study of Chesapeake



There would have been more landlords, but those with the most negative views about labor seem to have returned to England soon after arriving in Maryland in the 1630s. They had come to make a quick fortune through land speculation and the exploitation of indentured labor. But they found that only labor awaited them. In 1635 one of them voiced the low regard which perhaps most of them felt about laboring people: "They [the Maryland population] are for the most part the scum of the people taken up promiscuously as vagrants and runaways from their English masters, debauched, idle, lazy squanderers, jailbirds, and the like."<sup>113</sup>

An illustration of the negative views about labor from among those who chose to remain in Maryland was articulated by the clergy in 1633. As might be expected, it had a theological twist and was similar to some of the English gentry pamphlet literature, "Enthusiastic souls and noble minds think of nothing but divine things, and consider nothing but heavenly things."<sup>114</sup> Andrew White, S.J. did not think labor was part of the heavenly order. At one point the clergy complained that the economic downturn might force them "to become planters ourselves," as if that was an evil.<sup>115</sup> The clergy had been trained in Spain and Portugal where domestic African slavery and the negative views of labor which

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Maurice Thompson, a London merchant. The highest tax payer among the women in the "Tax List" (Nov. 1, 1642), *Md. Arch.*, vol. 3, pp. 120-126, was Mary Tranton of unknown religion. She was taxed at 30 pounds of tobacco. Most Catholics paid 2 pounds.

<sup>113</sup>Robert Winter, "Letter" (1635), quoted in Ralph Semmes, *Crime and Punishment in Early Maryland* (Baltimore: Johns Hopkins University Press, 1938), p. 81. An illustration of the quick return pattern can be seen in the case of those described by the proprietor in a 1634 letter to Thomas Wentworth, Earl of Strafford. The proprietor remarked that "nearly twenty gentlemen of very good fashion and three hundred laboring men were in the settlement." See Newman, *Flowering of the Maryland Palatinate*, p. 155. The letter actually listed seventeen, not twenty names. By the time the Civil War started five years later in 1639, only five of the seventeen gentlemen named by the proprietor were still in Maryland. Six had returned to England and six had died. Those that returned are listed in the "Career Files" and Brian Magee, *The English Recusants* (London: Burns and Oates, 1938), pp. 141-149. One was not from the gentry and had migrated as a servant. See "John Hill," "Career Files." Two (Thomas Greene and John Metcalfe) came without significant capital and became owner-operators. Two others (Thomas Cornwallis and Leonard Calvert) became "improving landlords."

<sup>114</sup>White, *An Account of the Colony of the Lord Baron of Baltimore* (1633) in Hall, *Narratives*, p. 7.

<sup>115</sup>Copley, "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, p. 164.

went with it were common.<sup>116</sup> Having an African as a domestic slave was a fashionable item in seventeenth-century Portugal and ten percent of Lisbon's population in the 1600s were slaves. The Jesuits were the largest institutional owner of slaves in Brazil.<sup>117</sup> The Maryland clergy transported Mathias de Sousa, who was of African origins in 1633 from Portugal.<sup>118</sup> Between 1580 and 1640 the Spanish crown ruled the Portuguese empire. As early as 1444 the Portuguese Bishop of Algarve, like many landlords of the period, had invested in slave buying expeditions to Guinea. In 1537 Pope Paul III authorized a slave market at Lisbon at which 12,000 Africans were sold yearly for transportation to the West Indies. Each slave that passed through São Tomé, a central Portuguese port for Angola and the Congo, was branded with a cross.<sup>119</sup> Between 1516 and the 1620s, the crown commonly sold licenses to Portuguese convents, monasteries, and religious orders to import slaves. By 1620 Spain and Portugal had 250,000 African slaves.<sup>120</sup>

Despite what ever negative sentiments they may have had, the landlords who ended up staying in Maryland, including the clergy, were or became less negative about labor. Several of the clergy even became full-time or part-time farm managers, which would indicate the value which they came to attach to such work.<sup>121</sup> Another of the clergy worked as a school teacher.<sup>122</sup> It was not unusual for them to be on the side of the planters in their confrontations with the

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<sup>116</sup>Krugler, "With Promise of Liberty," p. 35; Beitzell, *Jesuit Missions*, p. 16.

<sup>117</sup>James Lockhart and Stuart Schwartz, *Early Latin America: A History of Colonial Spanish America and Brazil* (Cambridge: Cambridge University Press, 1983), pp. 18, 27, 391.

<sup>118</sup>Mathias de Sousa, "Affidavit" (Nov. 2, 1642), *Md. Arch.*, vol. 4, p. 138; "Mathias de Sousa," "Career Files," box 8.

<sup>119</sup>William Phillips, *Slavery from Roman Times to the Early Transatlantic Trade* (Minneapolis: University of Minnesota Press, 1985), pp. 138, 156, 186; John Thornton, *The Kingdom of the Kongo: Civil War and Transition, 1641-1718* (Madison: University of Wisconsin Press, 1983); John Thornton, "The Development of an African Catholic Church in the Kingdom of the Kongo, 1491-1750," *Journal of African History*, 25 (1984), 147; Anne Hilton, *The Kingdom of Kongo* (Oxford: Oxford University Press, 1983).

<sup>120</sup>Alden Vaughan, "The Origins Debate: Slavery and Racism in Seventeenth-Century Virginia," *Virginia Magazine of History and Biography*, 97 (July 1989), 322.

<sup>121</sup>Krugler, "Puritan and Papist," p. 169.

<sup>122</sup>Graham, "Lord Baltimore's Pious Enterprise," p. 85. Edward Goebel, *A Study of Catholic Secondary Education During the Colonial Period up to the First Plenary Council of Baltimore* (New York: Benzenger Bros., 1937), p. 11.

proprietor. Andrew White, S.J., for example, taking the point of view of labor, criticized the proprietor for living like a prince in splendor when he should be considering "the poverty and paucity of the planters."<sup>123</sup>

It might be thought that because they owned most of the indentured servants and land, the landlords could afford to be idle and indulge a contempt for labor. But just the opposite was the case. Prior to and during the Civil War, being a Maryland landlord was a losing business for even the best managers. A depression in tobacco prices occurred from 1636 to 1645, followed by a political revolution that included an economic leveling of many landlords. Indentured servants during the depression cost more to maintain than the value they produced in cash crops.<sup>124</sup> By 1642 the number of indentured servants had dropped to between 13 and 37 percent of the total population, depending on how one calculates it.<sup>125</sup> Few indentured servants were brought in after 1638 because it was unprofitable, and the indentures of those brought in prior to 1638 were running out. The landlords were reduced to asking their former servants to stay on to work for full shares of the tobacco and corn crops. In return, the tenants would help with the other chores.

In addition to indentured servants, land was also a liability to the landlords during the depression because the proprietor collected an annual tax, based on the number of acres, which became substantial on large holdings. This was despite much of the land not being in productive use. For example, Thomas Greene, although he was not a large investor, had been induced to migrate in the first ship of settlers in return for a 10,000 acre grant. According to his calculations, the ten barrels of corn valued at between £15 and £30 he paid yearly in quit rent to the proprietor was worth more than the value of the tract.<sup>126</sup> In 1639 he was

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<sup>123</sup>Andrew White, S.J., "Letter to Lord Baltimore" (Feb. 20, 1639), *Calv. Pap.*, p. 204. In resisting the proprietor White, *ibid.*, p. 205, quoted the Roman stoic Seneca (d. 65 A.D.). For Seneca, *On Benefits (De beneficiis)* (London: George Bell and Sons, 1900), p. viii, the paramount virtue was endurance.

<sup>124</sup>According to estimates as to expenses and income from keeping indentured servants by Garry Stone, "Society, Housing, and Architecture," p. 110, the landlords may have lost as much as £4 per year on each servant during the period.

<sup>125</sup>Menard, "Maryland's Time of Troubles," p. 134; Menard, *Economy and Society*, p. 61; Stone, "Society, Housing, and Architecture," p. 42.

<sup>126</sup>Newman, *Flowering of the Maryland Palatinate*, p. 214. A barrel of corn was worth

contemplating deserting the province because he had only three servants to help him. Even these would shortly be free.<sup>127</sup>

The clergy were articulate in recording the double liability concerning servants and land to which the depression exposed landlords. Thomas Copley, S.J., summarized the problem in a 1638 letter:

A payment of one barrel of corn for every one hundred acres of ground yearly is perhaps not very heavy to one who getting a mate and laboring faithfully himself, and taking but one hundred acres, will have no great difficulty to pay it, but to a gentleman, who has a company of headstrong servants who in the beginning especially shall scarcely maintain themselves, this burden will come heavy.<sup>128</sup>

The Maryland landlords who actually stayed in Maryland were all "improvers," either by desire or necessity.<sup>129</sup> According to Ronald Meek, such landlords believed their income came from their own labor and knowledge, the "wages of superintendence" as it was called.<sup>130</sup> In his study of Virginia, Martin Quitt finds the landlords there had a positive view of labor not unlike that of their counterparts in Maryland. There was no "counter ideology as in England that

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between £1½ and £3.

<sup>127</sup>Thomas Copley, S.J., "Letter to Cecil Calvert" (Apr. 3, 1639), *Calv. Pap.*, p. 159. In a similar situation was Thomas Gerard (1608-1677), one of the six Catholic landlords. He had borrowed £200 from his brother-in-law to get a land grant in Maryland. After a life of diligent farm management that has been documented by Lorena Walsh, he died in 1673. The value of his estate came to £242, not much more than his original loan, which he had never re-paid. Walsh comments on Gerard's career, "While rents constituted an important source of income for most English gentlemen of this period, being a Maryland manor lord simply did not pay very well." See Walsh, "Community Networks in the Early Chesapeake," in Carr, *Colonial Chesapeake Society*, p. 211, see also, p. 203; "Thomas Gerard," "Career Files," box 10. Another of the improving Catholic landlords was Leonard Calvert. He died in 1647 at the age of 41 with personal property valued at £110. See "Inventory of Lands, Goods, and Chattels of Leonard Calvert's Estate" (June 30, 1647), *Md. Arch.*, vol. 4, pp. 320-321.

<sup>128</sup>Thomas Copley, S.J., "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, p. 159.

<sup>129</sup>John Lewger was typical in having no leisure. When he was asked by the proprietor in 1638 to catch and send over some of Maryland's native birds, he responded, "I have myself so little leisure to look after such things, that I can promise little concerning them." See John Lewger, "Letter to Cecil Calvert" (Apr. 25, 1638), *Calv. Pap.*, p. 198.

<sup>130</sup>Ronald Meek, *Studies in the Labor Theory of Value* (London: Lawrence and Wishart, 1973), p. 26. Carr, et al., "A Small Planter's Profits," p. 174, points out that Maryland landlords were not generally improvers in the sense of owning iron plows or rotating crops in the manner that would dominate in the eighteenth century. But they were improvers in developing a system of husbandry that maximized productivity under the conditions that were open to them.

denigrated" labor. Quitt remarks:

If the ideal gentleman in England was a rentier whose income let him devote himself to a life of cultivated leisure, there is no evidence to suggest that this concept weighed much in the cultural baggage of immigrant leaders. Historians often have noted how the exigencies of tobacco culture and merchandising left little time for leisured pursuits even for the wealthiest planters. . . Theirs was not the ethic of the English country house or the London court, where refined idleness was considered a gentlemanly virtue. Their values were akin to the city of London.<sup>131</sup>

Typical of the Catholic landlord improvers was Thomas Cornwallis. His £1,000 investment was not great by English standards, but in Maryland that made him, along with the clergy, Maryland's largest landlord. In contrast to the Maryland landlords, who at best netted less than £100 per year, the rental income for the lowest rank of English gentry, the gentlemen, averaged £280.<sup>132</sup> Cornwallis owned 100 cattle and oversaw the production of 100,000 pounds of tobacco per year. He transported 71 indentured servants, was a licensed Indian trader, and owned 16,000 acres.<sup>133</sup> Cornwallis worked hard supervising wage laborers and indentured servants, building and managing an unprofitable grain mill, buying and selling commodities and supplies, not only on his own account but as the agent of many of the small planters, and contracting, collecting, and paying debts.<sup>134</sup> He wrote in 1638 that "I have to my no little prejudice employed myself and servants in public service. . . I love to be the manager of my own

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<sup>131</sup>Martin Quitt, "Immigrant Origin of the Virginia Gentry," *WMQ*, 45 (1988), 643-644.

<sup>132</sup>Gregory King, *Two Tracts, (a) Natural and Political Observations and Conclusions upon the State and Conditions of England, (b) of the Naval Trade of England*, ed. George Barnett (Baltimore: The Johns Hopkins University Press, 1936), p. 31; Lawrence Stone, "The Crisis of Aristocracy," *Social Change and Revolution in England: 1540-1640* (London: Longmans, Green and Co., 1965), p. 117. The rental income for knights averaged £650 and for esquires £450. The average value of a baronet's estate in the 1640s was £11,000. At the top were those who sat in the House of Lords and owned property in the 1640s that on average was worth £30,000. The yearly rental income of barons and viscounts averaged about £3,000 and of earls £5,000. See Edith Klotz, "Wealth of Royalist Peers and Baronets During the Puritan Revolution" in *EngHR*, 58 (1943), 119. Thomas Wilson, *The State of England, 1600*, ed. F. J. Fisher, in *CM*, 52 (3rd series, 1936), 52; F. M. Thompson, "The Social Distribution of Landlord Property in England since the Sixteenth Century," *EcoHR*, 19 (1966), 509.

<sup>133</sup>Papenfuse, *Dictionary*, p. 235; Edwin Beitzell, "Captain Thomas Cornwallis: Forgotten Leader in the Founding of Maryland," *CSM*, 20 (July 1972), 175, 177-178.

<sup>134</sup>McCusker and Menard, *The Economy of British America*, p. 24.

affairs."<sup>135</sup> Despite his labor he was barely able to "keep from sinking."<sup>136</sup> He stated he was lucky to make £60 per year.<sup>137</sup> He sold out at the end of the Civil War period for £1,200, little more than what he had started with and returned to England.<sup>138</sup>

In addition to the depression, the landlords who stayed were unable to live idle lives despite their investment because of the constant tendency of their servants to run off and otherwise minimize the landlord's profits. The largest example of this, the 1645-1646 leveling, has been noted. Landlords lost their livestock, household furnishings, and crops. Thomas Cornwallis alone lost 100 head of cattle, each of which was worth a full years labor to the servants and tenants who took them. Years later Cornwallis and the other landlords were still trying to reclaim their cattle from those who had changed the markings on them.<sup>139</sup> It was because of the depression and the servant revolt that very few indentured servants were owned during the Civil War era. None of the twenty-three documented Catholics who died during the period, including at least one who was a landlord, had any record of having owned an indentured servant at the time of their death.<sup>140</sup> Some of the landlords probably had a low regard for labor, but by necessity they spent their lives contributing to the productive process.

### The English Gentry's Beliefs About Labor

The fourth and last part of the chapter compares the thinking of the Maryland Catholics with the beliefs about labor of at least one type of frequently publishing English Catholic gentry. The beliefs of these non-improvers are sometimes referred to as "bastard feudalism," that is, a revival of ideas that were

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<sup>135</sup>Thomas Cornwallis, "Letter to Cecil Calvert" (Apr. 16, 1638), reproduced in Beitzell, "Captain Thomas Cornwallis," pp. 174, 176.

<sup>136</sup>*Ibid.*, 175.

<sup>137</sup>*Ibid.*, pp. 175, 177.

<sup>138</sup>Thomas Cornwallis, "Indenture of Sale" (Aug. 9, 1661), *Md. Arch.*, vol. 49, pp. 3-6.

<sup>139</sup>Giles Brent, "Suit against William Cox" (June 23, 1648), *Md. Arch.*, vol. 4, p. 395; Beitzell, *Jesuit Missions*, p. 22.

<sup>140</sup>Stone, "Society, History, and Architecture," p. 25; "Career Files," sorted on religion, date of death, and number of servants.

never widely believed in the feudal period except by landlords and were glorified in the seventeenth century mainly by the gentry. How these gentry disseminated their beliefs will be taken up later. This study is not about the gentry, but it is useful to outline their thinking to show what the Catholics did not find useful in Maryland. It was mentioned in the discussion of the Maryland leveling that the Catholics did not think the landlord order was especially sacred. By looking at the gentry's thinking, it can be seen that it was not a random event that the working people arrived at their views. The gentry had a system of beliefs designed to make themselves and everyone else believe in the sacred nature of unearned wealth.

In the pamphlets which many Catholic gentry wrote or purchased for themselves, wealth was said to come from God, a windfall.<sup>141</sup> It did not come from laboring people. The Catholic landlord Thomas Meynell of North Kilvington in Yorkshire gave thanks in his commonplace book because God had always maintained him in gentry status:

God's providence did very much increase our estate. . . I poor wretch beseech his blessed mother to thank this majesty in my behalf to uphold our name, family, and armory: so he always furnished with means to maintain our gentry--my worthy mother brought lands and worship to this house from whom I derived and had five cote armours.<sup>142</sup>

Wealth was also said to be a reward to the gentry for being morally superior to laboring people, "Our ancestors who raised their titles upon noble actions were men of heaven."<sup>143</sup> Landlords were "types of the heavenly lord," the "image and splendor of the lord's divinity."<sup>144</sup>

To reach an alternative position, it is argued here, Catholic laboring people had equally strong beliefs. The contrast between the non-improving gentry

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<sup>141</sup>Archbishop Salvian of Marseille, *Quis Dives Salvus: How a Rich Man May be Saved, written to the Catholic Church of Marseille about the year 480* (1618) in *ERL*, vol. 170, pp. 75, 82.

<sup>142</sup>Hugh Aveling, *Northern Catholics: The Catholic Recusants of the North Riding, Yorkshire, 1558-1790* (London: Geoffrey Chapman, 1966), p. 287.

<sup>143</sup>Nicholas Caussin, *The Holy Court, or the Christian Institution of Men of Quality with Examples of those who in Court have Flourished in Sanctity* [1634, etc.] 1977), trans. Basil Brooke in *ERL*, vol. 367, pt. 1, p. 182.

<sup>144</sup>*Ibid.*, vol. 3, p. 1, vol. 1, p. 301.

and working people's beliefs points up both the uniqueness and the antinomian character of the Maryland Catholic thinking. Catholic thinking was not derivative from or respectful of the gentry's thinking. In taking up the views of the gentry, it is appropriate to recall that one of the arguments in this study is that anti-Catholic persecution was not significant in the lives of most Catholics. There was persecution, but it was mostly economic, and it was waged by Catholic and Protestant landlords against the Catholic and Protestant tenantry. The vehicles of persecution were economic institutions, the law, education, and theology. The teaching of contempt for labor and laboring people that was reflected in gentry theology was part of the persecution.

The gentry's beliefs about labor not only contrasted with but were an assault on the beliefs of working people. In some instances the contempt was blatant, as when landlords and their clergy ridiculed tenants as "base-born and lowly," called labor a vile activity, refused basic ecclesiastical services to them, and advised gentry sons and daughters against marrying them. The contempt, however, was probably mainly embodied in doctrines that sought to divert laboring people from their political rights and economic justice. These doctrines taught that God had a special regard for the rich. This included the idea that God had established the landlord system, that it was a virtue for a small number of landlords to monopolize the land and draw away much of the annual wealth produced by the tenantry, and the idea that disobedience or rebellion against the established order was sinful.

To appreciate the significance of the gentry's beliefs about labor, it is useful to outline the economic context of their beliefs. In 1641 about 4.5 million acres or 15 to 20 percent of England's 25 million cultivated acres was monopolized by 200 families. These were mainly peers, that is dukes, marquises, earls, viscounts, and barons.<sup>145</sup> The peerage was established by law as a separate order and their yearly rental income as a group amounted to £600,000 or about 5s to 8s per acre. Fifteen percent (20 out of 125) of the peers were Catholics.<sup>146</sup> In

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<sup>145</sup>F. M. Thompson, "The Social Distribution of Landlord Property in England since the Sixteenth Century," *EcoHR*, 19 (1966), 509-510.

<sup>146</sup>Gillow, *A Literary*, vol. 1, pp. 68-70, vol. 2, pp. 138-142, vol. 5, p. 515; *DNB*, vol. 1, p. 616; Newman, *Royalist Officers*, pp. 6, 81, 113, 259, 286, 288, 331, 350, 352.

addition to the peerage, about 50 percent of the land was owned by less than 20,000 gentry or one percent of England's 5 million population.<sup>147</sup> Several thousand of these were Catholics.<sup>148</sup> They took in the form of rent and the surplus value created by wage labor about one-third of the annual wealth produced by tenants and labor.<sup>149</sup> The non-peerage landholding families were what one contemporary called "lower class nobility."<sup>150</sup> Peter Laslett remarks that "the peerage in England was for all purposes at one with the gentry as a whole," rather than "a class apart."<sup>151</sup>

The Catholic gentry were less than 5 percent of the estimated 60,000 recusant Catholic population.<sup>152</sup> They received the housing, nutritional, educational, and political benefits which land ownership brought. Many of the Catholic gentry who partially conformed to the established church attended Oxford, Cambridge, and the inns of court, and they were elected to the House of Commons.<sup>153</sup> They also did service in lesser offices, such as sheriff, constable,

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<sup>147</sup>Edward Wrigley and R. S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (London: Edward Arnold, 1981), p. 208; King, *Two Tracts*, pp. 18, 30; G. S. Holmes, "Gregory King and the Social Structure of Pre-Industrial England" in *TRHS*, 27 (1977); Thompson, "Social Distribution of Landlord Property," pp. 513-514.

<sup>148</sup>Among the lesser nobility (knights, baronets, esquires, gentlemen), Brian Magee, *The English Recusants* (London: Burns and Oates, 1938), pp. 138-149, in an early study found a minimum of 262 Catholics. More recent studies have found five or ten times this number of Catholic lesser nobility. See B. G. Blackwood, *The Lancashire Gentry and the Great Rebellion, 1640-1660* (Manchester: Manchester University Press, Cheltenham Society Series, 1978), no. 25, pp. 27-28, 30, 38; Cliffe, *Yorkshire Gentry*, p. 186; Sheldon J. Watts, *From Border to Middleshire: Northumberland 1586-1625* (Leicester: Leicester University Press, 1975), pp. 82-83; C. B. Phillips, "The Gentry in Cumberland and Westmoreland, 1600-1665." Ph.D. diss., Lancaster University, 1974, p. 46.

<sup>149</sup>King, *Two Tracts*, p. 36; Robert Brenner, "Development in Pre-Industrial Europe," *The Brenner Debate: Agrarian Class Structure and Economic Development in Preindustrial Europe*, ed. T. H. Aston (New York: Cambridge University Press, 1985), p. 31.

<sup>150</sup>Edmund Bolton, *The Cities Advocate, in this Case or Question of Honor and Armes: whether apprenticeship extinguish gentry?* (Norwood, N.J.: W. J. Johnson, [1629] 1975), p. 45.

<sup>151</sup>Peter Laslett, *The World We Have Lost* (London: Methuen, 1971), p. 40; see also, David Mathew, *The Social Structure in Caroline England* (Oxford: Clarendon Press, 1948), p. 39.

<sup>152</sup>Bossy, *English Catholic Community*, pp. 188, 422; see also Magee, *English Recusants*, pp. 205, 207; David Mosler, "Warwickshire Catholics in the Civil War," *RH*, 15 (1980), 259, 261.

<sup>153</sup>Newman, *Royalist Officers*, pp. 7, 21-22, 92, 211, 313, 361-362, 377, 419, 441.

and justice of the peace.<sup>154</sup> They had a share in leases of crown (national) resources, in the sale of political offices, and in the royally granted manufacturing and trading monopolies.<sup>155</sup>

The gentry-subsidized Catholic books, sermons, schools, and priests taught that God intended landlords and the wealthy to live off the labor of and dominate over the majority.<sup>156</sup> This was the same doctrine held dear by Protestant landlords.<sup>157</sup> One Catholic writer, said by bibliographer Joseph Gillow to have been "for many years in great favor, especially among Catholics," summarized the gentry's glorification of their idleness:

O you noble men, God uses you as Adam in terrestrial paradise, he suffereth you to eat the corn at ease, which others have sowed, and the wine which others pressed; he causes your meat to come to your table, as if it were borne by certain invisible engines; he holds the elements, creatures, and men in breath, to supply your necessities.<sup>158</sup>

The gentry to a greater or lesser degree commonly believed God had constituted their blood a separate, non-laboring race, distinct from and better than ordinary people. This idea of a separate race paralleled the type of racial beliefs based on national origins and color which resulted in those of African and semitic origin not being allowed at the time to attend various Catholic colleges, enter some religious orders, or gain church offices.<sup>159</sup> The blood which flowed in the

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<sup>154</sup>*Ibid.*, pp. 73, 167, 199, 220-221, 253, 262, 263, 291, 408; Havran, *The Catholics in Caroline England*, p. 69; Wilbur K. Jordan, *The Development of Religious Toleration in England* (Cambridge: Harvard University Press, 1932), p. 175; Godfrey Anstruther, *Vaux of Harrowden, A Recusant Family* (Newport, Eng.: R. H. Jones, 1953), p. 451.

<sup>155</sup>J. W. Blake, "The Farm of the Guinea Trade in 1631," *Essays in British and Irish History in Honor of James E. Todd*, eds. Henry A. Cronne and D. B. Quinn (London: F. Muller, 1949), pp. 86-106.

<sup>156</sup>Robert Wintour, *To Live Like Princes: A Short Treatise Concerning the New Plantation Now Erecting in Maryland*, ed. John Krugler (Baltimore: Enoch Pratt Free Library, [1635], 1976), p. 30.

<sup>157</sup>Margo Todd, *Christian Humanism and the Puritan Social Order* (New York: Cambridge University Press, 1987), p. 89.

<sup>158</sup>Caussin, *Holy Court*, tome 1, p. 16; Gillow, *A Literary*, vol. 3, p. 195.

<sup>159</sup>Colin Palmer, *Slaves of the White God: Blacks in Mexico, 1570-1650* (Cambridge: Harvard University Press, 1976), p. 54; A. G. Dickens, *The Counter Reformation* (Norwich, Eng.: Harcourt, Brace and Ward, 1969), p. 48; Richard Hoffman, "Outsiders by Birth and Blood: Racist Ideologies and Realities around the Periphery of Medieval European Culture," *Studies in*

gentry's veins was said to be the source of their supposed beauty, impetuosity, leadership, and martial qualities. One had to have noble blood in order to ride and control a horse well. The following illustrates typical racial beliefs:

Great men have many more talents from God, for the traffic of virtues than others have. The bodies of nobles and gentlemen are ordinarily better composed, and as it were more delicately molded by the artful hands of nature. They have their senses more subtle, their spirits more agile, their members better proportioned, their garb more gentle and grace more accomplished, and all these prepare a safe shop for the soul to exercise her functions with greater liberty.<sup>160</sup>

The history of these beliefs about the racial superiority of the gentry went back at least to the slave system of classical antiquity in which people of different race, language, and religion were attacked.<sup>161</sup> The Greek and Roman slavocracy taught that certain people were by nature destined to be slaves. As set forth in Aristotle and Cicero these people, along with women, were justifiably subordinated because by nature the landlord class was superior in reasoning ability.<sup>162</sup> The early Christian and ancient classical writers found in the libraries of and cited by seventeenth-century landlords as authorities were themselves landlords and their dependents.<sup>163</sup> These included the fifth-century Macrobius in

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*Medieval and Renaissance History*, ns 6 (1983), 14-20. Lockhart and Schwartz, *Early Latin America*, p. 225 discuss the "purity of blood" (*limpeça de sangue*) code used against Spanish Jews who converted to Catholicism:

Discrimination against Jews was now continued as discrimination against new Christians, regardless of the depth of their adherence to Christianity. The stigma carried from generation to generation, and a man whose family knew nothing of Judaism might still find a new Christian grandmother given as the reason for exclusion from office, positions or honors. What were supposedly religious distinctions and discriminations became ethnic, supported by the code of "purity of blood." A profound faith in Christianity did not free an individual from the weight of his origin.

<sup>160</sup>Caussin, *Holy Court*, vol. 1, p. 7.

<sup>161</sup>Joseph de Guibert, *The Jesuits: Their Spiritual Doctrine and Practice, A Historical Study* (Chicago: Institute of Jesuit Sources, 1964), p. 575; Ellen M. Wood, *Class Ideology and Ancient Political Theory: Socrates, Plato and Aristotle in Social Context* (New York: Oxford University Press, 1978), pp. 3-4, 142; Adrian Sherwin-White, *Racial Prejudice in Imperial Rome* (London: Cambridge University Press, 1967), pp. vii, 2.

<sup>162</sup>Aristotle, *The Politics*, ed. Benjamin Jowitt (Oxford: Clarendon Press, [1885] 1920), p. 127, III, 13, 3.

<sup>163</sup>Virgilio Cepari, S.J., *The Life of B. Aloysius Gonzaga* ([1627], 1974) in *ERL*, vol.

*Saturnalia*, Pseudo-Dionysius in *The Celestial Hierarchy*, Augustine in *The City of God*, and the sixth-century Gregory the Great (Pope Gregory I) in *The Pastoral Care*.<sup>164</sup> Augustine was typical in using the argument of the superior nature of the slave-owning class to justify slavery, "The justice of masters dominating slaves is clear, because those who excel in reason should excel in power."<sup>165</sup>

Probably the leading authority on the superiority of the gentry and on issues relating to labor and frequently cited in the writings of gentry like George Calvert, the proprietor's father, was Thomas Aquinas.<sup>166</sup> Aquinas was from a gentry family.<sup>167</sup> The Council of Trent (1545-1564) had sparked a revival of interest in him and his popularization of Aristotle's conservative views of society.<sup>168</sup> Aquinas was probably more authoritative with the seventeenth-century

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201, p. 347; Peter Holmes, *Resistance and Compromise: The Political Thought of the Elizabethan Catholics* (London: Cambridge University Press, 1982), p. 180; Caussin, *Holy Court*, vol. 1, p. 81, vol. 2, pp. 207, 252, 305; Herbert Adams, *Catalogue of Books Printed on the Continent of Europe 1501-1600 in Cambridge Libraries* (2 vols., London: Cambridge University Press, 1967), vol. 1, p. 693-694.

<sup>164</sup>Pseudo-Dionysius, *The Works of Dionysius the Areopagite*, ed. John Parker (Merrick, N.Y.: Richwood Publishers, [1899] 1976), pp. 13, 440.

<sup>165</sup>Augustine, quoted by Charles Verlinden, "Slavery," in *Dictionary of the Middle Ages*, ed. Joseph Strayer (New York: Scribner, 1989), vol. 11, p. 334. Aquinas, *Summa Theologiae*, vol. 37, p. 11, 2a-2ae, q. 57, art. 3, took the same position, "Aristotle says, it is expedient for the slave to be ruled by a wiser whom he serves. Servitude, which is part of the *ius gentium* [international law] is natural [law]."

<sup>166</sup>L. B. [Lord Baltimore, George Calvert], *The Answer to the Judgment of a Divine upon the Letter of the Lay Catholics, to my Lord Bishop of Chalcedon* (1631) in *ERL*, vol. 55, pp. 49-53, is illustrative of the gentry's use of Aquinas as an authority.

<sup>167</sup>J. A. Weisheipl, *Friar Thomas D'Aquino, His Life, Thought and Work* (Garden City, NY: Doubleday, 1974), pp. 7-8, 15-18; Lester Little, *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Commune* (Bergamo: Smith College and Pierluigi Lubrina Editore, 1988), p. 41.

<sup>168</sup>Hugh Kearney, *Scholars and Gentlemen: Universities and Society in Pre-Industrial Britain, 1500-1700* (Ithaca: Cornell University Press, 1970); H. J. Schroeder, O.P., *Canons and Decrees of the Council of Trent: Original Text with Translation* (St. Louis: Herder Books, 1941), p. 176. Margo Todd, *Christian Humanism*, p. 73, suggests the reason for Aquinas's revival, from Rome's perspective, was the need for an authority to counter scripture and the priesthood of believers. Aquinas belonged to a religious order, the Dominicans, which unlike the secular clergy, was directly under Rome's control. He and his order were in some respects part of Rome's ecclesiastical aggression. Christopher Ryan (ed.), *The Religious Roles of the Papacy: Ideals and Realities, 1150-1300* (Toronto: Pontifical Institute of Medieval Studies, 1989), p. 194, comments that Aquinas taught that bishops derived their spiritual powers directly from the pope, not from divine right, that is not from God through consecration as a bishop nor from the sacrament of Holy Orders.

gentry than he had been in his own time. One can see in the notebooks kept by Catholic students on the continent, which found their way into the libraries at Cambridge and Oxford, the influence of Aquinas. Margo Todd remarks concerning these commonplace books:

Extant notebooks of English Catholic students at Cagliari (in Sardinia), Rome and Salamanca consist either of unadulterated Thomistic commentary on the Latin text of Aristotle, or of the combined comments of the medieval schoolmen and such contemporary figures as Cajetan, Tolleta, Desoto, Medina, Molina, Suarez, Becanus, and Vasquez.<sup>169</sup>

One does not find in Aquinas a justification for the agrarian reform and slavery abolition doctrines that had been sought by working people beginning at least with the ancient Romans. Instead it was said that landlords collected the rent as "God's elected stewards of His goods."<sup>170</sup> Heaven was the ideal that should be imitated on earth, a place both of contemplation (mental prayer, the "beatific vision") and of military orders of angels, but not of productive labor.<sup>171</sup> The further from the material, the closer to God. Robert Bellarmine, S.J., a widely read Thomistic theologian of the period, commented:

Things are so much the more noble, and eminent, by how much the more pure, and more abstracted from matter. This we see first in corporeal things: for water is superior to earth in nature, because purer. On the same account, air is superior to water, fire to air, and heaven to fire. We see the same thing in spiritual things. For the understanding is superior to sense, because sense has a bodily organ, which the understanding needs not. The understanding of an angel is superior to that of man, because man needs the ministry of imagination and fancy, which an angel does not. Among angels,

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<sup>169</sup>Todd, *Christian Humanism*, p. 79.

<sup>170</sup>Aquinas, *Summa Theologiae*, vol. 41, pp. 221-224, pt. 2a-2ae, q. 117, art. 1, ad. 1.

<sup>171</sup>*Ibid.*, vol. 14, pp. 126-127, pt. 1a, q. 108, art. 2; vol. 41, pp. 222-223, pt. 2a-2ae, q. 117, art. 2, ad. 2; Thomas Aquinas, *The Religious State (De perfectione vitae spiritualis)*, ed. F. J. Procter (St. Louis: B. Herder, 1902), p. vii; Thomas Aquinas, *Commentary on the Metaphysics of Aristotle (Metaphysicam aristotelis commentaria)*, ed. John Rowan (Chicago: H. Regency, 1961), bk. 1, sect. 30; Ignatius Loyola, *Spiritual Exercises*, ed. Louis Puhl, S.J. (Chicago: Loyola University Press, 1951), p. 45, paragraph 98; Robert Persons, S.J., *The Christian Directory: Guiding Men to Eternal Salvation, Commonly called the Resolution ([1582, etc.] 1970) in ERL, vol. 41, pp. 95-96, 510; Colleen McDannell and Bernhard Lang, Heaven: A History (New Haven: Yale University Press, 1988).*

those are of a superior rank, who understand most things by the general species. God, only is a pure act, and stands in need of nothing without himself, neither organ, imagination, nor species. No, not the presence of any object without himself, but his essence itself is all things to him. . . . On these accounts I say the divine nature is most high and sublime, and God can by no means have an equal.<sup>172</sup>

In the pamphlets written and translated by many seventeenth-century gentry, both Catholic and Protestant, the heavenly order was held to resemble the Platonic ideal-changeless and motionless.<sup>173</sup> This was the point of the Catholic royalist army officer, Vivian Molyneux, in his translation of *A Treatise of the Differences between the Temporal and Eternal*.<sup>174</sup> Prayer and religious practices, and even public service, meaning ruling and soldiering, were compatible with the Platonic ideal, but not manual labor. God himself and the angels were warriors who combined contemplation and war. Catholic gentry like Garrat Barry lived the tradition of the monk-knights and militarized prayer. They praised themselves for "their excellence of war-like virtue," or what one of their critics called "heroic laziness."<sup>175</sup> Some 8,000 English Catholic troops, half in the Scottish regiment under the Scotch Catholic Archibald Campbell, 7th Earl of Argyle, served in the Spanish army in the 1620s and 1630s against the Dutch during the Republic of the Seven United Provinces's war for independence. The conflict started in 1581 and lasted until 1648.— The Catholic gentleman Richard Gerard came to Maryland

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<sup>172</sup>Robert Bellarmine, S.J., *The Soul's Ascension to God, by the Steps of Creation* ([1616] 1970), trans. Francis Young, in *ERL*, vol. 22, p. 166; see also, Paul Kuntz, "The Hierarchical Vision of St. Roberto Bellarmino," *Jacobs Ladder and the Tree of Life: Concepts of Hierarchy and the Great Chain of Being*, ed. Marion Kuntz (New York: Plong, 1987), p. 111.

<sup>173</sup>Jean Puget de la Serre (d. 1665), *The Sweet Thoughts of Death and Eternity* (1632), *ERL*, vol. 142; Edward Maihew (d. 1625), *A Paradise of Prayers and Meditations* (1613), *ERL*, vol. 132.

<sup>174</sup>Juan Eusebius Nieremberg, S.J., *A Treatise of the Differences between the Temporal and Eternal*, trans. Vivian Molyneux (London: n.p., 1672), pp. 52, 228, 261, 371.

<sup>175</sup>Garrat Barry, *A Discourse of Military Discipline* ([1634] 1978) in *ERL*, vol. 389, intro. pp. 2-3, text p. 1; Aron G. Gurevich, *Categories of Medieval Culture* (Boston: Rutledge and Kegan Paul, 1985), p. 259; Nieremberg, S.J., *A Treatise of the Differences*, p. 364.

<sup>176</sup>Anstruther, *Vaux of Harrowden*, pp. 432-434; Geoffrey Parker, *The Army of Flanders and the Spanish Road, 1559-1659: The Logistics of Spanish Victory and Defeat in the Low Countries* (Cambridge: Cambridge University Press, 1972). It cost Spain £20 per head to get English Catholic soldiers to Flanders. Gold and silver mined in America was used by Spain to wage the war.

from Lancashire in 1634 but left within six months to follow the "honorable" career of a soldier in the Spanish army against the Dutch. Manual labor was not honorable.–

There were two aspects to the gentry's beliefs about labor. As has been seen, one aspect tended to glorify the gentry and their living idle off the wealth of others. The other aspect of the gentry's beliefs was that labor and laboring people were of low regard. They traced their authority for such thinking back to the Roman classics and the early Christian writers such as Pope Gregory the Great, who had taught that God made producers lowly.<sup>178</sup> God did this in order to

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<sup>177</sup>Newman, "Richard Gerard," *Royalist Officers*, p. 153.

<sup>178</sup>Classical Roman writings against laboring people which were popular with the seventeenth-century gentry included Cicero's *On Moral Obligation (De Officiis)*, trans. John Higginbotham (London: Faber, 1967), pp. 92-93, book 1, chapter 42, par. 150-152:

Equally ungentlemanly and sordid are the earnings of hired hands who are paid for their physical efforts rather than their skill; for the very wages they receive are a token of slavery. Retail dealers are little better, for they have little to gain unless they are pretty dishonest, and deserve no credit if they are. The occupation of a crafts-person is also to be scorned, for what well-born person could possibly spend their time in a workshop? Least of all to be commended are those trades which pander to our desires, the ones that Terence (*Eunuch*, II, 2, 26) mentions such as butchers, cooks, sausage-makers, salt, and fresh fishmongers.

These professions which require skilled training or fulfill a useful function, such as medicine, architecture, or the teaching of the liberal arts, are reputable for those whose station in life they suit. The career of a merchant is only to be despised if pursued on a small scale, but if it includes large and valuable transactions and imports from all over the world resulting in clientele from honest dealing, it is not so much to be condemned; in fact, if those who indulge in it become satisfied or at any rate are prepared to be content with their profits, and retire from the harbor to their country estate just as they had frequently retired to the harbor from the sea, this seems to be entirely commendable. But of all the sources of income the life of a [gentleman] farmer is the best, pleasantest, most profitable and most befitting a gentleman.

See also Cicero, *The Speeches with an English Translation: Pro Flacco. . . Pro Domo*, (Cambridge: Harvard University Press, 1937), XVIII, XXXIII.

Roman religion and Roman gods were used against laboring people, as in the case of Suetonius, *Claudius* ed. J. Mothershead (Bristol: British Classical Library, [120 A.D.] 1986), p. 91, XXII; Servius, *Ad Georgics* (400 A.D.), 1.268; Horace (8 B.C.), *Horace: Epodes and Odes* (Norman: University of Oklahoma Press, 1991), III, 1, 1. For example when the *pontifices* were going to offer sacrifices, *calcatores* (servants, attendants) were sent to order workers to stop so they would not defile the eyes of the priests and the rites of the gods. The presence of working people defiled holy rites. Canon law in the seventeenth century outlawed the Catholic clergy from employment such as being carpenters, laborers, and plowmen because manual labor would lower the dignity of the priesthood. See *Corpus Juris Canonici*, vol. 3, *Clemmentis V Constitutiones*, etc.

punish them for being sinners. Gregory in *The Pastoral Care*, wrote that tenants were predetermined to evil. It was because of their propensity to sin that they had to pay rent:

Sin (culpa) subordinates some to others in accordance with the variable order of merits; this diversity, which arises from vice is established by divine judgment. Man is not intended to live in equality.<sup>179</sup>

In another work Gregory remarked, "Nature begets all men equal, but by reason of their varying merits, a mysterious dispensation sets some beneath others. This diversity in condition, which is due to sin, is rightly ordained by the judgment of God."<sup>180</sup> Gregory was from a Roman landlord family. Even as pope he resided on his family's property and owned slaves.<sup>181</sup>

It might seem that Gregory did not have a negative attitude toward laboring people. What he meant was not that laboring people were sinners and landlords were sinless, but that both were sinners. Laboring people were not being punished because of the particular sins they had committed. Sin, which had destroyed the natural order, made laws and hierarchy necessary. Wealth and power were given by God only to provide charity and justice. Another argument

(Rome: Populi Romani, 1582), vol. 3, c. 1, III, 1, in *Clem.* (Constitutions of Clement V, book III, title 1, chapter 1); Anaklet Reiffenstuel, *Jus Canonicum Universum* (5 vols. in 7, Paris: Ludovicum Vives, 1864-1870), lib. III, tit. 1, n. 127; John Donovan, *The Clerical Obligation of Canon 138 and 140: A Historical Synopsis and a Commentary* (Washington, D.C.: Catholic University of America Press, 1948), pp. 26, 29.

Nevertheless some clergy did provide for themselves, their families and the needy through manual labor. Their right to do so was recognized in canon law. See *Corpus Juris Canonici, Decretum Gratiani, emendatum una cum glossis, etc.* (3 vols, Rome: Populi Romani, 1582), vol. 1, cc. 3, 4, D. XCI (Decretum Gratiani, Part I, Distinction 91, canon 3 and 4); Joseph Bruni, *The Clerical Obligations of Canon 139 and 142* (Washington, D.C.: Catholic University of America Press, 1937), p. 78.

<sup>179</sup>Gregory I, Pope, *Pastoral Care in Ancient Christian Writers: The Works of the Fathers in Translation*, ed. Henry Davis, S.J. (Westminster, Md.: Newman Publishers, 1950), vol. 11, p. 60, part 2, chapter 6.

<sup>180</sup>Gregory I, Pope, *Morals on the Book of Job*, trans. John Parker (3 vols., London: Series Library of the Fathers of the Holy Catholic Church, J. Rivington Co., 1844), chapter xxi, paragraph 22. Pope Gregory I, *The Dialogues of S. Gregorie: The Four Books of Dialogue on the Life and Miracles of the Italian Fathers and on the Immortality of Souls* [594] (1608), *ERL*, vol. 240; Pope Gregory I, *The Second Book of the Dialogues*, trans. Cuthbert Fursdon, *ERL*, vol. 294.

<sup>181</sup>William D. Phillips, *Slavery from Roman Times to the Early Transatlantic Trade* (Minneapolis: University of Minnesota Press, 1985), p. 60.

in defense of Gregory is that poverty was considered a holy condition and the poor were thought to be better positioned for salvation than the rich.<sup>182</sup>

There are several problems with these arguments, assuming that either Gregory or those who quoted him held these positions. First, whether landlords were regarded as sinners or not, Gregory and those who followed him had a negative view of labor, which was attributed to sin and its punishment. He also had a negative view of laborers, who he calls sinners. Gregory and his class lived off the labor of others. One is not surprised that he would claim God had designed it that way. A second problem concerns the idea that wealth and power were thought to have been given by God only to provide charity and justice. As will be seen in a later chapter, landlord charity and justice was a testimony to their low regard for working people. As for the argument that poverty was considered holy, that was not the emphasis that Gregory and those who quoted him put on it when discussing working people. Sin was Gregory's explanation for poverty.

Besides Gregory, the seventeenth-century Catholic gentry such as John Abbott, Robert Wintour, and their Protestant counterparts like the Laudian Henry Hammond found in the other esteemed writers, such as Augustine, Aquinas, Isidore of Seville (560-636 AD), Pope Gregory VII (1020-1085, Hildebrand), and John of Salisbury (d. 1180), that the origin of productive labor was in the Fall, in sin, in the devil, in evil, and in biblical characters like Cain, who was ignoble to his brother and Noah's son Shem, who was a "churl" to his father.<sup>183</sup> The existing order was both punishment for sin and a way to occupy laboring people and keep them from further sin.<sup>184</sup> In Latin America and Africa among the theologies which the gentry and their clergy taught at the time was that Indians and Africans were enserved and enslaved because of their sinfulness.<sup>185</sup> Augustine in *City of*

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<sup>182</sup>Todd, *Christian Humanism*, p. 248.

<sup>183</sup>John Abbot, *Jesus Praefigured or a Poem of the Holy Name of Jesus* ([1623] 1970), in *ERL*, vol. 54, pp. 22-23; Wintour, *To Live Like Princes*, p. 34; Henry Hammond, *Works* (London: n.p., 1853), vol. 1, p. 268; see also, Timothy Breen, "The Non-Existent Controversy: Puritan and Anglican Attitudes on Work and Wealth, 1600-1640," *Church History*, 35 (1966), 281; Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Pantheon, 1965), pp. 59-60.

<sup>184</sup>Thomas Aquinas, *Questiones quodlibetales*, ed. R. Spiazzi (Taurino: Casa Marietti, 1956), p. 173, q. 8, art. 7, ad. 17; Aquinas, *On the Governance of Rulers*, pp. 53-60, bk. 1, ch. 6.

<sup>185</sup>Nicholas Cushner, S.J., *Farm and Factory: The Jesuits and the Development of*

*God Against the Pagans* wrote, "The prime cause of servitude is sin, which brings people under the dominion of others, which does not happen save by the judgment of God, with whom there is no unrighteousness, and who knows how to award fit punishments to every variety of offense."<sup>186</sup> A Catholic pamphlet commented about the Adam and Eve origins of labor and laboring people:

The world was as yet in her cradle, and man was no more than borne, when God making a place of justice of terrestrial paradise, pronounced against him the sentence of labor and pain, and afterwards wrote, you shall eat your bread with the sweat of your brow.<sup>187</sup>

Just as collecting the rent, contemplation, and living "idly and without manual labor" were Godly and "spiritual" in the pamphlets of the gentry, so productivity and manual labor were contemptible. The more productive a person's trade, the lower was the person's spiritual worth. At the bottom in Aquinas's widely taught hierarchy were the most productive, the agricultural laborers (*laborantium in agris*), whom he called vile people (*vilis populus*).<sup>188</sup> Above them were merchants. Neither of these were honorable people (*populus honorabilis*). A pamphleteer in following the logic of the early writers divided creation into three types of existence: vegetable, animal, and intellectual. The

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*Agrarian Capitalism in Colonial Quito, 1600-1767* (Albany: SUNY Press, 1982), p. 38. Roman leaders violated international law, murdered or enslaved prisoners and hostages, generally sacrificed human life to advance their interests, and justified themselves by saying victims did these acts. For example, Cornelius Tacitus, *The Annals*, 40, 30, 1-3, in *The Works of Tacitus, Oxford Translation* (New York: Harper and Brothers, 1865), vol. 1, p. 373, explained the Roman army's sacrifice of British life at Anglesey, including druid rebel women, as because Britons were barbarians and sacrificed life. Similar discussion about the evil of the Germans, Gauls, and others for justifying aggression against them is in Tacitus, *Germania*, 39, 2 in *ibid.*, vol. 2, p. 331; Marcus Tullius Cicero, *Pro M. Fonteio*, in *The Speeches with an English Translation. . . Pro M. Fonteio* (Cambridge: Harvard University Press, 1953), pp. 21-33; Julius Caesar, *Bellum Gallicum*, III, 16: 3-5; III, 19: 4-5, in *Caesar's the Conquest of Gaul*, trans. S. A. Handford (Baltimore: Penguin Classic, 1951), p. 100.

<sup>186</sup>Augustine, *The City of God against the Pagans*, ed. Mason Dock (New York: Hafner Pub., 1948), vol. 2, p. 324, bk. 19, ch. 15.

<sup>187</sup>Caussin, *Holy Court*, vol. 1, p. 100; see also Tobie Matthew, *A Missive of Consolation sent from Flanders to the Catholics of England* (Louvain: n.p., 1647), p. 1.

<sup>188</sup>Aquinas, *Summa Theologiae*, vol. 41, p. 126-127, pt. 1a, q. 108, art. 2; see also, Aquinas, *In Metaphysicam aristotelis commentaria*, ed. M. R. Cathala (Rome: Collegii pontificia internationalis angelici, 1915), bk. 1, sec. 30.

existence of producers was vegetable and animal.<sup>189</sup> It was common for merchants and professionals whose children attended Jesuit institutions to complain about the contempt for labor which was taught their children.<sup>190</sup>

The royalist contempt for labor and laboring people during the Civil War was demonstrated by their use of the term "roundhead" for their opponents. Roundhead referred to shorn, bullet-headed apprentices. Apprentices were thought to be of low worth by the gentry. For some Catholic gentry, including their clergy, the slander of working people was habitual. Illustrative were the theological writings of Robert Persons, S.J. (1546-1610). He was something of a Jesuit archetype. One of his methods of teaching was ridicule. Persons called John Mush (1551-1613) "Dr. Dodipol Mush" because Mush was not university educated but the son of a "poor, rude serving man."<sup>191</sup> Thomas Law comments on the regularity with which such language against laboring people appears in Person's writings:

The scorn and ridicule with which Persons seemed to regard low birth and poverty, and his habit of taunting his opponents on that score, are notable features in his method of controversy.<sup>192</sup>

Another illustration of the habitual contempt for laboring people was in the works of the landlord Robert Wintour. His designation of working people as "scum," has already been noted. He also referred to them negatively as "beer-swilled butterfly [flighty] blue coat cousins, germain but once removed from a black jack."<sup>193</sup>

A feature of servant behavior in Maryland as noted earlier, was resistance to the landlords, including the 1645-1646 leveling. As would be expected, the

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<sup>189</sup>Caussin, *Holy Court*, vol. 1, p. 120; see also, Plato, *Sophist* in *Platonis opera quae extant omnia* (Paris: H. Stephanus, 1578), 266 a-d; Aristotle, *Metaphysics* in *The Works of Aristotle*, ed. W. D. Ross (12 vols., London: Oxford University Press, 1952), 98, 1<sup>b</sup>ff.

<sup>190</sup>François de Dainville, *L'Éducation des jésuites, XVIe-XVIIIe siècles* (Paris: Éditions de Minuit, 1978), pp. 25, 36.

<sup>191</sup>Robert Persons, S.J., *A Manifestation of the Great Folly and Bad Spirit of Certain in England Calling themselves Secular Priests, who Set Forth Daily Most Infamous and Contumelious Libels against Worthy Men of their Own Religion and Divers of Them their Lawful Superiors. By Priests Living in Obedience* (1602) in *ERL*, vol. 82, p. 95-96.

<sup>192</sup>Thomas Law, *A Historical Sketch of the Conflicts between the Jesuits and the Seculars* (London: D. Nutt, 1899), p. xxx; see also, Robert Southwell, *A Humble Supplication to Her Majesty* (Cambridge: Cambridge University Press, [1595] 1953), p. 7.

<sup>193</sup>Wintour, *To Live Like Princes*, pp. 30, 37.

Catholic gentry had a tradition of teaching against such agrarian reform. Frequently found in their works and quoted in their writings were classical texts that reinforced the status quo, such as Aristotle's *Economics*, Xenophon's *Economist*, and Plutarch's *Conjugal Precepts*.<sup>194</sup> These writers advised landlords to govern their tenants justly, which meant "strictly and firmly." Tenants were to be kept at a subsistence level. Otherwise, it was believed, they would not work.<sup>195</sup> Surplus wealth belonged to the landlord. Masters were to look after their servants in sickness and old age, but they were not to be indulgent or allow themselves to be "robbed" or imposed upon.<sup>196</sup>

The classical authorities that were celebrated by the gentry condemned agrarian reform and slave abolition measures. During the period of the Roman Republic between 510 and 27 B.C.E, the plebeians, that is the tenantry and small farmers, had been subjected to state laws which gave landlords nearly unlimited rights. The landlord monopoly was said to be part of the natural law.<sup>197</sup> The people, as they themselves complained were "nominally lords of the earth, while not possessing one lump of earth."<sup>198</sup> For hundreds of years they fought for and sometimes achieved agrarian reforms (*lex agraria*), such as those enacted under Spurius Cassius in 486 B.C.E. and during the tribuneship of Tiberius Gracchus in 133 B.C.E.<sup>199</sup> These aimed to redistribute land to the producers. Machiavelli, a landlord, had called the *lex agraria* the first cause of the destruction of the Roman Republic.<sup>200</sup> Pseudo-Dionysius who was said by the seventeenth-century gentry to have been a personal friend of Jesus and representative of his teaching on the

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<sup>194</sup>*Ibid.*, p. 32; Todd, *Christian Humanism*, pp. 47, 64, 89.

<sup>195</sup>Edgar S. Furniss, *The position of the Laborer in a System of Nationalism: A Study in the Labor Theories of the Later English Mercantilists* (rev. ed., Boston: Houghton Mifflin, [1920], 1965), p. 121.

<sup>196</sup>Caussin, *Holy Court*, vol. 2, p. 209.

<sup>197</sup>Julius Caesar, *Bellum Gallicum*, VI, 22: 3-4, called the German communal system of land tenure barbaric.

<sup>198</sup>Engbert Jonkers, *Social and Economic Commentary on Cicero's Agraria Orationes tres* (Leiden: E. J. Brill, 1963), p. 119.

<sup>199</sup>John Freese, "Introduction," *Cicero: The Speeches with an English Translation, . . . De Lege Agraria I, II, III* (New York: Putnam, 1930), p. 322.

<sup>200</sup>Niccolo Machiavelli, *Niccolo Machiavel's Discourses upon the First Decade of Livius* (London: Daniel Parker, 1663), III, 24, I, 37.

subject, rebuked as contrary to the divine order Demophilus' advocacy of agrarian reform. Pseudo-Dionysius wrote in "Letter Eight":

It is not for Demophilus to correct these things. If theology exhorts us to pursue just things justly, and if the pursuit of justice is to will the distribution of what is fitting to each, it must be pursued justly by all, not contrary to the merit or rank of each; for justice is distributed even to angels according to merit, but not by us.<sup>201</sup>

As for abolition of the slave system, church father Tertullian (d. 230) in *Apologeticus* had equated with demons the Catholic slaves who sought to overthrow the system in his period.<sup>202</sup>

It was not the writings and traditions of Rome's agrarian reformers and abolitionists that one learned about in gentry schools. One does not find on reading lists the Acts of the Apostles (Acts 2:42-47; 5:32), which taught communal ownership, but rather Aristotle, Livy, and Cicero, who fought reform and at best believed in personal betterment.<sup>203</sup> One of the lessons in Livy's *Ab urbe condita*, and Cicero's three consular orations, *De Lege agraria contra Rullum* seems to have been that the laboring people could be fooled into acting against their own interest if there was sufficient rhetoric involved, as when Cicero, speaking against agrarian reform, told them to live like the gentry on the public purse rather than disgrace themselves with productive labor.<sup>204</sup> The Roman and canon law, as well as Gregory the Great were used by the gentry as authorities for the view that landlord property rights were based in natural law and thus part of God's law and not susceptible to agrarian reform measures.<sup>205</sup>

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<sup>201</sup>Ronald Hathaway, *Hierarchy and the Definition of Order in the Letters of Pseudo-Dionysius: a Study in the Form and Meaning of the Pseudo-Dionysian Writings* (Hague: Martin Nijhoff, 1969), p. 146.

<sup>202</sup>Tertullian, *The Apology in Social Thought*, ed. Peter Phan (Wilmington, Del.: Michael Glazier, 1984), p. 34, section 27, 7.

<sup>203</sup>Adams, *Catalogue of Books*, vol. 1, pp. 286, 664; Todd, *Christian Humanism*, pp. 64-65, 71, 78, 84; John O'Malley, "Renaissance Humanism and the Religious Culture of the First Jesuits," *Heythrop Journal*, 31 (1990), 473, 478.

<sup>204</sup>Livy, *The Roman History written by T. Livius of Padua* (London: Sawbridge, 1659), II, 41; Cicero, *Cicero: The Speeches with an English Translation. . . De Lege Agraria, I, II, III*, trans. John Freese (New York: G. P. Putnam, 1930); Jonkers, *Social and Economic Commentary*, p. 147; S. A. Cook (ed.), *The Roman Republic, 133-44 B.C.* in *Cambridge Ancient History* (New York: Macmillan, 1932), vol. 9, p. 486.

<sup>205</sup>Aquinas, *Summa Theologiae*, vol. 42, p. 133, pt. 2a-2ae, q. 130, art. 2, ad. 2; vol. 37,

In place of agrarian reform, Catholic gentry theology, like that of at least some of their Protestant counterparts, offered laboring people the doctrine of obedience, not resistance, to the established order. One must suffer one's "cross and passion" in life with humility, self-denial, and meekness.<sup>206</sup> The chief offense was pride, as manifested by ambition for the wealth and life style of the landlord. God's will for the tenantry, said Robert Persons, S.J. was the "old simplicity, both in apparel, diet, innocency of life, and plainness of dealing and conversation."<sup>207</sup> Persons wanted to restore the system of feudal servitude and destroy the tenants and artisans who had bettered their economic circumstances. Thomas Clancy remarks on Persons' landlord prejudices:

As for the commons, their economic welfare was to be made the responsibility of their feudal lords. In England there was great inequality among the members of the third estate. . . It was said some gave themselves the airs of gentlemen. This social mobility was to be stopped.<sup>208</sup>

It might be thought that the typical seventeenth-century gentry had a higher regard for the productive process than indicated here. But by many accounts, it was the eighteenth century that was the age of the improving gentry and that saw a significant expansion in scientific and capitalist farming.<sup>209</sup> The eighteenth-century industrial revolution and the explosion in urban population supplied both the iron farm implements that helped increase crop productivity and the city populations that resulted in a demand for increased productivity.<sup>210</sup> Christopher Clay remarks about the lack of landlord-improvers in the seventeenth

p. 17; vol. 47, p. 5, pt. 2a-2ae, q. 183, art. 1.

<sup>206</sup>Hathaway, *Hierarchy and the Definition of Order*, p. 104.

<sup>207</sup>Persons, *A Memorial of the Reformation of England*, pp. 220-224, 256-257; see also, Scarisbrick, "Robert Person's Plans," p. 27.

<sup>208</sup>Thomas Clancy, S.J., *Papist Pamphleteers: The Allen-Persons Party and the Political Thought of the Counter-Reformation in England, 1572-1615* (Chicago: Loyola University Press, 1964), p. 42; see also, Clancy, "Notes on Persons' Memorial," *RH*, 5 (1959), 20.

<sup>209</sup>Patricia Croot, "Agrarian Class Structure and the Development of Capitalism: France and England Compared," *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (New York: Cambridge University Press, 1985), pp. 46, 49, 51; Peter Bowden, "Agricultural Prices, Farm Profits, and Rents," in Thirsk, *Agrarian History*, vol. 4, pp. 593, 606.

<sup>210</sup>Thompson, "The Social Distribution of Landlord Property," p. 517.

century:

It was not unusual for copyholders and life estate holders to have almost no contact with their landlord save on rent days. . . Owners of great estates spreading across several counties rarely paid much attention to the details of management. . . The age of the "improving" type of steward, bent on rationalizing estate administration and imposing greater uniformity in the interests of efficiency, was barely under way by the middle of the eighteenth century.<sup>211</sup>

As recorded in their commonplace books, the seventeenth-century Catholic landlords following the classical Roman example were often more interested in improving the breed of their horses for showing, racing, or war, their dog packs for hunting, and their houses for ostentation than with maximizing cash crops.<sup>212</sup> One sees in commonplace books a listing of the gold and silver cups won by their horses, the names, dates, and places of each race and the name of each horse and who the other contestants were.<sup>213</sup> Some of the gentry's clergy engaged in similar pursuits. John Medcalf was called a "noteworthy priest" by one of his contemporaries in part because of his experience in breeding and training horses.<sup>214</sup> Because Catholic families such as the Cattericks, Frankes, and Lascelles put their time into these pursuits rather than into productive agriculture, they ran up debts, were forced to sell out, and disappeared from the gentry.<sup>215</sup>

There is other evidence besides the testimony in their literature and diaries

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<sup>211</sup>Clay, "Landlords and Estate Management in England," pp. 206, 215, see also, 201, 206, 211, 218; Thompson, "Social Distribution of Landlord Property," pp. 515, 517; Joan Thirsk, "Seventeenth-Century Agriculture and Social Change," *Land, Church and People* in Supplement to *AgHR* (1970), pp. 148, 156-157.

<sup>212</sup>Thompson, "Social Distribution of Landlord Property," pp. 515-516; Joan Thirsk, "Plough and Pen: Agricultural Writers in the Seventeenth Century," *Social Relations and Ideas . . . Essays in Honor of R. H. Hilton*, ed. T. H. Aston (New York: Cambridge University Press, 1983), p. 301. The Greek satirist Lucian in *Nigrinus* in *Six Dialogues of Lucian*, trans. Sidney Irwin (London: Methuen, [180 A.D.] 1894), p. 174, described Rome as a city full of pictures of jockeys and names of race-horses.

<sup>213</sup>Thomas Meynell, "The Recusancy Papers of the Meynell Family," *Miscellany*, ed. Hugh Aveling (Newport, Eng.: Catholic Record Society, 1964), vol. 56, pp. 35, 38, 70; see also, Aveling, *Northern Catholics*, pp. 256-287.

<sup>214</sup>George Leyburne, *The Douay College Diaries: 1598-1654*, ed. Edwin Burton (London: Catholic Record Society, 1911), vol. 11, pp. 545-552.

<sup>215</sup>Aveling, *Northern Catholics*, pp. 259, 261, 266.

in support of the ideal type gentry as being at best indifferent to the productive process. For example the legal system of the period reflected the gentry's belief about labor. According to the common law definition, the gentry were those who lived "idle and without labor."<sup>216</sup> The common law was part of the system by which the gentry monopolized property and maintained their life style.

In addition to the law, another type of evidence as to the gentry's beliefs about labor comes from the complaints of the the contemporary laboring people. One Catholic professional remarked, "The demeaning of work has filled our England with more vices and sacrificed more souls to sinful life, than perhaps anyone other uncivil opinion whatsoever. They [gentry] hold it better to rob by land or sea than to labor."<sup>217</sup> The same writer contended that the "paragon gentry" in comparing themselves with laboring people, much overrated themselves:

Aristotle held that only the Greeks were free and all the barbarians, that is, non-Greeks, were bad. Some among us seem Aristotelians in this point, who as he gloriously over-valued his countrymen, so these overvalue the paragon-gentry, and repute none more worthy of honor but themselves.<sup>218</sup>

The Catholic Thomas Hawkins in taking exception to the religious practices promoted by the gentry, indicated they generally had a contempt for labor. He compared their thinking to that of the fourth-century Messalians:

One may wear a scapular, say everyday some beads or some famous prayer without restoring things ill got. These are the devotions that people love. From thence come the exterior devotion to the blessed sacrament. Since the work of hands has ceased, they have extremely praised mental prayer. Tis in what constituted the heresy of the Messalians, condemned in the fourth century. And what Catholics reproached them for the most was their contempt of labor.<sup>219</sup>

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<sup>216</sup>William Blackstone, *Commentaries on the Law of England*, ed. William Jones (San Francisco: Bancroft-Whitney, 1916), p. 561, book 1, chapter 12, section 545.

<sup>217</sup>Bolton, *Cities Advocate*, p. 15.

<sup>218</sup>*Ibid.*, p. 35.

<sup>219</sup>Thomas Hawkins (d. 1640), *A View of the Real Power of the Pope* (London: n.p., [1639] 1733), p. 508. See also, J. P. Arendzen, "Messalians," *Catholic Encyclopedia* (New York: Appleton, 1911), vol. 10, p. 212.

The Catholic dramatist Philip Massinger in mocking the gentry, remarked about those who believed that because they had "some drops of the king's blood running in their veins derived some ten degrees off," they were entitled to be a separate, non-laboring race, that squandered the nation's wealth.<sup>220</sup>

The Maryland Catholics' beliefs about labor, as manifested in their work-lives, legislation, court cases, pamphlets, and leveling of landlords, were based in the labor theory of value: those who produce wealth should be its beneficiaries. St. Paul (2Th. 3:10) put it negatively: those who do not work, which in seventeenth-century terms were the gentry, should not eat. Thomas Aquinas denied the labor theory of value by claiming, "What belongs to the slave is the masters."<sup>221</sup> Catholic laboring people believed the reverse: the master possessed what labor had produced and what belonged to labor. The thinking of the Catholics was not derivative but often in opposition to the ideal type gentry. In this there was an antinomian character to their beliefs.

To sum up, this chapter has looked at the Maryland Catholics' beliefs about labor that grew out of and supported their careers. In England and Maryland manual labor was the characteristic aspect of the the ideal type Catholic's life. Among the Catholics in Maryland, including even the few landlords, it has been argued that manual labor was well regarded both as a means to an end and as a way of life. This was reflected in the assembly and judicial records, in their migration to and their remaining in Maryland, in their everyday work-lives, and by their failure to recreate gentry beliefs about labor.

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<sup>220</sup>Philip Massinger, *The Maid of Honor* (1630), I, 1, 23-36; A. H. Cruickshank, *Philip Massinger* (Oxford: Basil Blackwell, 1920), p. 15.

<sup>221</sup>Aquinas, *Summa Theologiae*, vol. 37, p. 17, 2a 2ae, q. 57, art. 4.

Map 2: Civil War Period Catholic England, Wales  
and Ireland

Map 3: Maryland-connected Europe, Africa and  
America in the 1640s (not to scale).

## Chapter 3

### The Political Beliefs of Maryland Catholics

This chapter takes up the political beliefs of the Maryland Catholics. It argues that their political thinking grew out of and served their needs. Their beliefs were often independent of both Parliament and the crown. This should not be surprising, having seen the similar position of the Catholic laboring people in England. Nevertheless, it has sometimes been stated, based on assumptions about the English Catholic gentry or about the Maryland proprietor, Cecil Calvert, and his governor, who were Royalists, and also based on those who made such claims at the time, that the Maryland Catholics were Royalists. For example, the authoritative *Maryland Historical Magazine* in 1984, on the 350th anniversary of English settlement at St. Mary's maintained that Maryland Catholics were Royalists:

The polarization between Royalists and Roundheads, between those Anglicans and Catholics who supported the king and those Presbyterians and Independents who supported Parliament, spilled over into the American colonies.<sup>1</sup>

In looking at how Maryland Catholic political beliefs grew out of and served their needs, four areas will be the focus: first, their thinking about self-government, the judiciary, and taxation, and their degree of independence from the proprietor in these areas; second, their independence from the crown; third, the charge made by contemporaries that the Catholics were royalist; and fourth,

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<sup>1</sup>John Krugler, "'With Promise of Liberty in Religion,' The Catholics Lord Baltimore and Toleration in Seventeenth-Century Maryland, 1634-1692," *MHM*, 79 (Spring 1984), 30. See also, Lois Green Carr, "Sources of Political Stability and Upheaval in Seventeenth-Century Maryland," *MHM*, 79 (Spring 1984), 54; John T. Ellis, *Catholics in Colonial Maryland* (Baltimore: Helicon Press, 1964), p. 336; Steven Crow, "Left at Libertie: The Effects of the English Civil War and Interregnum on the American Colonies, 1640-1660," unpublished Ph.D. dissertation, University of Wisconsin, 1974, pp. 42, 52.

the contrast in political beliefs between Maryland Catholics and the English Catholic gentry.

It is useful to look first at the Catholics' beliefs about self-government, the judiciary, and taxation and their independence from the proprietor because he was a Royalist in the first Civil War (1642-1646), and he sought to maintain the crown's policies in Maryland. By acting independently of the crown's representative in Maryland and by at times repudiating the charter given by the crown, the Catholics in effect acted independently of the crown. It is also useful to look at Catholic independence from the proprietor in order to point up the inaccuracy of assuming either that the Catholics must have been Royalists merely because the proprietor was, or that they did not have political beliefs at all and the Civil War did not extend to Maryland.<sup>2</sup> Of course, because the the Catholics were independent does not mean they were neutral or that they wished to abolish either the crown or proprietor.

In looking at the Maryland Catholics' beliefs about self-government, the judiciary, and taxation, the source of information will largely be the Maryland assembly. A comment, therefore, needs to be made about Catholic influence in the assembly. It can be seen in Table 3-1 on the next page, that Catholics were a majority of those with known religion who served in the assembly in the 1630s and 1640s.

Catholic influence was also present in the assembly committees where they held leadership positions, in the governor's council, and in other provincial offices, such as sheriff, juror, militia officer, and justice of the peace.<sup>3</sup> For example, in the 1638 assembly five people were elected to the legislative drafting committee, three of whom were Catholics.<sup>4</sup>

The Catholics' influence in the assembly does not mean their political

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<sup>2</sup>For example, based on the account of the proprietor's 1645 overthrow in Wesley Frank Craven, *The Southern Colonies in the Seventeenth Century* (4 vols., Baton Rouge: Louisiana State University Press, 1949), vol. 1, pp. 233-234, one would think the ordinary Catholic people did not have a part in it.

<sup>3</sup>Half the Catholics who died during the Civil War period had held some type of office. See "Career Files," sorted on date of death, religion, and office.

<sup>4</sup>Carl Everstine, *The General Assembly of Maryland, 1634-1776* (Charlottesville, Va.: Michie, 1980), p. 45; Papenfuse, *Dictionary*, p. 15.

beliefs were significantly different from the Protestants. John Krugler remarks that the Protestants did not exert "any profound influence on the colony as Protestants."<sup>5</sup> The Catholics were an absolute majority in the 1639 assembly. The legislation it enacted does not seem to have notably differed from the legislation of the prior or later years. There was no "Catholic" block voting. Because the Catholics may not have been unique in the thinking which they manifested through assembly legislation does not mean the legislation did not represent their beliefs.

Table 3-1:

Religion of Maryland Assembly Members<sup>6</sup>

Assembly/Date	Cath	Prot	Rel Unk	Total
1st Feb. 26, 1635				(no records)
2 <sup>nd</sup> 1638 (all freemen)	13	10	39	62 + 24 or more proxy
3rd 1639 (elected & writs)	10	6	2	18
4th 1640 & 1641 (elected & writs)	8	5	3	16
5th Mar.1642 (all freemen)	14	10	37	61 + 29 or more proxy
6 <sup>th</sup> July-Aug.1642 (elected & writs)	12	6	2	20 + 73 or more proxy
7 <sup>th</sup> Sept.1642	11	6	9	25
8 <sup>th</sup> 1644 & Feb.1645				(no records)
9 <sup>th</sup> 1646 & 1647	5	4	5	14
10 <sup>th</sup> 1648	8/11 <sup>7</sup>	9	3/10	30
11 <sup>th</sup> 1649	7/8 <sup>8</sup>	6	3/2	25

The first area that will be examined deals with beliefs about self-government, including the right to establish an assembly and initiate legislation. It will be recalled that in northern England, where Catholics lived in relatively large

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<sup>5</sup>John Krugler, "Puritan and Papist: Politics and Religion in Massachusetts and Maryland before the Restoration of Charles II," unpublished Ph.D. dissertation, University of Illinois at Urbana-Champaign, 1971, p. 171.

<sup>6</sup>Papenfuse, *Dictionary*, pp. 15-16, crossed checked with "Career Files" sorted on religion.

<sup>7</sup>Edwin Beitzell, *The Jesuit Missions of St. Mary's County Maryland* (Abell, Md.: n.p., 1976), p. 25.

<sup>8</sup>*Ibid.*

numbers, local government was what David Allen calls "democratic" in the sense of wide participation. Representative assemblies in parishes and manors such as Sowerby Thirsk in Yorkshire were run by and for the Catholic tenants who, as indicated by their legislation, believed their authority to be superior to that of their Catholic landlord.<sup>9</sup>

The Maryland assembly asserted similar rights to self-government, despite the proprietor's wishes, starting in its first recorded session, which was in 1638.<sup>10</sup> The proprietor had sent over a twelve law code which the assembly refused to rubber-stamp. Of the thirteen documented Catholics in the assembly, only two voted for the code: the proprietor's governor and secretary.<sup>11</sup> These two served under the patronage of the proprietor, not as elected officials.

The Catholic representatives and their Protestant counterparts in 1638, in spite of the crown's charter, which gave them no right to initiate legislation, became a law unto themselves. They enacted a forty-two law code. The proprietor refused to accept it, but it became the de facto law.<sup>12</sup> Likewise, in most of the assemblies during the 1640s, the proprietor attempted to impose legislation or a new code, which the assembly generally voted down or ignored. In the third assembly of March 1639, the Catholics, who had an absolute majority, rejected several laws for which only the proprietor's governor and secretary voted.<sup>13</sup>

In the first session of the fourth assembly in October 1640, the assembly, including its Catholics, voted down ten bills proposed by the proprietor. Usually

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<sup>9</sup>David Allen, *In English Ways: The Movement of Societies and the Transferal of English Local Law and Customs to Massachusetts Bay in the Seventeenth Century* (Chapel Hill: University of North Carolina Press, 1981), p. 39.

<sup>10</sup>Carl Everstine, "The Establishment of Legislative Power in Maryland," *Maryland Law Review*, 12 (1951), 99-121. On Feb. 22, 1635, eleven months after their arrival, the migrants held an assembly and enacted a code without the authority of the proprietor. No records about the content of the code have survived. See Krugler, "Puritan and Papist," p. 228; Cecil Calvert, "Commission to Leonard Calvert" (Apr. 15, 1637), *Md. Arch.*, vol. 3, pp. 49-55.

<sup>11</sup>Leonard Calvert, "Letter to Cecil Calvert" (April 25, 1638), in Hall, *Narratives*, p. 156; "Assembly Proceedings" (Jan. 29, 1638), *Md. Arch.*, vol. 1, pp. 8-9; Papenfuse, *Dictionary*, pp. 15.

<sup>12</sup>Cecil Calvert, "Letter" (Aug. 21, 1639), *Md. Arch.*, vol. 1, p. 31; Cecil Calvert, "Commission to Leonard Calvert" (Sept. 4, 1642), *ibid.*, vol. 3, p. 110; Assembly Proceedings (Jan. 29, 1638), *ibid.*, vol. 1, pp. 8, 9, 265; Thomas Copley, S.J. "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, p. 169.

<sup>13</sup>"Proceedings" (Mar. 1, 1639), *Md. Arch.*, vol. 1, p. 36.

only the governor and secretary voted for the bills.<sup>14</sup> Among the rejected bills were those that would have provided for the "Proprietor's Prerogatives."<sup>15</sup> In the second session of the fourth assembly on August 12, 1641, the assembly even refused, except for the governor and secretary, the "confirmation of his lordship's patent."<sup>16</sup>

A statement of the Catholics' belief about themselves being a law unto themselves was contained in a letter which the 11th assembly sent to the proprietor in April 1649. It perhaps was inspired by and was written at about the same time that they heard that Parliament had executed Charles I: "We request your lordship hereafter to send us no more such bodies of laws which serve little other end than to fill our heads with suspicious jealousies and dislikes."<sup>17</sup> They also informed him that they rejected his use of the terms "absolute lord and proprietary," and "royal jurisdiction."<sup>18</sup>

The Catholics' belief in the right of ordinary people to govern themselves by initiating their own legal codes included various collateral rights that had counterparts in Parliament and in the county and parish governments in England. One collateral right involved the calling of assemblies. The proprietor, like the crown, claimed the sole right to call assemblies.<sup>19</sup> The crown in the 1630s had ruled without Parliament simply by not calling a parliament. One of the reforms which the Long Parliament enacted on May 10, 1641 was the Triennial Act.<sup>20</sup> It

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<sup>14</sup>"Assembly Proceedings" (Oct. 12-24, 1640), *ibid.*, vol. 1, pp. 94-95.

<sup>15</sup>*Ibid.*, pp. 93, 95, 97.

<sup>16</sup>"Bill for Confirmation of his Lordship's Patent" (Aug. 12, 1641), *ibid.*, vol. 1, p. 107.

<sup>17</sup>Eleventh Assembly, "Letter to Cecil Calvert" (April 21, 1649), *ibid.*, vol. 1, p. 243.

<sup>18</sup>Matthew Andrews, *Tercentenary History of Maryland* (Baltimore: S. J. Clarke Publishing Co., 1925), vol. 1, p. 195; Susan Falb, *Advice and Ascent: The Development of the Maryland Assembly, 1635-1689* (New York: Garland Publishers, 1986), p. 309; Cecil Calvert, "Letter to the Assembly" (Aug. 29, 1649), *Md. Arch.*, vol. 1, p. 270.

<sup>19</sup>Cecil Calvert, "Commission of William Stone" (Aug. 6, 1648), *Md. Arch.*, vol. 3, p. 203; "Protest of the Assembly" (Sept. 13, 1642), *ibid.*, vol. 1, p. 180; 11th Assembly, "Letter to Cecil Calvert" (April 21, 1649), *ibid.*, vol. 1, pp. 239-241.

<sup>20</sup>William Hakewill, *The Manner of Holding Parliaments in England* (London: n.p., 1641); William Hakewill, *The Manner how Statutes are Enacted in Parliament by passing bills collected many years out of the journals of the House of Commons* (London: B. Benson, 1641); William Hakewill, *Modus tenendi Parliamentum, or the old Manner of Holding Parliaments* (London: n.p., 1660).

required a parliament to meet at least every three years. The Maryland assembly in 1639 anticipated Parliament by enacting a provision that its code would lapse after three years.<sup>21</sup> The fifth assembly in March 1642 repeated the language of the parliamentary Triennial Act in declaring, "the house of assembly may not be adjourned or prorogued but by and with the consent of the house."<sup>22</sup>

Another right collateral to initiating legislation involved restricting the interference of the proprietor's governor, secretary, and councilors in the assembly deliberations. The sixth assembly of July 1642 proposed, and the ninth assembly of 1646 and twelfth assembly of 1650 enacted, legislation that required a separate house for elected representatives.<sup>23</sup> This kept the governor and others who were not elected from having a vote in the lower house. The twelfth assembly added an oath of secrecy, which insulated the assembly deliberations from the proprietor.<sup>24</sup>

In examining their legislative activity, it is evident there was a measure of independence from the proprietor and from the crown's charter. It is not surprising that the Catholics, 75 percent of those for whom there is enough evidence to make a determination, were literate, favored and possessed the works of Edward Coke, William Lambarde, Thomas Smith, John Selden, and others who defended legislative assemblies.<sup>25</sup> In their first recorded act, which was in 1638, the

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<sup>21</sup>"An Act Ordering Certain Laws for the Government of this Province" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 84.

<sup>22</sup>"Assembly Proceedings" (Mar. 21, 1642), *ibid.*, vol. 1, p. 117.

<sup>23</sup>"Assembly Proceedings" (July 17, 1642), *ibid.*, vol. 1, p. 130.

<sup>24</sup>Falb, *Advice and Ascent*, p. 57; "Act for the Settling of this Assembly" (Apr. 6, 1650), *Md. Arch.*, vol. 1, p. 272.

<sup>25</sup>Falb, *Advice and Ascent*, p. 136. The following listing of Maryland Literacy Rates During Civil War Period is derived from the "Career Files," sorted on religion, literacy, and date of arrival:

	Catholic (Males)	Other Males
Literate	54 (75%)	160
Not Literate	18 (25%)	168
No Evidence	28	1,106
Total	100	1,434

The 75 percent Catholic literacy was well above the 30 percent average in England and was equal to the average in New England. See Lawrence Stone, "The Educational Revolution in England, 1560-1640," *PP*, 28 (1964), 80; Barry Reay, *Popular Culture in Seventeenth-Century England* (New York: 1985), pp. 4, 199. One source of evidence about the number of books in Maryland is in Henry Thompson, "Richard Ingle in Maryland," *MHM*, 1 (1906), 140; and Thomas Cornwallis, "Plaintiff versus Richard Ingle, Defendant," *CSM*, 26 (no. 2, Feb. 1978), p. 352. These indicate that in 1645 Thomas Cornwallis had a library worth £20. Another source about books in Maryland

assembly repeated the philosophy that was common to each of these writers:

The inhabitants of the province shall have and enjoy all such rights, liberties, immunities, privileges, and free customs, within this province, as any natural born subject of England has by force and virtue of the common law or statute law of England.<sup>26</sup>

In addition to acting independently from the proprietor concerning self-government, a second area of the Catholics' political beliefs that will be taken up deals with the judiciary. The proprietor's charter from the crown granted him an exclusive right to establish courts.<sup>27</sup> Courts established by the executive were called prerogative courts and were one of the institutions abolished in England during the Civil War reforms.<sup>28</sup>

A prerogative court was apparently one of the provisions in the code of laws which the proprietor sent over for the assembly to approve in 1638. The governor and secretary from time to time throughout the period exercised or attempted to exercise a prerogative judicial power.<sup>29</sup> As mentioned earlier, the

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is "Trial Testimony of Francis Brooks" (Nov. 8, 1648), *Md. Arch.*, vol. 4, p. 441, which mentions the library of Giles Brent. Hughes, *Society of Jesus*, documents, vol. 1, part 1, pp. 130-131, refers to the library owned by the clergy. For estate inventories of owner-operators who possessed numerous books, see "Richard Lusthead's Estate" (Aug. 23, 1642), *Md. Arch.*, vol. 4, p. 94; "John Cockshot's Estate" (Oct. 28, 1642), *ibid.*, vol. 4, p. 97. "Thomas Adams Estate" (Feb. 6, 1641), *ibid.*, vol. 4, pp. 99-100, had books in French as well as English.

<sup>26</sup>"Bill for the Liberties of the People" (Mar. 16, 1638), *Md. Arch.*, vol. 1, p. 20. The language of the assembly was also not unlike that of the levelers, who emphasized the right of self-government as a birth right. Colonel Thomas Rainborough, as quoted in A. L. Morton, *Freedom in Arms: A Selection of Leveler Writings* (New York: International Publishers, 1974), p. 413, remarked, "The poorest person that is in England has a life to live, as the greatest, and therefore truly, sir, I think it is clear, that every person that is to live under a government ought first by their own consent to put themselves under that government." Roger Howell, "Reconsidering the Levelers: The Evidence of the *Moderate*," *PP*, no. 46 (1970), 77, states the levelers had wide and diverse ideas about the "people" and their franchise rights. The people included laborers and outservants, in whose cottages troops were billeted.

<sup>27</sup>Sections 7 and 19 of his charter gave the proprietor the power to establish courts and name judges. See John L. Bozman, *The History of Maryland* (Spartenberg: Reprint Co., [1837], 1968), vol. 2, p. 127; Bernard Steiner, "Maryland's First Courts," *American Historical Review*, 1 (1901), 215.

<sup>28</sup>Christopher Hill, "Interpretation of the English Interregnum," *EcoHR*, 8 (May 1938), 160.

<sup>29</sup>"Charge of John Lewger against John Hampton, James Neale, Thomas Cornwallis, and Edward Parker" (Feb. 8, 1644), *Md. Arch.*, vol. 4, pp. 245-247; "Charge of John Lewger against Richard Ingle" (Feb. 8, 1644), *ibid.*, vol. 4, p. 247; Bozman, *History of Maryland*, vol. 2, p. 144. It could be argued the proprietor wanted to retain control of the courts to prevent the introduction of

assembly voted down the proprietor's 1638 code and in its substitute code included a judiciary act establishing an independent provincial court, which was renewed in the third assembly of 1639 and in later assemblies.<sup>30</sup> The judiciary acts gave the provincial court jurisdiction in testamentary and other civil matters, as well as in criminal, ecclesiastical, maritime, and equity cases. It also provided for the incorporation of English common law and usages, including the jury system. The assembly maintained ultimate control over the judiciary by itself acting as a trial court in important cases.<sup>31</sup> It also maintained at least some control over the judges and sheriff because it controlled their fees.<sup>32</sup> The provincial court was similar to but had more jurisdiction than the quarter sessions county courts in England.

Illustrative of the continuing independence of the assembly concerning the judiciary was the fourth assembly in October 1640. This assembly which included six Catholics, voted down a bill proposed by the proprietor for appeals of court cases.<sup>33</sup> But it did enact several judicial measures of its own.<sup>34</sup> The assembly was

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the penal laws into Maryland. However, the proprietor's charter itself provided for the introduction of the penal laws. The Maryland Catholics likewise had no objection to and helped enact penal laws, such as allegiance oaths and a praemunire law, when these served their interests. The "penal laws" objected to by the Catholics were those which Rome attempted to impose and which would have made settlement in Maryland impossible. This will be taken up in the discussion of the Catholics' beliefs about the clergy.

<sup>30</sup>"Act for Certain Laws for the Government of the Province" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 83; "Bill for the Liberties of the People" (Mar. 16, 1638), *ibid.*, vol. 1, p. 20; Bozman, *History of Maryland*, vol. 2, p. 131. The text of the 1638 code has not been preserved, but it seems to have been similar to the 1639 code cited above.

<sup>31</sup>Everstine, *The General Assembly of Maryland, 1634-1776*, p. 70, mentions that the fifth assembly acted as a trial court in serious cases.

<sup>32</sup>Bozman, *History of Maryland*, vol. 2, pp. 243, 284; Cyrus Karraker, *The Seventeenth-Century Sheriff: A Comparative Study of the Sheriff in England and the Chesapeake Colonies, 1607-1689* (Chapel Hill: University of North Carolina Press, 1930), p. 107. Bernard Steiner, "Kent County and Kent Island, 1656-1662," *MHM*, 8 (1913), 13, mentions chancery courts.

<sup>33</sup>"Assembly Proceedings" (Oct. 12-24, 1640), *Md. Arch.*, vol. 1, pp. 93-97.

<sup>34</sup>Some of the measures which were enacted included "Trial of causes" [passed by all except the governor]; "Warning juries" [passed by all except the governor]; "Ordinary court days" [passed by all except the governor]; "Choosing of sheriffs" [passed by all except the governor]; and "Sudden arrests" [passed by all]. Also relevant to judicial independence were enactments starting in 1638 which regulated the fees which judicial officials could charge for their services. See Everstine, *General Assembly*, p. 68; Third Assembly, "Proposed Act for Fees" (Mar. 19, 1639), *Md. Arch.*, vol. 1, pp. 57-58; 3rd Assembly, "Act Ordaining Certain Laws for the Government of this Province" (Mar. 19, 1639), *ibid.*, vol. 1, p. 84; 6th Assembly, "Table of

independent of the proprietor concerning the judiciary, and, as Stephen Crow mentions, this was done "the better to protect the colonists' interests from the proprietor."<sup>35</sup>

For the most part, however, because the courts were independent does not mean that the judicial interests of the assembly and those of the proprietor were antagonistic. For example, the 1638 assembly named the proprietor's secretary as judge of probate and his governor as judge of other civil cases.<sup>36</sup> However, the assembly's control of the judiciary was a factor in the determination of some cases against the proprietor. In January 1645 the Catholic Giles Brent, who was then the judge, granted a judgment against the proprietor and the governor in a case involving the large sum of 100,000 pounds of tobacco or £200. The governor called this "a crime against the dignity and dominion of the right honorable the lord proprietor of this province."<sup>37</sup> It would appear there was no less independence from the proprietor in beliefs about the judiciary than has been seen concerning the rights of the assembly.

The third and last area besides the self-government and the judiciary that will be examined deals with Catholic independent thinking concerning taxation. In England this was a long-standing area of contention. In the 1620s, Parliament had been adamant in refusing to enact revenue measures desired by the crown. As a result, the crown ruled without Parliament in the 1630s and levied what were widely considered to be illegal taxes.<sup>38</sup> Those in the court party, however, including the proprietor's father, enjoyed crown patronage. They supported the crown's economic independence.

But among laboring Catholics there was a dislike of crown taxation

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Officer's Fees" (Aug. 2, 1642), *ibid.*, vol. 1, pp. 162-163.

<sup>35</sup>Crow, "Left at Libertie," p. 20.

<sup>36</sup>Bozman, *History of Maryland*, vol. 2, p. 144; Everstine, *General Assembly*, pp. 49, 68.

<sup>37</sup>Court Business (Mar. 28, 1644), *Md. Arch.*, vol. 4, p. 266; "Petition of Thomas Cornwallis" (Feb. 10, 1644), *ibid.*, vol. 4, pp. 292-294; Beitzell, *Jesuit Missions*, p. 9. In another case the governor himself ruled against the interests of the proprietor concerning a land dispute. The proprietor threatened the governor, "You have usurped an authority against my will. . . I have power to revoke the authority I have given you here either in whole or in part." See Cecil Calvert, "Letter to Leonard Calvert" (1641), *Calv. Pap.*, p. 220.

<sup>38</sup>John Krugler, "Our Trusty and Well Beloved Councilor: The Parliamentary Career of Sir George Calvert, 1609-1624," *MHM*, 72 (1977), 486.

independent of Parliament. For example, Catholic planters involved in the Chesapeake tobacco trade were adversely affected by a 2d crown tax on each pound of tobacco imported into England.<sup>39</sup> The tax raised the price in England and cut sales. The tax was large when it is considered that the planters were receiving a market price of as little as 3d per pound. After Parliament took charge of revenue collection in the 1640s and made a combination property and poll tax the main source of revenue, the port duty was reduced to 1d.<sup>40</sup>

It was probably in part because he realized the crown's tax schemes were unpopular in Maryland that the proprietor did not attempt to extend the "Catholic Collection of 1639" to Maryland. The collection was a crown revenue effort to raise funds without Parliament's consent for the Northern War against the Scots. The proprietor was one of 149 Catholic gentry who served on the national committee which took up a collection within the Catholic community. He was co-chair for the collection committee in his county of Wiltshire.<sup>41</sup> His failure to extend the collection to Maryland contrasted with that of his friend, Thomas Wentworth. Wentworth, as deputy lieutenant in Ireland at the time, collected a

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<sup>39</sup>The Grand Remonstrance of November 1641 complained that the crown and custom officials were violating popular liberty by levying tonnage and poundage upon tobacco and other imports without the consent of Parliament. See Samuel Gardiner (ed.), *The Constitutional Documents of the Puritan Revolution, 1625-1660* (3rd. ed., Oxford: Clarendon Press, 1906), p. 210. At £150,000 per year, the custom revenue was the crown's largest source of income. See Linda Popofsky, "The Crisis over Tonnage and Poundage in Parliament in 1629," *PP*, no. 126 (February 1990), p. 74; Derek Hirst, *The Representative of the People? Voters and Voting in England under the Early Stuarts* (Cambridge: Cambridge University Press, 1975), p. 151; Hubert Hall, *A History of the Custom Revenue in England from the Earliest Times to the Year 1827* (2 vols., New York: B. Franklin, [1885] 1970); Arthur D. Innes, *The Maritime and Colonial Expansion of England under the Stuarts, 1603-1714* (London: S. Low, Marston and Co., 1931); Karen Kupperman, *Providence Island, 1630-1641: The Other Puritan Colony* (New York: Cambridge University Press, 1993).

<sup>40</sup>Vertrees Wyckoff, "The International Tobacco Trade in the Seventeenth Century," *Southern Economic Journal*, 7 (1940), pp. 16-17.

<sup>41</sup>Walter Montagu, Henrietta Maria, et al., *A Copy of the Letter sent by the Queen Majesty Concerning the Collection of the Recusant Money for the Scottish War* (London: n.p., [1639], 1640), pp. 7-10. According to Martin Havran, *The Catholics in Caroline England*, (Stanford, Cal.: Stanford University Press, 1962), p. 155, see also, pp. 153, 156, the laboring Catholics in England generally refused to contribute to the collection. One account notes, "The Catholic gentry could not so easily elicit the support of the servants and poor sort of [English] Catholics in donating to the royal cause."

subsidy of £180,000 from the Irish for the 1639 war.<sup>42</sup> Just a year previously the Maryland assembly had voted the proprietor a gift of money in return for the work he was doing in developing the colony.<sup>43</sup> Generally the proprietor never had any reluctance to make requests.<sup>44</sup>

Despite the proprietor's efforts, however, the assembly always kept for itself the decision as to when and what taxes would be collected. In Maryland, as in England, the greatest tax expenditure was for the defense budget. The assembly kept defense expenditures low by repeatedly rejecting with nearly unanimous votes the proprietor's requests in the fourth, fifth, sixth, and seventh assemblies that it mount a military campaign against the Susquehannock Indians who resided to the north of the province.<sup>45</sup> The proprietor claimed and apparently wished to enforce an exclusive right to the lucrative pelt monopoly.<sup>46</sup> He did not want the Susquehannock to deal with the Virginians, Dutch, and Swedes. The assembly replied to the proprietor that "military decisions are not to be left to the discretion of the governor and council."<sup>47</sup> When the proprietor claimed the charter gave him the power to wage war, the assembly responded by asking "to have the patent to peruse."<sup>48</sup>

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<sup>42</sup>Hugh O'Grady, *Strafford and Ireland: The History of his Vice-Royalty with an account of his Trial* (2 vols., Dublin: Hodges and Figges, 1923), vol. 1, p. 165.

<sup>43</sup>"Act for Support of the Lord Proprietor" (Mar. 19, 1638), *Md. Arch.*, vol. 1, p. 22.

<sup>44</sup>Typical was the case in 1636 when the proprietor unilaterally attempted to impose a system of feudalism in which the Catholics would all be economically and politically subservient to him. See Hughes, *Society of Jesus*, vol. 2, p. 633

<sup>45</sup>"Bill for an Expedition Against the Indians" (Aug. 12, 1641), *Md. Arch.*, vol. 1, p. 107. Karraker, *Seventeenth-Century Sheriff*, pp. 145, notes that in Maryland taxes were collected at the hundred level.

<sup>46</sup>Frederick Fausz, "Merging and Emerging Worlds, Anglo-Indian Interest Groups and their Development in the Seventeenth-Century Chesapeake," *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip Morgan, and Jean Russo (Chapel Hill, N.C.: University of North Carolina Press, 1989), pp. 78-79.

<sup>47</sup>"Assembly Proceedings" (Mar. 22, 1642), *Md. Arch.*, vol. 1, p. 118.

<sup>48</sup>"Assembly Proceedings" (July 17, 1642), *ibid.*, vol. 1, pp. 130-131. The 7th assembly finally did authorize an expedition, but this was because the Susquehannock had raided Maryland a month earlier, not because there was a desire to assert the proprietor's claim of a pelt monopoly. See "Act for an Expedition Against the Indians" (Sept. 13, 1642), *ibid.*, vol. 1, p. 196-198. "Court Proceedings against Giles Brent" (Oct. 10, 1642), *ibid.*, vol. 4, p. 126; *ibid.*, (Oct. 17, 1642), vol. 4, pp. 128-134; *ibid.*, (Dec. 1, 1642), vol. 4, pp. 155-156; *ibid.*, (Dec. 3, 1642), vol. 4, pp. 159-161; "Commission and Instructions to Henry Fleet" (June 18, 1644), *ibid.*, vol. 3, pp. 148-150.

Another example of the assembly's financial independence from the proprietor also concerned military expenses. Several years after having been overthrown in February 1645, which will be discussed shortly, the proprietor's governor hired a band of Virginia soldiers to retake the province. The proprietor wanted the assembly to pay for the cost of the Virginia soldiers. The tenth assembly of 1648, however, decided to confiscate the personal estate of the proprietor to pay the cost.<sup>49</sup> There were twelve documented Catholics voting for the confiscation, along with nine Protestants and nine of unknown religion.<sup>50</sup> When even the proprietor's newly appointed governor, the Catholic, Thomas Greene, went along with the confiscation, he was fired.<sup>51</sup> The assembly refused to give the proprietor any part of the Dutch custom to pay for the recapture.<sup>52</sup>

Parliament in the Grand Remonstrance of 1641 did not object to giving tax revenue to the crown but only to the crown's levying of taxes without its consent. Likewise, the assembly did not object to the proprietor collecting tax revenues. He had made a considerable investment of £10,000 or more in Maryland which benefited the planters and they appreciated it.<sup>53</sup> The assembly only objected to

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<sup>49</sup>Cecil Calvert, "Letter to Assembly" (Aug. 26, 1649), *ibid.*, vol. 1, p. 268; "Court Business" (June 19, 1647), *ibid.*, vol. 4, p. 314; 11th Assembly, "Letter to Cecil Calvert" (Apr. 21, 1649), *ibid.*, vol. 1, pp. 239-240, 242.

<sup>50</sup>"Career Files," sorted on religion, cross-checked with Papenfuse, *Dictionary*.

<sup>51</sup>"Court Business" (June 19, 1647), *Md. Arch.*, vol. 4, pp. 313-314; Crow, "Left at Libertie," pp. 104-105; Alfred Dennis, "Lord Baltimore's Struggle with the Jesuits, 1634-1649," *American Historical Review*, 1 (1901), p. 121; John Rushworth, "Grand Remonstrance," *Historical Collections of Private Passages of State* (8 vols., London: D. Browne, 1721), vol. 4, p. 438.

<sup>52</sup>Bozman, *History of Maryland*, vol. 2, p. 325, discusses the "frivolous objection" which the assembly used to keep the Dutch tax from the proprietor.

<sup>53</sup>One source holds the expenditures made by the proprietor prior to and during the Civil War amounted to as much as £40,000. But this source is merely a claim made almost 100 years after the event. The figure probably included what the proprietor's father spent on an unsuccessful colony in Newfoundland. See Charles Calvert, "Copy of Tracts Relating to America," *American Historical Association Report*, 1892, pp. 21-22; Vertrees Wyckoff, *Tobacco Regulation in Colonial Maryland* (Baltimore: The Johns Hopkins University Press, 1936), vol. 22, p. 44.

More likely the proprietor spent what for him was still the considerable sum of £5,000 to £10,000. He was probably able to attract a similar amount from other investors. See Garry Stone, "Society, Housing, and Architecture in Early Maryland: John Lewger's St. John's," unpublished Ph.D. dissertation, University of Pennsylvania, 1982, pp. 29-30, 345; Thomas Arundell, "Letter to Secretary of State Sir Francis Windebank," (Feb. 17, 1639), PRO, *CSPD*, 1638-1639, ed. John Bruce, vol. 13, p. 476; Cecil Calvert, "Petition to King" (Mar. 1638), *Md. Arch.*, vol. 3, p. 69; Cecil Calvert, "Petition to Parliament" (Mar. 4, 1646) *ibid.*, vol. 3, p. 180; Krugler, "Puritan and

the proprietor collecting taxes which it had not approved.

Starting in 1638 the assembly annually granted the proprietor a poll tax or part of the Dutch custom tax, which seems to have been the largest source of tax revenue in the province.<sup>54</sup> The assembly also established a list of fees to compensate the proprietor's officials.<sup>55</sup> The poll and assessment (property) taxes may have had more potential as revenue devices, but they were less frequently levied than the Dutch custom tax. The poll tax was unpopular with laboring people because it fell more heavily on them, relatively speaking, than on the gentry.<sup>56</sup> Wat Tyler, a tiler of Essex, had led a peasant revolt in 1381 against the poll tax, which led to its abolition for 200 years.<sup>57</sup> In England during 1639 and 1640 there was a general refusal to pay the poll tax, which undermined the

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Papist," p. 98; John Krugler, "'With Promise of Liberty in Religion': The Catholics Lord Baltimore and Toleration in Seventeenth-Century Maryland, 1634-1692," *MHM*, 79 (Spring 1984), 30; Frederick Fausz, "Merging and Emerging Worlds: Anglo-Indian Interest Groups and the Development of the Seventeenth-Century Chesapeake," *Colonial Chesapeake Society*, ed. Lois G. Carr, Philip Morgan, and Jean Russo (Chapel Hill, N.C.: University of North Carolina Press, 1989), p. 70.

<sup>54</sup>John Bozman, *History of Maryland*, vol. 2, pp. 204, 363, states the assembly gave the proprietor a subsidy of 15 pounds of tobacco per poll in 1638. In 1649 it imposed a custom on the Dutch of 10s per 100 pounds of tobacco or £5 per hogshead. According to Bozman the Dutch ships carried more tobacco than those of the English. Carl Everstine, *General Assembly*, p. 68, notes that all except the proprietor's governor approved the 4th assembly's custom tax in October 1640. The reason the proprietor and his governor opposed the Dutch custom tax and more generally the presence of Dutch ships in Maryland will be taken up shortly. On the Dutch custom and other subsidies for the proprietor, see "Act for Granting a Subsidy" (Mar. 23, 1642), *Md. Arch.*, vol. 1, p. 123; Third Assembly, "Act Ordaining Certain Laws for the Government of the Province" (Mar. 19, 1639), *ibid.*, vol. 1, p. 84, provided a 5 percent custom on tobacco shipped outside the province except to England, Virginia, and Ireland; 6th Assembly, "Act for Support of the Government" (July 30, 1642), *ibid.*, vol. 1, pp. 146-147 (required that all tobacco shipped out of the province, except to England, Virginia, and Ireland, had to pay a custom of 5 percent); 7th Assembly, "Act for the Support of the Government" (Sept. 13, 1642), *ibid.*, vol. 1, p. 182; "Receipt for Henry Adams" Oct. 15, 1651, *ibid.*, vol. 10, p. 376; "Receipt for Thomas Copley" Dec. 23, 1651, *ibid.*, vol. 10, p. 373.

<sup>55</sup>Third Assembly, "Proposed Act for Fees" (Mar. 19, 1639), *Md. Arch.*, vol. 1, pp. 57-58. See also, Third Assembly, "Act Ordaining Certain Laws for the Government of this Province" (Mar. 19, 1639), *ibid.*, vol. 1, p. 84; 6th Assembly, "Table of Officer's Fees" (Aug. 2, 1642), *ibid.*, vol. 1, p. 162; 6th Assembly, "Fees of the Surveyor General, Sheriff, Clerk" (Aug. 2, 1642), *ibid.*, vol. 1, p. 163.

<sup>56</sup>Edgar Johnson, *American Economic Thought in the Seventeenth Century* (London: Russell and Russell, 1932), p. 249.

<sup>57</sup>O'Grady, *Strafford and Ireland*, vol. 1, p. 166.

crown's warmaking in the north.<sup>58</sup>

As noted earlier, in 1642 Parliament replaced the poll tax with an assessment or property tax, which fell only on landlords. To a certain extent Maryland followed the 1642 parliamentary taxation system. Each head of household, not each poll, that is, each freeman or freewoman, was assessed by an assembly committee. This made taxes easier to collect and put a heavier burden on landlords.<sup>59</sup> Edgar Johnson calls Maryland's revenue scheme a poll tax but that in effect it became a property tax, because it was placed on the number of servants in a landlord's household and because it was made proportional to the amount of land a person owned.<sup>60</sup>

Unlike Maryland and New England, which used the property tax, Virginia relied on the poll tax. This was because of the strength of landlords there. Of this, Edgar Johnson remarks, "The poor classes protested against a poll tax. . . . As a consequence, a long struggle arose between the small and large landowners, which led to violence in Bacon's rebellion."<sup>61</sup>

In their self-government, judiciary, and tax measures, the Maryland Catholics acted independently of the proprietor and his charter, not unlike the way their counterparts in England were acting toward the crown. The point in discussing the Catholics' independence from the proprietor has been to raise doubts about attributing Royalism to the Maryland Catholics based on the proprietor's Royalism. The Catholics did not necessarily have the same political beliefs as the proprietor.

Considering their independence from the proprietor, it should not be surprising that on the two occasions during the war when they had an opportunity

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<sup>58</sup>Christopher Hill, *The English Revolution: 1640* (London: Lawrence and Wishart, 1940), p. 51.

<sup>59</sup>Falb, *Advice and Ascent*, p. 200.

<sup>60</sup>Johnson, *American Economic Thought*, p. 250; Stone, "Society, Housing, and Architecture," pp. 42, 346; Herbert Osgood, *The American Colonies in the Seventeenth Century* (3 vols., Gloucester, Mass.: Peter Smith, [1930] 1957), vol. 1, p. 349. Actually the August 1642 tax to pay for the assembly was a poll tax. See 6th Assembly, "Tax Lists" (Aug. 1, 1642), *Md. Arch.*, vol. 1, pp. 142-146. But the taxes in November and December to pay for the war against the Susquehannock were an assessment. See Council Proceedings, "Tax Lists" (Nov. 1, 1642), *ibid.*, vol. 3, pp. 120-126.

<sup>61</sup>Johnson, *American Economic Thought*, p. 249; William Ripley, *The Financial History of Virginia, 1609-1776* (New York: Columbia University Press, 1893), p. 25.

to directly manifest loyalty to the crown, they chose independence. The second part of this chapter will look at these two events. The first instance in which the Catholics acted independently and directly in opposition against the crown's war efforts began on January 18, 1644 during the height of the Civil War. The proprietor's governor and secretary attempted to cut off Maryland's trade with the parliamentary forces in London. The crown had been complaining that "Our rebellious subjects of the city of London drive a great trade" in the Chesapeake, "receiving daily great advantage from thence which they impiously spend in vast contributions towards the maintenance of an unnatural war against us."<sup>62</sup> In July 1643, the Royalists had secured the port of Bristol. By November 1643 the proprietor had taken up residence there.<sup>63</sup> He directed his governor in Maryland to trade only with ships from Bristol. Parliamentary-aligned London ships were to be seized and brought back to Bristol as prizes. The proprietor was to get a percentage from each prize. The king had given freedom of trade to merchants in Bristol in violation of the monopolies held by the Merchant Adventurers and other London companies.<sup>64</sup>

In January 1644 the governor arrested the representative of the London merchants in Maryland, the ship captain Richard Ingle. Ingle had been in Maryland carrying on his trading activities. Within a day of the arrest four individuals led in freeing Ingle in defiance of the governor and crown. Three of the liberators were Catholic. According to the proprietor's secretary, they were on the side which was in "high treason to his majesty."<sup>65</sup>

The independence of the Maryland Catholics from the proprietor and

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<sup>62</sup>Charles I, quoted in Henry Thompson, "Richard Ingle in Maryland," *MHM*, 1 (1906), 129-130.

<sup>63</sup>Bozman, *History of Maryland*, vol. 2, p. 295.

<sup>64</sup>J. P. Cooper, "Social and Economic Policies under the Commonwealth," *The Interregnum: The Quest for Settlement, 1646-1660*, ed. G. E. Aylmer (London: Macmillan, 1972), p. 132; John Latimer, *A History of the Society of Merchant Venturers of the City of Bristol with an account of the anterior merchants' Guilds* (Bristol: J. W. Arrowsmith, 1903); Patrick McGrath, *Merchants and Merchandise in Seventeenth-Century Bristol* (Bristol: Record Society, 1955).

<sup>65</sup>"Charge of John Lewger against James Neale, et al" (Feb. 8, 1643, Jan. 21, 1644), *Md. Arch.*, vol. 4, pp. 232-233, 246; "Answer of James Neale and Edward Parker" (Mar. 12, 1644), *ibid.*, vol. 4, p. 258; "Thomas Cornwallis against Richard Ingle" (Mar. 2, 1646), *ibid.*, vol. 3, p. 166; Giles Brent, "Warrant to Arrest Richard Ingle and Seize his Ship upon High Treason to his Majesty" (Jan. 1644), *ibid.*, vol. 4, p. 231.

crown's war against Parliament was further demonstrated soon after the liberation. The governor, along with the royalist Protestant William Hardidge, brought charges in the provincial court of treason, jail break, piracy, mutiny, trespass, contempt, and misdemeanors against Ingle, who was still trading in Maryland.<sup>66</sup> Seven successive juries convened by the governor refused to return an indictment.<sup>67</sup> Had the Catholics been interested, they would have had no trouble in bringing back an indictment against and shutting off the London trade. The Catholic independence from the crown resulted from their unwillingness to disrupt their established trade relations with London.<sup>68</sup>

Parliament acknowledged the loyalty of the Maryland Catholics later that year by the favorable treatment which it gave Thomas Cornwallis, Maryland's largest Catholic planter. The Committee for Sequestration at Camden House in London in May 1644, had initially sequestered Cornwallis' tobacco and corn, which had been shipped to England. This tobacco and corn also included that of many of the smaller planters who had consigned their goods to Cornwallis. The reason given for the sequestration was that Cornwallis was a Catholic. But he produced testimony that satisfied the committee as to his loyalty and his goods were released.<sup>69</sup> Then he testified before the House of Lords, "I have shown my affection to the Parliament by finding means within eight hours space to free Richard Ingle and to restore him to his ship and goods again."<sup>70</sup> He asked Parliament to abolish the proprietor's charter. Stephen Crow describes Cornwallis' complaints to Parliament concerning the proprietor as, "arbitrary governing, Catholicism, which ardent Catholic that he was, must have given Cornwallis

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<sup>66</sup>William Hardidge, "Court Testimony" (Jan. 29, 1644) *Md. Arch.*, vol. 4, pp. 233-234. See also, "Bill against Richard Ingle" (Feb. 1, 3, & 5, 1644), *ibid.*, vol. 4, pp. 238-239, 241, 245.

<sup>67</sup>"Court Proceedings" (Feb. 1-5, 1644), *Md. Arch.*, vol. 4, pp. 237-245; Russell Menard, "Maryland's Time of Troubles: Sources of Political Disorder in Early Maryland," *MHM*, 76 (1981), 136.

<sup>68</sup>John Lewger, "Deposition" (Sept. 26, 1645), in Edwin Beitzell (ed), "Thomas Cornwallis, Plaintiff versus Richard Ingle, Defendant: Testimony of John Lewger and Cuthbert Fenwick, 1645-1646," in *CSM*, 26 (no. 2, February 1978), 348, answer no. 3.

<sup>69</sup>Thompson, "Richard Ingle in Maryland," p. 126.

<sup>70</sup>Andrews, *Tercentenary History*, vol. 1, p. p. 174, footnote 41; Lewger, "Deposition," (Sept. 26, 1645), in Beitzell, "Thomas Cornwallis, Plaintiff," p. 348, answer no. 7.

pause, and the proprietor's loyalty to the monarch."<sup>71</sup>

The Catholics' support for the London merchants in January 1644 indicates the Catholics were not Royalists, but exercised independence in their political beliefs. The second and equally clear opportunity for Catholics to act independently of the crown and its war against Parliament occurred in the Fall of 1644 and Winter of 1645. The proprietor, after consulting with the crown and royal Parliament at Oxford in January 1644, obtained a commission from Charles I to construct custom houses and fortifications in the Chesapeake, to establish an armed force, and along with the royalist Virginia governor, William Berkeley, to seize all ships, goods, and debts belonging to any Londoner or from any person from a place in rebellion. The estates of those who joined with Parliament were to be seized and plundered. One-half of all seized property was to go to the king and the proprietor was to receive part of the customs revenue.<sup>72</sup>

As soon as the proprietor's governor revealed the existence of the royal commission in the Fall of 1644, the assembly denounced it. A deposition by Thomas Copley, S.J., described the assembly's action and the active role of several Catholics:

Mr. Calvert had a commission from the king. . . The first assembly after Calvert's arrival declared they would have free trade with Londoners and others under the protection of Parliament and that they would not receive any commission to the contrary and thus Copley or Giles Brent or one of them did write a letter to Ingle from Calvert telling him of the good affection of the inhabitants of Maryland to the Parliament and their desire of free trade with Ingle or other Londoners. Thomas Cornwallis also wrote a letter to Ingle as aforesaid which letters are in the possession of Richard Ingle or

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<sup>71</sup>Crow, "Left at Libertie," p. 59; Edward Ingle, *Captain Richard Ingle, The Maryland "Pirate and Rebel"* (Baltimore: Maryland Historical Society, 1884), p. 19; Thompson, "Richard Ingle in Maryland," pp. 126-127; "Thomas Cornwallis versus Richard Ingle" (Mar. 2, 1646), *Md. Arch.*, vol. 3, pp. 166-167.

<sup>72</sup>Cuthbert Fenwick, "Deposition" (October 20, 1646), in Beitzell, "Thomas Cornwallis, Plaintiff," p. 353, answer no. 23; Cecil Calvert, "Form of Appointment of Collector of Customs under Charles I," in Anonymous, *Virginia and Maryland, or the Lord Baltimore's Case Uncased and Answered* (1655), in Force, *Tracts*, vol. 2, no. 9, pp. 43-45. *Ibid.*, p. 11, has the commission to seize parliament's ships, raise regiments and make fortifications; Fausz, "Merging and Emerging Worlds," p. 79, writes that the "Oxford agreement" of 1644 was a challenge to Maurice Thompson and his associates, who were in charge of the customs farm.

John Durford.<sup>73</sup>

Considering the independence of the province against the crown and proprietor, a suggestion made by Matthew Andrews is of interest. Andrews speculates that the aim of the proprietor's royal commission was mainly to obtain the royalist Virginia governor's help to mount an attack on Maryland, in order to reduce it to the control of the proprietor and those inclined to Royalism. Andrews writes about the visit of the proprietor's governor to Virginia in late 1644 in connection with the commission:

Governor Leonard Calvert had gone to Virginia in order either to come to some *eclaircissement* or to apply to the government of Virginia, which was still opposed to the Parliamentarians, for its interference on behalf of his province.<sup>74</sup>

The rejection by the assembly of the proprietor's royal commission to fortify the Chesapeake in the Fall of 1645 was followed by and connected to the bloodless overthrow of the proprietor on February 13, 1645. The proprietor's governor spent almost two years in exile in Virginia. The overthrow was led by Richard Ingle, the London ship captain, who named the proprietor's royal commission as one of the reasons for the overthrow.<sup>75</sup> Only three known Catholics came to the proprietor's defense at the time of the overthrow. This seems to have been in part because most Catholics were indifferent to the crown's

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<sup>73</sup>Thomas Copley, S.J., "Libel of Thomas Copley against the *Reformation*," Public Record Office, Admiralty Court Libels, 167, no. 205, in Thompson, "Richard Ingle in Maryland," p. 136, see also, pp. 129-130.

<sup>74</sup>Andrews, *Tercentenary History*, vol. 1, p. 179. See also, Steven Crow, "Your Majesty's Good Subjects: A Reconsideration of Royalism in Virginia, 1642-1652," *VMHB*, 87 (1979), 158-173. The proprietor also sought help from those in Massachusetts who were dissatisfied with the independent policy there. In October 1643 he asked Samuel Gorton (1592-1677), Captain Edward Gibbons, and those under their influence, to migrate to Maryland. Gorton was in trouble with the Massachusetts government for having had the Narragansett Indians with whom he was in contact make a pledge of loyalty to Charles I. He had been arrested in 1642 and was eventually banished. See Samuel Gorton, *Simplicities: Defense Against the Seven-Headed Policy, or Innocency vindicated: being unjustly accused, and sorely censured, by the Seven-headed church-government united in New-England; or that servant so imperious. . .*, (London: J. Macock, 1646), in Force, *Tracts*, vol. 4; Lewis G. Janes, *Samuel Gorton: A Forgotten founder of our Liberty, first Settler of Warwick* (Providence, R.I.: Preston and Rounds, 1896), pp. 33, 55; John Winthrop, *The History of New England from 1630 to 1649*, ed. James Savage, (2 vols., 2nd ed., Boston: Phelps and Farnham, 1853), vol. 2, pp. 72, 149.

<sup>75</sup>John Lewger, "Deposition" (Sept. 26, 1645) in Beitzell, "Thomas Cornwallis, Plaintiff," p. 349, answer no. 14; p. 350, answer no. 18.

commission.<sup>76</sup> Lois Green Carr comments that the reason the Catholics were indifferent was that they "did not feel an identity of interest with Lord Baltimore's enterprise."<sup>77</sup> The proprietor wanted to enforce the royal commission, which would have hurt Maryland's trade, in the midst of an eight year economic depression.

It should not be surprising that Ingle during the overthrow had the help of what Stephen Crow calls the "disgruntled Catholics."<sup>78</sup> Of the eleven Maryland supporters of the overthrow known by name, four were Catholic, one was Protestant, and six were of unknown religion.<sup>79</sup> That not only the four documented Catholics but probably the entire Catholic population tended to support or be indifferent about the overthrow was indicated by the proprietor's governor in December 1646. At that point he was trying to restore his position, and he granted a general pardon to the entire population, including the Catholics, "for their former rebellion."<sup>80</sup>

The traditional assumption that Maryland Catholics tended toward the

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<sup>76</sup>The three Catholics were the secretary, John Lewger, Thomas Copley, S.J., and the small planter, Nicholas Causin. Henry Thompson, "Richard Ingle in Maryland," pp. 131-133, basing himself on three uncalendared suits, writes:

A party was sent in pursuit of Leonard Calvert, but they were met and turned back by Messrs. Phoenix, Lewger, Buicks, Copley, Cawson, and one other, so that the governor was not taken to London as a prisoner.

<sup>77</sup>Carr, "Sources of Political Stability," p. 55.

<sup>78</sup>Crow, "Left at Libertie," p. 93.

<sup>79</sup>Papenfuse, *Dictionary*, pp. 19, 111; Cuthbert Fenwick, "Deposition" (Apr. 18, 1654), *Md. Arch.*, vol. 10, p. 372. Three of the Catholics who supported the overthrow demanded specific assurances of no retaliation when the proprietor's governor appeared with a band of Virginia soldiers in December 1646 to reclaim his position. John Jarboe (1619-1674) and William Lewis were issued "pardons." Susan Falb, *Advice and Ascent*, p. 373, writes:

In December 1646, Calvert called an assembly "to test and advise. . . touching all matters freely and boldly without any awe or fear and with the same liberty as any assembly they may have done heretofore." Aside from issuing pardons for several soldiers, including the Catholic assemblymen, William Lewis and John Jarboe, little is know of the assembly.

See also, 9th assembly, "Proceedings" (Dec. 29, 1646), *Md. Arch.*, vol. 1, pp. 209-210, 220. The governor assured Thomas Thorneborough that he had nothing to fear. See John Jarboe, "Deposition" (Jan. 25, 1648), *ibid.*, vol. 4, pp. 368-369. William Evans, "Deposition" (Jan. 25, 1648), *ibid.* On the pardon of William Thompson, see Cecil Calvert, "Letter to the Assembly" (August 29, 1649), *ibid.*, vol. 1, pp. 270-271.

<sup>80</sup>Will Lewis, John Jarboe, Robert Sharpe, John Salter, Will Clare, Thomas Kingwell, "Deposition" (Dec. 29, 1646), *Md. Arch.*, vol. 1, pp. 209-210, 220.

royalist side has been based on three factors: first, on the belief that the Catholics in England were Royalists; second, on the belief that Catholics were deferential to the Royalism of the proprietor; and third, on the claims made by prominent individuals at the time that the Maryland Catholics were Royalists. The first two factors have been addressed, but the statements made by those at the time need to be discussed. This will now be done in the third part of the chapter.

The main contemporary to claim the Maryland Catholics were Royalists was Richard Ingle. He used the charge as a defense in the three lawsuits that were brought against him after the 1645 overthrow. Ingle and his ship crew of eight to twelve men had expanded the overthrow of the proprietor into the leveling of six landlords and two owner-operators, in addition to the proprietor's governor and secretary. By leveling is meant the confiscation of the tobacco they had ready to ship together with their household goods and farm animals, and the deporting to London of two of the five Catholic clergy who had fled to Virginia.<sup>81</sup> Henry Thompson summarizes Ingle's "Catholic Royalism" defense:

Ingle averred that Maryland was a stronghold of papists and those who supported the king in opposition to the Parliament. He also said that Brent, Cornwallis, and Lewger were the prime movers. . . Ingle alleged as his reason for this and his other exploits in Maryland, that the greatest number of persons and families in Maryland were "papists and of the popish and Romish religion," and that nearly all of them assisted Leonard Calvert in putting his commission in force in Maryland; that they had so carried things that before his arrival none but papists and those of the Romish religion were suffered to hold office or any command; that it was generally believed in the colony that if he had not come there, the papists would have disarmed all the Protestants, and that all the property that was taken or destroyed by him or his men belonged to papists and those of the Romish religion.<sup>82</sup>

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<sup>81</sup>The three priests who were not deported were Bernard Hartwell, Roger Rigby and John Cooper. There is no documentation as to what became of them, although there is speculation that Hartwell returned to Maryland, but the two others it is assumed ministered in Virginia until they died natural deaths. See Menard, "Maryland's Time of Troubles," p. 12; Richard Ingle, "Petition to Parliament" (Feb. 24, 1646), *Md. Arch.*, vol. 3, p. 165; Thompson, "Richard Ingle in Maryland," pp. 131-133; Lewger, "Deposition" (Sept. 26, 1645) in Beitzell, "Thomas Cornwallis, Plaintiff," p. 349, answer no. 14; Carr, "Sources of Political Stability," pp. 54-55.

<sup>82</sup>Thompson, "Richard Ingle in Maryland," pp. 129, 132.

Several points need to be made in addressing Ingle's statement. First, he was partially correct. There were Catholics who took the royalist side, at least at certain points. For example, Thomas Copley, S.J., Maryland's largest landlord, helped the proprietor's governor to escape to Virginia during the overthrow, or rather, he too escaped to Virginia, where he was apparently taken prisoner. Like the governor and many of the English Catholic clergy, he seems to have identified with the crown and perhaps sought refuge in Virginia because he felt the Maryland Catholics could not be trusted to defend him.<sup>83</sup>

Another Catholic royalist, at least during the period when he was acting governor in 1643 and 1644, was Giles Brent. He was the one that had attempted to stop the trade with London by arresting Ingle in January 1644. He asked Ingle and his crew to take an oath to the king and offered them a drink, toasting "Here is a health to the king *sans* Parliament."<sup>84</sup> It appears that at the time of the overthrow, neither Copley nor Brent any longer supported the crown's commission against the London merchants and they both had notified Ingle of this. In fact, far from being involved in royalist plotting with the proprietor, Brent at the time of the overthrow was fighting an arrest warrant that had been issued by the governor several weeks earlier. As judge of the provincial court, Brent had issued a large judgment against the proprietor that resulted in the governor's warrant.<sup>85</sup> Copley and Brent seem to have been targeted not so much for supporting the royal commission but for their prior activity.<sup>86</sup>

A second point that needs to be made about Ingle's claim is that while it was partly true, it was mostly false. Of the four landlords whom he and his crew helped level, besides Copley and Brent, only two were Catholics: Thomas

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<sup>83</sup>That Copley had royalist inclinations appears from his service as a courier in 1648, bringing information from England "upon important affairs" to the royalist governor of Virginia, William Berkeley. See Thomas Copley, S.J. "Letter to Father General," in Foley, *Records*, vol. 3, p. 388; Hughes, *Society of Jesus*, text, vol. 2, p. 621.

<sup>84</sup>Quoted in Thompson, "Richard Ingle in Maryland," pp. 125, 127.

<sup>85</sup>"Court Business" (Mar. 28, 1644), *Md. Arch.*, vol. 4, p. 266; "Petition of Thomas Cornwallis" (Feb. 10, 1644), *ibid.*, vol 4, 293-294; Beitzell, *Jesuit Missions*, p. 9.

<sup>86</sup>Thomas Copley, S.J., "Libel of Thomas Copley," in Thompson, "Richard Ingle in Maryland," pp. 134, 138; Beitzell, *Jesuit Missions*, p. 22; Stone, "Society, Housing, and Architecture," p. 346.

Cornwallis and Thomas Gerard.<sup>87</sup> The other two were: Francis Brooke, a Protestant and Maryland's third largest tax payer, and Nicholas Harvey, of unknown religion.<sup>88</sup> Further, neither Cornwallis nor Gerard were Royalists. Cornwallis had been recognized only six months earlier by Parliament itself for resisting the crown's interference with Maryland's trade. As already noted, he had petitioned Parliament to revoke the proprietor's charter because the proprietor was a Royalist.

What all those who were leveled had in common was not their religion or politics, but perhaps that they traded with the Dutch. There were instances in the early 1640s when English ships had to return empty to England because there was no cargo for them.<sup>89</sup> This was resented by the London merchants and especially George Goring (1583-1663), who owned the custom farm on tobacco. He wanted all Maryland tobacco to be landed in London and pass through his hands.<sup>90</sup> The London merchants had been in opposition to the Dutch in the Chesapeake since the colony was established. The Seven United Provinces of the Free Netherlands was the leading maritime power in the first half of the seventeenth century and had handled shipping to the English settlements in the Chesapeake from the 1610s to the 1640s.<sup>91</sup> The original reason for the granting of the charter was to prevent

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<sup>87</sup>Besides landlords, several owner-operators were leveled. One of these who is known by name was the Catholic Nicholas Cawson (Causin). He helped the governor escape to Virginia. This may have been the reason he was attacked. See Thompson, "Richard Ingle in Maryland," p. 134.

<sup>88</sup>Papenfuse, *Dictionary*, p. 173; Henry Spinke, "Deposition in Case of Nicholas Harvey" (Dec. 5, 1648), *Md. Arch.*, vol. 4, p. 453; "James Langworth," "Career Files"; Giles Brent, "Libel of Thomas Copley," in Thompson, "Richard Ingle in Maryland," pp. 134, 136; Sixth assembly, "Proceedings" (Aug. 1, 1642), *Md. Arch.*, vol. 1, pp. 142-146.

<sup>89</sup>In 1644 a proclamation was issued that English ships should be allowed to secure a full cargo before the loading of Dutch ships. See "Proclamation on Export of Tobacco" (Jan. 8, 1644), *Md. Arch.*, vol. 3, p. 144. Several London ships were also sent home without a cargo in 1644 by Virginia for having attacked royalist Bristol ships. See Craven, *Southern Colonies*, p. 239.

<sup>90</sup>Portland Manuscripts, vol. 3, p. 68, as cited in O'Grady, *Strafford and Ireland*, vol. 1, pp. 368-370; Thomas Wentworth, *The Earl of Strafford's Letters and Dispatches*, ed. William Knowler (London: W. Bowyer, 1739), p. 181

<sup>91</sup>Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton, 1975), p. 196; John McCusker and Russell Menard, *The Economy of British America: 1607-1785* (Chapel Hill, N.C.: University of North Carolina Press, 1985), p. 46.

further Dutch encroachment between Virginia and New England.<sup>92</sup> The London merchants were behind prohibitions on "trucking for merchandise whatsoever with any ship other than his majesty's subjects," which were issued by the crown and by Parliament with regularity, as in 1635, 1642, 1650, and 1651.<sup>93</sup> Parliament on July 22, 1643 made an ordinance establishing a duty or "excise" of 2s on each pound of tobacco brought into England but suspended it as long as the particular colony traded only with English ships.<sup>94</sup> The London merchants were responsible for the Navigation Acts of 1650 and 1651 and the war waged against the Dutch from 1652 to 1654.<sup>95</sup> London customs farmers such as Abraham Dawes and John Wolsterholme and merchants such as Maurice Thompson sought parliamentary permission to attack Dutch shipping in 1644.<sup>96</sup>

At the same time Parliament was prohibiting the Dutch trade, the Maryland assembly was sanctioning it. The Catholic Edward Packer and the Protestant Henry Fleet on July 17, 1644 were given a commission by the assembly to trade with the Dutch.<sup>97</sup> On arriving in Maryland on Dec. 29, 1644, Ingle heard of Dutch ships doing trade in Maryland and "in a rage" immediately set sail for Virginia.<sup>98</sup> A contemporary described it:

I had heard that Ingle arrived in Maryland on Dec. 29, 1644, and

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<sup>92</sup>Cecil Calvert, "Declaration to the Lords" (1636), *Calv. Pap.*, p. 223; Cecil Calvert, "Letter to Leonard Calvert" (Nov. 21, 1642), *Calv. Pap.*, p. 215.

<sup>93</sup>Charles I, "Instructions to William Berkeley, 1642," *VMHB*, 2 (1894-1895), 288, no. 31, has the 1642 prohibitions. John Pegan, "Dutch Maritime and Commercial Activities in Mid-Seventeenth-Century Virginia," *VMHB*, 90 (1982), 493-494, has the 1650 prohibitions; "Navigation Act of Oct. 3, 1650," in Firth, *Acts*, vol. 2, pp. 425-429; Hening, *Virginia Statutes*, vol. 1, p. 258; PRO, *CSPC* (1574-1660), 1/6/211, p. 171.

<sup>94</sup>Bozman, *History of Maryland*, vol. 2, p. 302; Paul Rapin-Thoyras, *The History of England*, ed. N. Tindal (21 vols., London: T. Osborne, 1763), vol. 10, p. 253.

<sup>95</sup>J. E. Farnell, "The Navigation Act of 1651, the First Dutch War, and the London Merchant Community," *EcoHR*, 16 (1964), 443, 454.

<sup>96</sup>Robert Brenner, "Commercial Change and Political Conflict," unpublished Ph.D. dissertation, Princeton University, 1970, p. 535, citing C. O. 1/6/211; PRO, *CSPC* (1574-1660), p. 171; *Commons Journal*, vol. 3, p. 607

<sup>97</sup>"Edward Packer," "Career Files."

<sup>98</sup>John Lewger, "Deposition" (Sept. 26, 1645), in Beitzell, "Thomas Cornwallis, Plaintiff," p. 349, answer no. 10. The Dutch had larger ships and cheaper transportation charges. They drove up the cost and lowered the profit for those whom Ingle represented. See Violet Barbour, "Dutch and English Merchant Shipping in the Seventeenth Century," *EcoHR*, 2 (1929-1930), 261-290.

hearing of a Dutch ship there trading in the port, then did in a rage and fury without license of the governor thereupon presently sail back to Virginia, but why I do not know. I was told about this by one of the passengers then on board Ingle's ship.

During the overthrow, Ingle captured a Dutch ship anchored at St. Mary's and took it back to England as a prize.<sup>99</sup>

The leveling against Cornwallis was mainly economic, not political or religious in motivation. In addition to Ingle's crew, which had been promised plunder if it would help in the overthrow, those who did the leveling were Cornwallis's sixteen indentured servants, including four Africans, and his debtors.<sup>100</sup> Thomas Harrison, a cooper, was one of Cornwallis's servants with five years to run on his indenture. He took his indenture from Cornwallis's house and destroyed it.<sup>101</sup> One account stated that "account books, bills, notes, and papers were always destroyed, whether they belonged to Giles Brent, Cornwallis, Thomas Copley, the *Speagle*, or others."<sup>102</sup> Such leveling was common in England against the royalist and parliamentary gentry. For example, in Wiltshire, the proprietor's home county, the tenants and clothing workers joined with armed deserters from the royal army starting in 1643 to plunder manors and steal cattle from both royalist and parliamentary gentry.<sup>103</sup> Derek Hirst finds that assaults on Catholic houses in the summer and autumn of 1642 were often a pretext for forays against the manorial records.<sup>104</sup>

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<sup>99</sup>Thompson, "Richard Ingle in Maryland," pp. 131-133.

<sup>100</sup>Lewger, "Deposition" (Sept. 26, 1645), in Beitzell, "Thomas Cornwallis, Plaintiff," p. 350, answer 18; Thompson, "Richard Ingle in Maryland," pp. 131-133; "Cornwallis versus Ingle" (Mar. 31, 1646), House of Lords, in Leo Stock (ed.), *Proceedings of the British Parliament Respecting North America* (Washington, D.C.: Carnegie Institute, 1924), vol. 1, p. 178; Historical Manuscript Commission, House of Lords, Calendar, I, *Sixth Report* (London: H. M. Stationary Office, 1877), Appendix, pp. 109, 113; "Complaint of Thomas Cornwallis against Thomas Sturman et al." (Mar. 24, 1653), *Md. Arch.*, vol. 10, pp. 253-254 .

<sup>101</sup>Cuthbert Fenwick, "Testimony" (Apr. 18, 1654), *Md. Arch.*, vol. 10, p. 372. Cornwallis's debtors, including Francis Gray, also helped with the leveling. See "Cuthbert Fenwick," "Career Files."

<sup>102</sup>Henry Thompson, "Richard Ingle in Maryland," p. 13.

<sup>103</sup>See George Harrison, "Royalist Organization in Wiltshire, 1642-1646," unpublished Ph.D. dissertation, University of London, 1963, pp. 383-392.

<sup>104</sup>Hirst, *Representative of the People?*, p. 110; see also, Brian Manning, "The Outbreak of the English Civil War," in R. H. Parry (ed.), *The English Civil War and After* (London: Macmillan, 1970), p. 16.

Thomas Gerard was the fourth Catholic who was leveled. Economics rather than Royalism or Catholicism seems to have been the reason. Gerard's tenants, at least one of whom was a Catholic, took the occasion to stop paying rent on their 21 year leases.<sup>105</sup> That religion does not seem to have been a controlling factor in the levelings is also seen both from the several Protestants who were leveled and from the Catholic landlords, such as Thomas Greene, who were not touched.<sup>106</sup>

Some writers maintain that Ingle was nothing but a brigand.<sup>107</sup> But from the view of the planters, both Catholic and Protestant, who were faced with a proprietor that had been plotting to stop the London trade for several years, Ingle's part in the overthrow was probably welcome or at least seen as something which they would not oppose. The Civil War was at its height, and trade with London was a strategic concern for Parliament and a necessity in depression-era Maryland. In that context, Ingle cannot be reduced to a brigand.

In this light the Catholics' failure to support the proprietor against Ingle can be seen to have been more than merely their having been taken by surprise, as is sometimes argued.<sup>108</sup> First, the governor and those who joined him were not so surprised that they did not try to appease Ingle prior to his attack. After that failed, they had enough time to escape to Virginia. Second, while the settlement was scattered, that did not mean there was not an existing alarm and military defense system that had proven itself against hostile Indians and Virginians.<sup>109</sup>

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<sup>105</sup>"Thomas Gerard," "Career Files;" Giles Brent, "Libel of Thomas Copley", in Thompson, "Richard Ingle in Maryland," pp. 134, 136. Despite the leveling, Gerard stayed on in Maryland with no indication he supported the crown.

<sup>106</sup>Stone, "Society, Housing, and Architecture," p. 205.

<sup>107</sup>Craven, *The Southern Colonies*, vol. 1, p. 233.

<sup>108</sup>Russell Menard, "The Lords Baltimore and the Colonization of Maryland," in David Quinn (ed.), *Early Maryland in a Wider World*, (Detroit: Wayne State University Press, 1982), pp. 209-210.

<sup>109</sup>The military legislation contained in the *Md. Arch.* is too lengthy to list, as each assembly enacted such measures. For example, legislation required that no one could discharge three guns in a quarter hour except to give alarm. When such alarms were heard, every householder was required by law to continue it as far as possible and to send one fully armed member of the militia for every three in the household to assemble at pre-arranged spots. There were monthly musters to train and a monthly inspection of household arms made by the local captain of the trained band. No one able to bear arms was allowed to go to church or chapel or any considerable distance from their home unarmed. See Louis Scisco, "Evolution of Colonial Militia

Third, if it were conceded the Catholics were taken by surprise, then their failure to undertake a movement to restore the proprietor or promote the crown's commission during the two year overthrow period would seem to indicate an indifference toward both crown and proprietor among the thirty known Catholic members and leaders of Maryland's seven militia districts.<sup>110</sup> Instead of restoration attempts, the Catholics continued to plant their crops. Lois Green Carr shows that the province was not laid waste.<sup>111</sup> There was no grain shortage. In part because of the Dutch trade, they enjoyed a relative boom in tobacco prices and tobacco production beginning in 1645.<sup>112</sup> The assembly met as usual in February, March, and December 1646 with a majority of the delegates with known religion being Catholics.<sup>113</sup> When the proprietor's governor was finally

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in Maryland," *MHM*, 35 (1940), 166-167, 177; Douglas Leach, *Arms for Empire: A Military History of the British Colonies in America, 1607-1673* (New York: Macmillan, 1973), pp. 9, 19.

As early as 1634 there was a fort at St. Mary's with eight cannons. At the time of the overthrow at least eight people lived at the fort, including two Catholics, the tailor Barnaby Jackson and a blacksmith John Dandy. See Stone, "Society, Housing, and Architecture," p. 345. They continued to live there and, like the other Catholics, to keep their guns and cannons throughout the period. See *Ibid.*, p. 205. On July 31, 1646, the Catholics had enough gun power to celebrate the feast of St. Ignatius in the usual manner, which involved firing off cannons all night. See Charles E. Smith, *Religion Under the Barons of Baltimore* (Baltimore: E. A. Lycett, 1899), p. 297.

<sup>110</sup>Papenfuse, *Dictionary*, pp. 17, 20; Falb, *Advice and Ascent*, pp. 364, 366.

<sup>111</sup>Carr, "Sources of Political Stability," p. 55.

<sup>112</sup>According to Stone, "Society, Housing, and Architecture," p. 490, per capita tobacco production rose in 1646 to 950 pounds. It had been 878 in 1639. As indicated in the listing below, fewer people abandoned the province during the overthrow period than either before or after, and when they did, it was not Catholics who left.

Those Who Abandoned Maryland Migrants		
1642-1644	103	(1 Catholic)
1645-1647	14	(no Catholics)
1648-1650	35	(no Catholics)

See "Career Files" sorted on date last and excluding those known to have died; Lois Green Carr, "Introduction," in *ibid.*, pp. xxxii-xxxiii; Andrew White, S.J., *A Relation of the Successful Beginnings of the Lord Baltimore's Plantation in Maryland* (July 1634) (Annapolis: Maryland State Archives, Hall of Records Commission, 1984), p. xxviii.

<sup>113</sup>*Md. Arch.*, vol. 1, p. 266; 11th assembly, "Letter to Cecil Calvert" (Apr. 21, 1649), *ibid.*, vol. 1, pp. 238-239; *ibid.*, vol. 3, p. 220. Even the proprietor's council apparently continued to sit as a body. It along with the assembly selected Edward Hill in July 1646 to be the new governor. See Crow, "Left at Libertie," p. 114; Cecil Calvert, "Commission to Edward Hill" (July 30, 1646), *Md. Arch.*, vol. 3, pp. 171-172; Cecil Calvert, "Commission to the Governor" (Aug. 12, 1648), *ibid.*, pp. 188-191, 219-220).

restored in December 1646, it was not with the aid of Catholics but with the protection of an army hired in Virginia and led by a Presbyterian Richard Bennett. The army had an agreement with the proprietor that they would plunder the Catholics and Protestants if there was resistance.<sup>114</sup>

Besides Ingle, the other contemporary who has confused later writers by claiming the Catholics were Royalists was Richard Bennett, the same individual who had helped restore the proprietor in 1646.<sup>115</sup> He made his charges to justify the second overthrow of the proprietor between 1652 and 1656.<sup>116</sup> Like Ingle's claim, an analysis of Bennett's statement only offers more evidence that the Catholics had independent political beliefs. In this instance, however, they were being independent of Virginia and the London merchants who wanted to monopolize the Maryland tobacco market. This was the period of the Anglo-Dutch War. The Dutch had among its allies the Scots, Irish, New England, southern Maryland, Northampton County, Virginia, and Charles II.<sup>117</sup> The Maryland Catholics, like the English levelers, would not have been against using the crown against the parliamentary gentry and English merchants. But from 1652 to 1656, when the second overthrow took place, the crown had sunk too low to be of use. The interest of the Maryland planters was in retaining the Dutch trade, not in restoring the crown, despite the charges of Richard Bennett. This can be seen by outlining the second overthrow.

With the first Civil War having ended in the 1646 defeat of the crown and with the Maryland charter under attack both by some Maryland Catholics and Virginia and London merchants, the proprietor made peace with Parliament. In 1648 he appointed a new governor, William Stone (1603-1660) and secretary, Thomas Hatton (d. 1655), both of whom were Protestants, merchant-planters, and

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<sup>114</sup>Eleventh Assembly, "Letter to Cecil Calvert" (Apr. 21, 1649), *ibid.*, vol. 1, p. 238, stated that the proprietor's army put the Maryland population, including Catholics, under arrest.

<sup>115</sup>Charles M. Andrews, *The Colonial Period of American History* (New Haven: Yale University Press, 1934-1938), vol. 2, p. 302; see also, Smith, *Religion Under the Barons of Baltimore*, p. 334.

<sup>116</sup>Leonard Strong, *Babylons Fall in Maryland*, reprinted in *MHM*, 3 (Sept. 1908), 7; also reprinted in Hall, *Narratives*, p. 235; Roger Heamans, *Heamans' Brief Narrative* in *MHM*, 4 (1909), pp. 140-153.

<sup>117</sup>Charles Korr, *Cromwell and the New Model Foreign Policy: England's Policy toward France, 1649-1658* (Berkeley: University of California Press, 1975), pp. 67, 73.

Virginia legislators with working ties to the London merchants and Parliament.<sup>118</sup> The proprietor probably did not want the monarchy and the house of lords abolished, but once they were gone in 1649, Maryland was the first colony to assent to the new order. Parliament had to commission an armed force in 1651 to overthrow the royal governors in Virginia, Bermuda, Antigua, Barbados, St. Christopher, Nevis, and Montserrat. These governors, having been appointed by Charles I, sided with the claims of Charles II.<sup>119</sup> The proprietor pointed out to Parliament in 1652 the enthusiasm he had shown for the new order in comparison with Virginia and the West Indies:

If the lord Baltimore should, by this commonwealth, be prejudiced in his patent and right to that province, it would be a great discouragement to others in foreign plantations, upon any exigency, to adhere to this commonwealth, because it is notoriously known that by his express directions his officers and the people there did adhere to the interest of this commonwealth, when all other English plantations, except New England, declared against the Parliament.<sup>120</sup>

At about the time he was converting to the parliamentary side in the late 1640s, some 300 Presbyterian families migrated at the invitation of the proprietor and new governor from the Nansemond River area of Virginia to what is now Annapolis. The Presbyterians had been dissatisfied in Virginia because the royalist governor there had forced their clergy to exit the province and otherwise raised a "persecution" against them. The new community in Northern Maryland formed itself into a county, Anne Arundell in 1650. It soon objected to paying land fees and quit rents to the proprietor and to taking loyalty oaths to him.<sup>121</sup>

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<sup>118</sup>Papenfuse, *Dictionary*, p. 422; James W. McIlvain, *Early Presbyterianism in Maryland*, in John Hopkins University Studies in History and Political Science, vol. 8 (1890), p. 314.

<sup>119</sup>Lawrence Harper, *The English Navigation Law: A Seventeenth-Century Experiment in Social Engineering* (New York: Columbia University Press, 1939), pp. 40-41; Stock, *Proceedings*, vol. 1, pp. 218-219; Anonymous, "Surrender of Virginia to the Parliamentary Commissioner, March 1652," *VMHB*, 11 (1903-1904), 32-34.

<sup>120</sup>Cecil Calvert, "Reasons of State Concerning Maryland" (Aug. 1652), *Md.Arch.*, vol. 3, pp. 280-281.

<sup>121</sup>John Hammond, *Leah and Rachel, or the Two Fruitful Sisters, Virginia and Maryland* (1656), pp. 24-25, in Hall, *Narratives*, p. 304; William Stone, "Letter of Resignation" (July 20, 1654), in Anonymous, *Virginia and Maryland, or the Lord Baltimore's Printed Cases*

That he was a Catholic and the holder of a crown monopoly was salt on the wound. In 1652 their leader, Richard Bennett, who by then was governor of Virginia, having overthrown the royalist governor there several months earlier, headed the bloodless overthrow of the proprietor.<sup>122</sup> Stone and Hatton were retained as governor and secretary, but they ruled as a sub-district of Virginia, not as agents for the proprietor.

As with the 1645 overthrow, the Maryland Catholics seem to have been indifferent to the 1652 overthrow. Catholics, including Thomas Gerard, were part of the 13th assembly of June 24-28, 1652, which confirmed the new order.<sup>123</sup> But later Bennett attempted to enforce a ban desired by the London merchant's on trade with the Dutch.<sup>124</sup> In the 1650s Maryland shipped as much tobacco to Holland as it did to England. Despite the Anglo-Dutch War being waged between 1652 and 1654, the St. Mary's planters, Catholic and Protestant, continued to trade with the Dutch. Their lack of loyalty to Parliament, that is, to London merchants, resulted in Bennett excluding Catholics and Anglicans from the Maryland assembly in 1654.<sup>125</sup> With the proprietor's encouragement and promises of free land, the southern Maryland Catholics and Protestants waged an armed struggle against Annapolis in 1655 in an attempt to overthrow Virginia's domination there.<sup>126</sup> An armed struggle was also waged against Bennett and the prohibition

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*Uncased and Answered* in Hall, *Narratives*, p. 225.

<sup>122</sup>Daniel Randall, *A Puritan Colony in Maryland* in *JHU* 6, (4th series, 1886), pp. 9, 20.

<sup>123</sup>Papenfuse, *Dictionary*, p. 21; Richard Bennett, "Reduction of Maryland" (Mar. 29, 1652), *Md. Arch.*, vol. 3, p. 272.

<sup>124</sup>Crow, "Left at Libertie," pp. 160, 170; "Articles of Surrender" (Mar. 12, 1652) and "Assembly Proceedings" (1653) in Virginia, General Assembly House of Burgesses, *Journals of the House of Burgesses of Virginia (1619-1776)*, ed. H. R. McIlwaine (13 vols., Richmond: E. Waddy, 1915), vol. 1, pp. 79, 90-91, states the Dutch trade to Virginia was stopped after Bennett arrived in 1652; Susie Ames, *Studies of the Virginia Eastern Shore in the Seventeenth Century* (Richmond, Va.: Dietz Press, 1940), pp. 48-49; John Pagan, "Dutch Maritime and Commercial Activity in Mid-Seventeenth Century Virginia," *VMHB*, 90 (1986), 495.

<sup>125</sup>Nelson Rightmyer, *Maryland's Established Church* Baltimore: Diocese of Maryland, 1956), p. 8.

<sup>126</sup>Richard Bennett, "Commission for Governor of Maryland Under the Commonwealth" (Aug. 8, 1654), *Md. Arch.*, vol. 3, pp. 311-313; 14th assembly, "An Act Concerning Religion" (Oct. 20, 1654), *ibid.*, vol. 1, pp. 340-341. Despite Bennett's charges of Catholic Royalism, Frederick Fausz has shown that neither Royalism or Catholicism were significant factors in the battle. It was a battle mainly of Protestant against Protestant:

on Dutch trade by Maryland's neighbor, Northampton County on Virginia's eastern shore. Northampton stopped sending delegates and paying taxes to the Virginia House of Burgesses. The Dutch trade, not royalism or Catholicism, was the issue there.<sup>127</sup> It was probably the main issue in the Maryland confrontation as well.<sup>128</sup>

The Catholics' independence from Bennett and the London merchants does not mean they were Royalists. Massachusetts, for example, allowed no interference with the Dutch trade in its harbors, but this was not because it supported the crown.<sup>129</sup> The Massachusetts legislature as early as November 4, 1646, declared it owed to Parliament the same allegiance as the free Hanse Towns rendered to the Empire, that is, no allegiance. The Massachusetts legislature made death the penalty for any who asserted the supremacy of the English Parliament.<sup>130</sup>

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This shocking sabbathday clash between pro-Calvert forces of the Virginia Protestant governor and anti-Calvert forces of the Virginia Protestant commissioner was a confrontation between colonial countrymen unprecedented in magnitude.

See Fausz, "Merging and Emerging Worlds," in Carr, et al., *Colonial Chesapeake Society*, p. 82. Of the 27 known troops who served under the proprietor's governor, William Stone, 16 were Protestant or of unknown religion; 11 were Catholic. See Appendix for a listing of the troops.

<sup>127</sup>James Perry, *The Formation of a Society on Virginia's Eastern Shore, 1615-1655* (Chapel Hill: University of North Carolina Press, 1990), pp. 215-216; Thomas J. Wertebaker, *Virginia Under the Stuarts, 1607-1688* (Princeton: Princeton University Press, 1914), pp. 100, 104; John Burk, *The History of Virginia, from its First Settlement to the Commencement of the Revolution* (3 vols., Petersburg, Va.: Dickson & Pescud, 1822), vol. 2, pp. 82-86; Crow, "Left at Libertie," p. 126; Pagan, "Dutch Maritime and Commercial Activity," p. 495.

<sup>128</sup>Political overthrows centering on trade, not Catholicism, went on during the 1650s in South America. For example, between 1645 and 1654 the Catholic Portuguese-Brazilian planters revolted against and expelled the Dutch West India Company, which had been founded in 1621. The Dutch had been dominant at the port of Recife and the capital at Pernambuco in northeastern Brazil since the 1620s when the Catholics had joined the Dutch in expelling the Portuguese-Spanish regime. The Dutch were led by Johan Maurits, count of Nassau. By the 1640s the Catholic planters were in revolt against the Dutch because they (the Catholics) resented the sharp trading practices and great debt that was owed the Dutch. See James Lockhart and Stuart Schwartz, *Early Latin America: A History of Colonial Spanish America and Brazil* (Cambridge: Cambridge University Press, 1983), p. 251.

<sup>129</sup>George Bancroft, *History of the United States from the Discovery of the American Continent* (Abridged ed., Boston: Little, Brown, and Co., [1856-1874], 1966), pp. 355-356.

<sup>130</sup>The refusal to accept a charter from Parliament and the establishment of a mint in 1652 were symbolic of Massachusetts' independence. Massachusetts long put off recognizing the Commonwealth and refused to issue writs in the name of the Keepers of Liberties of England. See Thomas Hutchinson, *The History of the Colony and Province of Massachusetts Bay*, ed. Lawrence

Parliament itself recognized that the Maryland Catholics' independence from the Virginia and London merchants was not royalist in motivation. Parliament refused to confirm the 1652 overthrow and re-confirmed the proprietor's charter in 1656.<sup>131</sup> Stephen Crow discusses Cromwell's dissatisfaction with Virginia's interference with Maryland's independence:

What brought this all to a halt was Cromwell's apparent dissatisfaction with the Virginians' meddling with Maryland. Cromwell had no reason to trust Virginians, even if one of the colony's agents was Parliament's commissioner.<sup>132</sup>

From the outset of the Anglo-Dutch War, Cromwell and the independent gentry and laboring people in England had been opposed to the war as well as to the aggression against the Irish. As Charles Korr puts it, the war was a "contradiction" to their interests and came about from the scheming of the London merchant faction in Parliament.<sup>133</sup>

It has been seen that Catholic political beliefs grew out of and served their needs concerning self-government, the judiciary, and trade policy. They did not generally let themselves be subordinated by the crown, the Parliament, the proprietor, the Virginians, or the London merchants. In discussing the Catholics' beliefs about labor and laboring people in the last chapter, it was found useful to contrast their thinking with that of the typical Catholic gentry. This helps to show what the Catholics did not find of use and what was distinctive in their beliefs. The fourth and final part of the chapter will make a similar contrast concerning political belief. The typical Catholic gentry had a belief system to justify their loyalty to the crown. The argument here, as it was concerning the value of labor, is that to reach an alternative to the gentry's belief required equally strong beliefs. The contrasts point up the uniqueness and the antinomian character of Maryland Catholic thinking. Their political beliefs were not generally derivative from or

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Mayo (2 vols., Cambridge: Harvard University Press, 1936), vol. 1, pp. 149-150. When in June 1654 Parliament sent a fleet to remove the Dutch from the coast of North America, and thus to interrupt trade, the Massachusetts general court refused to allow its citizens to be conscripted to join the fight.

<sup>131</sup>PRO, *CSPC*, vol. 12, no. 71.

<sup>132</sup>Crow, "Left at Libertie," p. 146.

<sup>133</sup>Korr, *Cromwell and the New Model Foreign Policy*, p. 33.

respectful of the gentry thinking.

In justifying their low regard for labor, one of the beliefs that guided the nobility was based on ideas about race and nature. The same type of lineage belief was used to justify loyalty to the crown. The king was pictured as being part of a divine race. He was addressed as "your sacred majesty."<sup>134</sup> His blood was believed to cure the sick.<sup>135</sup> His court was viewed as a "type" of the court around God's heavenly throne.<sup>136</sup> The Catholic Walter Montagu suggested that contemplation of the English court was a good way to learn about heaven:

From the riches of court men may make optic glasses through which they do the easier take the high celestial glories; and surely the sight of our minds is much helped by such material interests, in the speculation of spiritualities.<sup>137</sup>

Those who held that monarchy derived from purely historical causes or otherwise criticized it were denounced as blasphemous.<sup>138</sup> As God's representative on earth, obedient support for him during the war was a religious duty. A Catholic

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<sup>134</sup>Godfrey Anstruther, *Vaux of Harrowden, A Recusant Family* (Newport, Mon.: R. H. Jones, 1953), p. 463.

<sup>135</sup>Donald Hanson, *From Kingdom to Commonwealth: The Development of Civic Consciousness in English Political Thought* (Cambridge: Harvard University Press, 1970), pp. 76, 88; Susan Ridyard, *The Royal Saints of Anglo-Saxon England: A Study of West Saxon and East Anglian Cults* (Cambridge: Cambridge University Press, 1988); Marc Bloch, *The Royal Touch: Sacred Monarchy and Scrofula in England and France* (London: Routledge and Kegan Paul, 1973).

<sup>136</sup>Nicholas Caussin, *The Holy Court, or the Christian Institution of Men of Quality with Examples of those who in Court have Flourished in Sanctity* (1626, Eng. eds. 1634, 1638, 1650, 1663, 1664, 1678, 1898), trans. Basil Brooke, *ERL*, vol. 3, p. 69, which quoted Thomas Aquinas, *Opus 2*, c. 102.

<sup>137</sup>Walter Montagu, *Miscellanea Spiritualia: or, Devout Essays, the Second Part* (London: John Crook, 1654), pp. 87-88. William Davenant, *Sir William Davenant's Gondibert: An Heroic Poem*, ed. David Gladish (Oxford: Clarendon Press, [1651] 1971), bk. 3, canto vi, p. 243, believed that "the outward qualities of the wealthy and beautiful announced their inner virtues." See Kevin Sharpe, *Criticism and Compliment: The Politics of Literature in the England of Charles I* (New York: Cambridge University Press, 1987), p. 105. Montagu and Davenant's views of court can be contrasted with that of Catholic dramatist Philip Massinger's *A New Way to Pay Old Debts*, ed. George Stronach (London: J. M. Dent, [1626] 1904), which attacked the superficial splendor of the court. See Doris Adler, *Philip Massinger* (Boston: Twayne Pub., 1987), p. 93.

<sup>138</sup>R. Malcolm Smuts, *Court Culture and the Origins of a Royalist Tradition in Early Stuart England* (Philadelphia: University of Pennsylvania Press, 1987), p. 230; Robert Wintour, *To Live Like Princes: A Short Treatise Concerning the New Plantation Now Erecting in Maryland*, ed. John Krugler (Baltimore: Enoch Pratt Free Library, [1635], 1976), p. 29.

gentleman remarked at the time, "My duty to God cannot be complied with, without an exact performance of my duty to my sovereign. This doctrine was instilled into my youth by catechism and confirmed to my riper years by sermons and conferences."<sup>139</sup> Another of the Catholic gentry, Thomas Brudenell, wrote about 1640:

Let every soul be subject to the higher powers, for who resists power resists God, and ex consequentia who rebels against kings doth so against God and purchases damnation.<sup>140</sup>

Both Walter Montagu and the Catholic William Davenant wrote dramatic works based in neo-Platonic philosophy to teach the sacred nature of monarchy. According to Kevin Sharpe, Montagu's *the Shepherd's Paradise* (1632) set the pattern for courtly drama in the 1630s.<sup>141</sup> It taught that "In the body politic, the constitution of Platonic love was that of the absolute rule of the king, as the soul of the commonwealth, over creatures inhabiting a world of sense and illusion."<sup>142</sup> Queen Henrietta Maria and other members of the court performed the *Shepherd's Paradise* on January 10, 1633. The production took eight hours. It had royalist lines such as "the true nature of monarchy lies in the marriage of will and law in the polity and in the person of the king. To separate these is to abuse the nature of man and monarchy."<sup>143</sup> It was treason to divide the king's will from the law, that is, the king's will, not Parliament, made the law.

In their ideas about lineage the nobility believed they were all part of a single family with the king. Earls when in the presence of the king kept their coronets on their heads "as cousins to the king."<sup>144</sup> They did not appreciate mixing their blood in non-noble marriages, and the off-spring of such unions they sometimes called mongrels.<sup>145</sup> Catholic nobility like Thomas Brudenell stated his

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<sup>139</sup>Anonymous, *Good Catholic No Bad Subject, or a letter from a Catholic Gentleman to Mr. Richard Baxter, modestly accepting the challenge* (London: John Dinkins, 1660), p. 1.

<sup>140</sup>Thomas Brudenell quoted in Joan Wake, *The Brudenells of Deene* (London: Casell, 1954), p. 128; see also, p. 124.

<sup>141</sup>Walter Montagu, *Shepherd's Paradise: A Comedy Privately Acted Before the Late King Charles by the Queen's Majesty and Ladies of Honor* (London: n.p., [1632] 1659).

<sup>142</sup>Sharpe, *Criticism and Complement*, p. 282.

<sup>143</sup>Montagu, *Shepherd's Paradise*, quoted in Sharpe, *Criticism and Complement*, p. 43.

<sup>144</sup>Joan Wake, *The Brudenells of Deene* (London: Casell, 1954), p. 167.

<sup>145</sup>These ideas can be seen in the religious books which the gentry subsidized, such as

reason for being a Royalist, "Let's keep the Crown glorious and entire, the more one's safety and renown."<sup>146</sup> Such traditional racial beliefs among Catholic gentry help account for why 200 of the 500 royal officers killed during the war were Catholic.<sup>147</sup> The Catholic nobility supported the war because they had been doing such, or thought they had been doing such, since the Norman invasion.

Part of the political thinking of the gentry was that one had to have noble blood in order to govern. As Davenant in his poem "Gondibert" (1651) commented, "the most necessary men are those who become principal by prerogative of blood."<sup>148</sup> For Catholic Royalists like George Calvert, the proprietor's father, the necessity of having noble blood in order to rule meant Parliament had no legitimacy in legislating on state and church affairs: "Antiquity shows that by inheritance the realm succeeds in one line and family. Dominion is centered in the same race and blood. Kings and kingdoms were before Parliaments. The Parliament was never called for the purpose to meddle with complaints against the king, or church or state matters."<sup>149</sup> At another point Calvert baited Parliament for being a friend of democracy:

They bark against kings and councils, and spit upon the crown like friends of democracies, of confusion and irregularity. They seek to suppress episcopal jurisdiction, and cashiere so many places of baronies in the upper house, and yet these men pretend to be friends and patrons of Parliaments and order. . . Where a prince is sovereign, no subject can be partaker of his sovereignty, which is a quality not communicable, for it resideth in a body politique, and if it be divided (without the prince's consent), it looses the

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Caussin, *Holy Court*, vol. 1, p. 7.

<sup>146</sup>Wake, *Brudenells of Deene*, p. 128.

<sup>147</sup>Reginald H. Kiernan, *The Story of the Archdiocese of Birmingham* (West Bromwich, Eng.: Joseph Wares, 1951), p. 13; K. J. Lindley, "The Part Played by the Catholics in the Civil War," unpublished Ph.D. dissertation, University of Manchester, 1968, p. 249.

<sup>148</sup>Davenant, *Gondibert*, p. 13. Gondibert was a political allegory inspired by Pliny. The Lombard king, Gondibert, was a symbol for Charles II. See Sharp, *Criticism and Compliment*, pp. 102, 104.

<sup>149</sup>George Calvert, *The Answer to Tom-Tell-Truth: The Practice of Princes and the Lamentations of the Kirke* (London: n.p., [1627], 1642), pp. 8, 16. The parliamentarians also used history, but to prove just the opposite, that the crown derived from an unjust conquest and that the rule of law, not the crown, had precedent. See Edward Coke, *The Reports of Edward Coke* (6 vols., London: J. Butterworth, [1600-1615] 1826), part 5, p. iii.

sovereignty.<sup>150</sup>

The proprietor shared his father's belief that ruler and ruled should be determined by birth. Just as Calvert senior baited Parliament for being a friend of democracy, Calvert junior baited the Maryland assembly in 1649 as atheistic and enslaving for asserting the rights of the laboring people:

By woeful experience it has been found in divers nations that no one thing has so certainly betrayed the people into true slavery indeed, as the deceitful suggestions of subtle machiavellians pretending religion, and an extraordinary care of the people's liberty. Such religion possesses them with fears and jealousies of slavery, thereby to alienate their affections from the present government. The common way to atheism is by a pretended reformation in matters of religion, so the direct road to bondage is usually found in specious pretenses of preservation of liberty.<sup>151</sup>

The proprietor's dislike of representative institutions included, as Thomas Hughes, S.J. puts it, a "contempt" for the planters.<sup>152</sup> Like the crown which during the 1630s displaced the rule of Parliament and the proprietor's friend, Thomas Wentworth, who allowed no right of legislative initiative to the Irish Parliament, Calvert wanted to limit the Maryland assembly.<sup>153</sup>

Gentry catechisms had a bias for monarchism. This form of government, according to Thomas Aquinas, "best assured stability of power, wealth, honor and fame" for landlords.<sup>154</sup> Those saints who were the objects of gentry devotion included no less than twenty canonized kings.<sup>155</sup> It might be contended that the gentry were for monarchy because they knew of no other choice. This ignores, first, that since the Conquest there had been a continuous and often successful English Catholic tradition of resistance to the "Norman yoke," especially in the

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<sup>150</sup>Calvert, *The Answer to Tom-Tell-Truth*, pp. 3, 15.

<sup>151</sup>Cecil Calvert, "Letter to the Assembly" (April 1650), *Md. Arch.*, vol. 1, pp. 264-265.

<sup>152</sup>Hughes, *Society of Jesus*, text, vol. 2, p. 636.

<sup>153</sup>O'Grady, *Strafford and Ireland*, vol. 1, p. 238. The Irish Parliament had only the right to petition and to veto proposed statutes.

<sup>154</sup>Aquinas, *On the Governance of Rulers*, p. 88; see also, pp. 39-41.

<sup>155</sup>Bp. Richard Smith, *The Life of Lady Magdalen Viscountesse Montague* (1627), *ERL*, vol. 54, p. 3; John Sweet, *The Apologies of the Most Christian Kings for the Fathers of the Society of Jesus* (1611), *ERL*, vol. 48; G. K. (trans.), *The Roman Martyrology* (1627), *ERL*, vol. 222; Alfonso de Villegas, *The Lives of Saints* (1623), *ERL*, vols. 355-356.

north and west of England.<sup>156</sup> Second, the history of the anti-monarchical communes in Spain, Germany, and Italy, of the republics in Italy and Holland, not to mention the ancient Greek and Roman examples, were also available for consideration.<sup>157</sup> Humanists like Thomas More and Erasmus popularized the idea that republicanism was preferable to monarchy.<sup>158</sup> The Catholic architect Inigo Jones during the 1630s helped renew the late republican Roman tradition in architecture, not in politics.<sup>159</sup>

The corollary to the nobility's belief that lineage and nature made them natural rulers was that laboring people by birth were meant to be obedient. One sees this doctrine repeated in a wide selection of gentry-written Catholic pamphlets, including the gentry-subsidized Douay translation of the bible. This bible was the exclusive English language version for the seventeenth-century Catholics who chose not to use the Protestant translations. It emphasized the political virtue of obedience to the crown in its marginal notes. This was despite the pope's wishes that Protestant kings be overthrown. For example, the note for 1 Kings 8 taught:

In case kings or other princes commit excesses and oppress their subjects, yet are they not by and by to be deposed by the people nor commonwealth, but must be tolerated with patience, peace and meekness.<sup>160</sup>

The marginal note for Macabees 4:1 stated, "In the case of tyranny, the best remedy is by authority of superior power, not by the people, who are more prone to faction than justice."<sup>161</sup>

Among the Catholic writers who developed the theme that obedience was

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<sup>156</sup>Christopher Hill, "The Norman Yoke," *Democracy and the Labor Movement*, ed. John Saville (London: Lawrence and Wishart, 1954), pp. 21-23.

<sup>157</sup>James Wadsworth (trans.), *The Civil Wars of Spain. . . by P de Sandoval* (London: William DuGard, 1652); K. W. Swart, *The Miracle of the Dutch Republic as Seen in the Seventeenth Century* (London: H. K. Lewis, 1967); Ernst H. Kossmann, *In Praise of the Dutch Republic: Some Seventeenth-Century Attitudes* (London: H. Lewis, 1963).

<sup>158</sup>Todd, *Christian Humanism*, pp. 188, 190.

<sup>159</sup>Smuts, *Court Culture*, p. 84; Gillow, *Literary*, vol. 3, pp. 650-653.

<sup>160</sup>Thomas Worthington (ed.), *Holie Bible: Old Testament, faithfully translated into English from the Latin by the English Colledge of Dowai* (1609), *ERL*, vols. 265-266.

<sup>161</sup>*Ibid.*

the way to curb pride and rebellion were Walter Montagu in *Miscellanea Spirituality, or Devout Essays* and Tobie Matthew in his translation of *Practice of Perfection and Christian Virtue*.<sup>162</sup> John Abbot in *Jesus Praefigured*, which he dedicated to Charles I, called rebellion a crime.<sup>163</sup> William Davenant believed the people were weak in mind, creatures of the senses and in "Gondibert" (1651) called for Charles II to put them down because they were "in a condition of beasts whose appetite is liberty and their liberty a license of lust."<sup>164</sup> God's people in the gentry's view had four marks:

The first is a profound humility. The second a great love of virginity. The third, a great obedience to superiors, recommended by St. Paul to the Romans: Let every soul be subject to superior powers. The fourth a sweetness and an admirable patience in persecutions.<sup>165</sup>

Neo-Platonic love, which the court often held up as the greatest virtue was equated with peace and obedience.<sup>166</sup> Davenant equated obedience to the crown with liberty.<sup>167</sup>

The Maryland Catholics' political beliefs, as manifested in their legislative, judicial, and trade policies, were not derivative but often in opposition to those of the ideal type gentry. They found nothing especially sacred about the crown or the gentry. Political virtue for the Catholics was not in obedience but in making government serve their needs.

To sum up, the first part of this chapter looked at Catholic beliefs concerning the rights of the assembly, the judiciary, and taxation. The ideal type Catholics followed a policy that was independent of the proprietor. This makes suspect the attribution of Royalism to Maryland Catholics based on the proprietor's Royalism. The second part of the chapter discussed several situations

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<sup>162</sup>Montagu, *Miscellanea Spirituality*, p. 168; Alonso Rodriguez, S.J., *Practice of Perfection and Christian Virtues*, trans. Tobie Matthew and Basil Brooke (3 vols., Chicago: Loyola University Press, [1631] 1929), vol. 2, pp. 165-354, vol. 3, pp. 275-376.

<sup>163</sup>Abbot, *Jesus Praefigured*, preface.

<sup>164</sup>Davenant, *Gondibert*, pp. 13, 30, cited in Sharpe, *Criticism and Compliment*, pp. 105, 301.

<sup>165</sup>Caussin, *Holy Court*, vol. 1, p. 64; see also, vol. 1, pp. 51, 62, 81.

<sup>166</sup>Sharpe, *Criticism and Compliment*, p. 290.

<sup>167</sup>*Ibid.*, p. 103.

in which the Catholics had an opportunity to take a stand directly on the crown's war efforts. In both cases, they chose to act independently of Charles I's wishes. In January 1644 and again in late 1644 and in the early 1645 overthrow, they chose not to stop trade with the London merchants. As pointed out in the third part of the chapter, later accounts have sometimes been confused by the charges of Royalism made against the Catholics by prominent contemporaries like Richard Ingle and Richard Bennett. It was argued that such charges cannot be accepted at face value and the episodes in which Ingle and Bennett were involved actually provide further evidence of Catholic political independence. The fourth part of the chapter contrasted the beliefs of the ideal type Maryland Catholics with those of the English Catholic gentry. The gentry's beliefs were not found to be useful by the Maryland Catholics.

Derek Hirst notes in his study of Parliament that large sections of the ordinary English people were making political decisions not just because they had been pressured by superiors, bribed, or made drunk. The gentry and the town corporations were not the sole force in politics "even before the polarization and propaganda campaign of 1641-1642 took place."<sup>168</sup> The working people had their own interests and principles, and were not totally ignorant of their own capacity for action. What was true in England seems also to have been the case in Maryland. The Catholics upheld their interests and principles, in spite of the proprietor and even of the crown.

Map 4: St. Mary's in the 1640s<sup>169</sup>

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<sup>168</sup>Hirst, *Representative of the People?*, p. 153.

<sup>169</sup>Lois Green Carr, "The Metropolis of Maryland: A Comment on Town Development along the Tobacco Coast," *MHM*, 69 (1974), 127.

## Chapter 4

### Beliefs about the Role of the Clergy

This chapter is about the ecclesiology or beliefs of the Maryland Catholics concerning the role of the clergy. What is found is an initial conflict between the Catholics' beliefs and those of the clergy. The Catholic migrants believed the role of the clergy was to serve as pastors in their parish communities in the manner that they had experienced in Lancashire and Yorkshire. The clergy however, were inclined toward the Indian missions and the "manorhouse" type of ministry that dominated in southern and eastern England, not toward congregational parishes for laboring people.

Examining the beliefs of Catholics about the role of the clergy gives an insight into the nature of their religion that is sometimes difficult to detect. Timothy Tackett remarks on the problem which historians have in such studies. His comments concerning eighteenth-century France apply equally to Maryland:

The great majority of historians, whether clerical, anticlerical, or something in between, have tended to concur with the Lefebvre position. Though the countryside people are usually deemed fully capable of independent political judgment and action where their economic interests are at stake, they have been curiously transformed into non-entities or automatons in the religious crisis of 1791, reacting reflexively to the pressure of events and the decisions of their clergy. To be sure, the vast majority of the laity could never have understood the fine theological subtleties debated by ecclesiastics in the battle of the oath. But the people had their own logic in such matters, their own theology of sorts.<sup>1</sup>

The conflict in Maryland between the "theology" of the Catholics, to use

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<sup>1</sup>Timothy Tackett, *Religion, Revolution, and Regional Culture in Eighteenth-Century France: The Ecclesiastical Oath of 1791* (Princeton, N.J.: Princeton University Press, 1986), p. 166.

Tackett's term, and that of the clergy was often resolved in favor of the Catholics, in part because they controlled the Maryland assembly and used its legislation to implement their beliefs. The order of presentation in the chapter will first be a description of the parishes which were developed. Second will be outlined the obstacles which the Roman establishment and the clergy's beliefs about their role initially posed for the parishes. Third will be considered the legislation which they enacted to regulate the role of the clergy. Finally, there will be mention of six measures that benefited congregational development.

The first part of this chapter describes the three parishes or congregations that were developed in Maryland by 1640. Within these parishes ministered the clergy, of which 12 were present in Maryland from periods of six months to fifteen years during the Civil War era. There were about 400 European parishioners, as mentioned earlier. If parish registers of births, marriages, and burials were kept, they have not been preserved. However, from references in other records, it is known that the clergy officiated at baptisms, marriages, and burials.<sup>2</sup> They also celebrated mass on Sundays and gave catechetical lectures.<sup>3</sup> On holy days they gave sermons.<sup>4</sup> They helped in the festivities which included parades or processions and fireworks. Among the first activities when the Catholics landed in Maryland on March 25, 1634 was a procession. The clergy made a cross "and taking it on our shoulders, we carried it to the place appointed

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<sup>2</sup>William Rosewell," in "Career Files," box 21; "John Thimbleby," "Career Files," box 24, and "William Hawley," "Career Files," box 12.

<sup>3</sup>Catholic Clergy, "Annual Letter of the English Province of the Society of Jesus" (1638), in Hall, *Narratives*, pp. 119, 122-123. As in England and the local Anglican church, when the clergy were not available, the Catholics still continued their services and feast-days. Thomas Copley, S.J., "Letter to Provincial" (Mar. 1, 1648), in Hughes, *Society of Jesus*, documents, vol. 1, no. 8, Q, mentioned that at the moment of his returning to Maryland in 1648 after being absent for several years, he found the Catholics gathered together. It was probably a Sunday and they were engaged in a prayer service, marriage, or some similar event. Arthur Middleton, "Toleration and the Established Church of Maryland," *HMPEC*, 53 (1984), 13-14, discusses the "lay readers" who served in the absence of Anglican clergy.

<sup>4</sup>At the monthly militia training day session it appears the clergy may also have given a sermon. Training day sermons by Protestant clergy were common in England and New England. See "Francis Fitzherbert," "Career Files," box 9; Hughes, *Society of Jesus*, text, vol. 2, pp. 52, 61; "Attorney General versus Fitzherbert" (Oct. 5, 1658), *Md. Arch.*, vol. 41, p. 144; Marie L. Ahern, *The Rhetoric of War: Training Day, The Militia, and the Military Sermon* (Westport: Greenwood, 1989).

for it. The Governor and commissioners putting their hands first unto it, then the rest of our chief adventurers."<sup>5</sup> The traditional eight feast-day agrarian cycle seems to have been followed in Maryland. A feast day came about every six weeks: Christmas, the first Sunday in Lent, Easter, Whitsun, Sts. Peter and Paul (June 29), the Assumption (August 15), Michaelmas (September 29), and All Saints (November 1). These symbolic rituals relating to the harvest year, if England is any example, glorified productivity, fertility, and husbandry.

Probably some of the other Catholic customs described earlier were also brought over: Whitsun ales (the seventh Sunday after Easter), may-poles, Morris dancing, pageants, village pipers, plays and drama, dancing around a bonfire and singing, as on the feast of St. John, ringing bells, shooting off guns, lighting candles, raising cheers, drinking and banqueting, and patron saints such as St. Anne, who brought fertility and protected pregnant mothers, especially in childbirth.<sup>6</sup> An example of such festivities was the feast of Ignatius Loyola on July 31. Loyola was the founder of the Jesuit order which ministered in Maryland. The following describes the nocturnal part of the festival at St. Mary's in 1646:

"Mindful" runs the record, "of the solemn custom, the anniversary of the holy father being ended, they wanted the night also consecrated to the honor of the same by continued discharge of artillery." Accordingly they kept up the cannonade throughout the whole night.<sup>7</sup>

Most Catholics thought well of the clergy, as they customarily left substantial bequests to them in their wills.<sup>8</sup> They also gave the clergy various privileges which the clergy requested, such as exempting them from having to attend the assembly or serve on juries.<sup>9</sup> Even a considerable number of

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<sup>5</sup>Andrew White, S.J. *A Relation of the Successful beginnings of the Lord Baltimore's Plantation in Maryland*, ed. Lois Green Carr, (Annapolis: Maryland State Archives, [July, 1634], 1984), p. 3.

<sup>6</sup>Keith Luria, "The Counter-Reformation and Popular Spirituality," *Catholic Spirituality: Post-Reformation and Modern*, ed. Louis Dupré and Don Saliers (New York: Crossroads, 1989), pp. 102, 113.

<sup>7</sup>Charles E. Smith, *Religion Under the Barons of Baltimore* (Baltimore: E. A. Lycett, 1899), p. 297.

<sup>8</sup>Michael Graham, S.J., "Lord Baltimore's Pious Enterprise: Toleration and Community in Colonial Maryland," unpublished Ph.D. dissertation, University of Michigan, 1983, p. 97.

<sup>9</sup>Hughes, *Society of Jesus*, text, vol. 1, p. 381-383. Thomas Hughes, S.J. believes that in

Protestants found the Catholic communities and the clergy attractive enough that they joined them. One of the clergy remarked in a report to England, "For among the Protestants nearly all who came from England in 1638 and many others have converted to the faith."<sup>10</sup> After looking at their work, Michael Graham, S.J., concludes in his study, "The Roman Catholic clergy shouldered the difficulties of missionary life with such love and deep devotion that their witness can still, centuries later, amaze and challenge us."<sup>11</sup>

The church Catholics in England wanted the clergy to be supported by voluntary contributions. This was a reform which laboring Catholics had been seeking since the time of the Lollards. The English levelers voiced the same desire in the 1650s. It was not generally because they were anticlerical. Rather, voluntary support gave them more of a voice in obtaining clergy who had a sympathy for their needs and preventing absentee pastors and other abuses. In Maryland the Catholics refused to establish their clergy by enacting tithe or glebe legislation, although this was debated.<sup>12</sup> Instead the clergy were supported in part by the voluntary taxes and services of the Catholic families, including direct

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providing these privileges the Catholics were following canon law, which prohibited the clergy from taking part in a number of political acts. However, bishops had for centuries sat in the House of Lords and been part of the judiciary. It was only in 1642 that they were removed from Parliament by the "Clerical Disabilities Act" (16 Car. 1, cap. 27). The system of ecclesiastical courts was abolished at the same time. See Henry Gee, *Documents Illustrative of English Church History* (London: Macmillan, 1921), pp. 562-564; Christopher Haigh, *The English Reformation Revised* (Cambridge: Cambridge University Press, 1987), p. 203.

<sup>10</sup>Catholic Clergy, "Annual Letter of the English Province of the Society of Jesus" (1638), in Hall, *Narratives*, pp. 119, 122-123.

<sup>11</sup>Graham, "Lord Baltimore's Pious Enterprise," p. 76.

<sup>12</sup>The clergy themselves objected to the glebe legislation because they would have had to provide part of their holding for it and the income would apparently have gone to the secular or Anglican clergy. See Hughes, *Society of Jesus*, text, vol. 1, p. 410; John Bozman, *The History of Maryland* (Spartanburg, S.C.: Reprint Co., [1837], 1968), vol. 2, p. 68. There was a tithe in Maryland at least at certain points during the era, but its beneficiary seems to have been the proprietor. John Lewger, "Letter to Cecil Calvert" (Jan. 5, 1639), *Calv. Pap.*, p. 200, mentioned his inability to collect it:

For the tenths I gave your lordship a general account of that matter in my last letter. By which you will find that I have gathered no tenths of any of the rest, and they will think themselves very hardly dealt withall to have it exacted of them only. Neither upon the whole trade which they have entered in my book will the tenth amount to any considerable matter. So that with your lead I intend to forbear the exacting of it.

labor, such as helping to build their cemeteries and chapels.<sup>13</sup> The Catholics probably established a regular if informal set of fees for burials, marriages, and baptisms, as was the case in other Catholic nations.<sup>14</sup> Some of the Maryland clergy's expenses were covered by income from their plantation and alms from Catholics in England. In one letter during the 1650s, the clergy reported that the ship carrying their annual donations from Europe was lost and they were experiencing hardship.<sup>15</sup> As mentioned earlier, in the Civil War era the clergy probably lost money on their plantation, so that they had to depend for part of their income on the Catholics.

The relatively large capital, amounting to perhaps £1,000, which the clergy used to initially establish their plantation and bring over indentured servants came from several Catholic magnates in England. William Petre gave the Jesuits £8,000 in land in 1632. From the tenants on this land they earned £500 per year, part of which probably ended up in Maryland.<sup>16</sup>

The three parishes within which the clergy's work was carried out were first, the St. Mary's community in St. Mary's City, which was built in 1638.<sup>17</sup> In addition to the free standing chapel, there was also by 1640 a chapel within the clergy's house at St. Mary's. This house was purchased in April 1641 by the proprietor for £200 as a residence for his governor. Under his ownership, the public and the clergy continued to use the chapel.<sup>18</sup>

The second community, the Newton parish on St. Clement's Bay, did not establish a chapel until 1661. It met at the home of Luke Gardiner starting in 1638.<sup>19</sup> Gardiner was a tenant of William Bretton, the manor lord of Little

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<sup>13</sup>"Deed from William Bretton" (Nov. 10, 1661), *Md. Arch.*, vol. 41, p. 531.

<sup>14</sup>Nicholas Cushner, *Farm and Factory: The Jesuits and the Development of Agrarian Capitalism in Colonial Quito, 1600-1767* (Albany, N.Y.: SUNY Press, 1982), p. 135.

<sup>15</sup>Maryland Clergy, "Letter to Provincial" (1655-1656), Hughes, *Society of Jesus*, documents, vol. 1, no. 8, T; *ibid*, text, vol. 2, p. 59.

<sup>16</sup>John Bossy, *The English Catholic Community, 1570-1850* (London: Darton, Longman, and Todd, 1975), p. 232.

<sup>17</sup>Nelson Rightmyer, *Maryland's Established Church* (Baltimore: Diocese of Maryland, 1956), p. 14; James Thomas, *Chronicles of Colonial Maryland* (Cumberland, Md.: Eddy Press, 1913), p. 41.

<sup>18</sup>"Court Business" (Mar. 28, 1644), *Md. Arch.*, vol. 4, p. 266.

<sup>19</sup>Edwin Beitzell, *The Jesuit Missions of St. Mary's County Maryland* (Abell, Md.: n.p.,

Bretton.<sup>20</sup> Thomas Copley, S.J. served at Newton parish between 1639 and 1644, Lawrence Starkey, S.J. served there from 1649 to 1654, and Francis Fitzherbert, S.J. was there from 1654 to 1662.<sup>21</sup> Starting in 1640 the Newton community also ran a school that was taught by Ralph Crouch in the 1650s. Crouch was later associated as a lay-brother with the clergy. The school was supported by the bequests of testators and by the families whose children attended.<sup>22</sup> The third Catholic community was established at Port Tobacco Hundred in what is now Charles County. As at Newton, no chapel was built until the 1660s, but Andrew White, S.J. (1579-1656) was ministering there by 1640.<sup>23</sup>

With this summary of the parishes that developed in Maryland as background, the problems which the clergy's beliefs about their role initially posed for these parishes will be addressed. One obstacle to parish development was that the clergy viewed the ministry to the Indians, not to the English Catholics, as their main interest.<sup>24</sup> The Jesuits seem to have assumed that secular priests, that is, non-Jesuits, were to come out to serve the English. This did happen for a period in the early 1640s when two secular priests came out.<sup>25</sup> Another secular, John Lewger, served in the later half of the 1640s.

The Jesuits were encouraged by their constitution and traditions to make missionary work among the native people a primary concern.<sup>26</sup> Ignatius Loyola, as noted the founder of the Jesuits, was the first to use the term "mission" in the

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1976), pp. 7-8, 11, 25-26; William Treacy, *Old Catholic Maryland and Its Early Jesuit Missions* (Swedenboro, N.J.: n.p., 1889), p. 59.

<sup>20</sup>Lorena Walsh, "Community Networks in the Early Chesapeake," *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip Morgan, and Jean Russo (Chapel Hill, N.C.: University of North Carolina Press, 1989), pp. 207-208.

<sup>21</sup>Beitzell, *Jesuit Missions*, p. 25.

<sup>22</sup>*Ibid.*, p. 26.

<sup>23</sup>*Ibid.*, pp. 7, 10.

<sup>24</sup>*Ibid.*, pp. 15-16.

<sup>25</sup>Cecil Calvert, "Instructions Given to Commissioners for my Treasury in Maryland" (Nov. 18, 1645), *Md. Arch.*, vol. 3, p. 143. The Jesuits may have expected the secular clergy to minister to the congregations, but at the same time they attempted to prevent the seculars from migrating to Maryland. See John Krugler, "Lord Baltimore, Roman Catholicism, and Toleration: Religious Policy in Maryland during the Early Catholic Years, 1634-1649," *CHR*, 65 (1979), 73.

<sup>26</sup>Ignatius Loyola, *The Constitutions of the Society Of Jesus*, trans. George Ganss, S.J. (St. Louis: The Institute of Jesuit Sources, 1970), pp. 267-271, part 7, ch. 1.

sense of sending someone to a colony.<sup>27</sup> The Jesuit heroes were missionaries like Matteo Ricci, S.J. (1552-1610) in China, Roberto de Nobili, S.J. (1577-1656) and Francis Xavier, S.J. (1506-1552) in India and Japan.<sup>28</sup> John O'Malley, S.J. comments about the Jesuit superior of the period, "Jerome Nadel returned again and again to the idea that the Society was essentially a group 'on mission,' ready at any moment to travel to any point where there was need for its ministry."<sup>29</sup> Andrew White, S.J., who served in Maryland, showed his special regard for the missions by vowing in 1619, "I promise a special obedience to the supreme pontiff regarding the missions."<sup>30</sup> For Jesuit saints like Aloysius Gonzaga, the missionary ideal was an expression of their "contempt" for the world. Gonzaga joined the order so that he could "sacrifice" his life in converting the Indians to Christ in the American missions.<sup>31</sup> Nathaniel Southwell, S.J. asked his superior in 1634 to be sent to North America because it was "the most perfect oblation of all and the greatest sacrifice of myself which I can offer in this life to the lord. . . It is likewise a most complete act of self-abnegation, since it is a separation in fact from all things that are dear to me in this life, without any hope of ever seeing them again; and so it is morally a kind of death suffered for Christ."<sup>32</sup> In ministering to the Indians the Maryland clergy underwent considerable hardship. Several died from the diseases and difficulties they met.

The Maryland Catholics, however, seem to have had little sympathy in general with beliefs about missions or beliefs associated with mission like

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<sup>27</sup>André Seumois, *Theologie missionnaire* (Rome: Bureau de Press OMI, 1973), pp. 8-16; David Bosch, *Transforming Mission: Paradigm Shifts in Theology of Mission* (New York: Orbis, 1991), p. 228. Before the term "mission," other terms were used such as propagation of the faith or preaching the gospel.

<sup>28</sup>Orazio Torsellino (d. 1599), *The Admirable Life of S. Francis Xavier* (1632), *ERL*, vol. 299; Pedro Morejon (d. 1634), *A Brief Relation of the Persecution in the Kingdom of Japan* (1619), *ERL*, vol. 213; Georg Schurhammer, *Saint Francis Xavier: His Life, His Times* (4 vols., Rome: Jesuit Historical Institute, 1982); Pedro de Ribadeneyra (d. 1611), *The Life of B. Father Ignatius Loyola* (1616), *ERL*, vol. 300.

<sup>29</sup>John O'Malley, "To Travel to any Part of the World: Jerome Nadel and the Jesuit Vocation," *Studies in the Spirituality of the Jesuits*, 15 (1983), 5; see also, O'Malley, "Early Jesuit Spirituality," in *Christian Spirituality: Post-Reformation and Modern*, ed. Louis Dupré and Don Saliers (New York: Crossroad, 1989).

<sup>30</sup>Beitzell, *Jesuit Missions*, p. 15-16.

<sup>31</sup>Virgilio Cepari, *The Life of Aloysius Gonzaga* [1627] in *ERL*, vol. 201, p. 92.

<sup>32</sup>Hughes, *Society of Jesus*, text, vol. 1, p. 5.

contempt for the world. The basis for Catholic morality was labor. The Catholics needed the services of the clergy for their congregations. The emphasis on the Indian missions and on a quick and glorious death were obstacles to the congregational ministry.

A second obstacle to the development of parishes was the gentry orientation brought by the clergy to Maryland. The Jesuits assumed the secular clergy would come out to minister to the laboring people. They also seem to have expected Catholic gentry to migrate to Maryland, and that they would serve as their domestic chaplains. The Jesuits' counterparts in other parts of the colonial world hired secular clergy to attend to the needs of the laboring people who worked on their estates. The Jesuits were more interested in ministering to the colonial gentry.<sup>33</sup> The problems caused by the preference for the gentry in England have already been explained. Most of the Catholic congregations were in the north and west of England, but a majority of the clergy, both Jesuit and secular, were employed in the south and east. The gentry, who were no more than 5 percent of the recusant population, employed Jesuits as domestic chaplains and tutors for their children.<sup>34</sup> The gentry's hold on the clergy was little different than its ownership of land, education, and other resources. The disregard of laboring people's needs reflected the general low regard which the gentry had for labor.

The clergy were monopolized because of the gentry's beliefs and because many clergy shared in those beliefs. Two-thirds of the clergy were from gentry families. They earned £20 to £25 per year as domestic chaplains, which was a comfortable living, twice what a laboring Catholic made. The Jesuit clergy were also encouraged by their constitutions and traditions to minister to the gentry. Thomas Aquinas had called the congregational ministry "a lower grade of perfection."<sup>35</sup> John O'Malley comments, "The Jesuits deliberately forswore for themselves the very offices with which reform was concerned--papacy,

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<sup>33</sup>Cushner, *Farm and Factory*, p. 134.

<sup>34</sup>Bossy, *The English Catholic Community*, pp. 184, 422.

<sup>35</sup>Thomas Aquinas, *Questiones quodlibetales*, ed. R. Spiazzi (Taurino: Casa Marietti, 1956), I. 7, 2; III. 6, 3; Leonard Boyle, *Pastoral Care, Clerical Education, and Canon Law, 1200-1400* (London: Variorum, 1981), pt. II: p. 251.

episcopacy, pastorate."<sup>36</sup> The constitution of the Jesuit order stated in part, "The more universal the good is, the more is it divine. . . For that reason, the spiritual aid given to important and public persons ought to be regarded as more important, since it is a more universal good."<sup>37</sup> By "important" the Jesuits meant gentry. This was not far different from the argument of Gregory the Great and the landlords' clergy for a millennium. It was, as Paul Meyvaert points out, the age-old justification, in a Christian version, of Roman imperialism, the natural subordination of barbarians to Romans, as slaves to freemen.<sup>38</sup> It turned up "dismayingly often" in the heroes of the gentry.<sup>39</sup> Ministering to landlords, it was said, would filter down to the laboring people.

The contemporary Christopher Bagshaw described the negative results for the congregational ministry which came from the gentry's beliefs, "The Jesuits are used to fawn upon men of noble birth, especially if they be rich. They look not after the cottages of the poor, nor minister their help to them, be they ever so much in need."<sup>40</sup> The seculars, no less than the Jesuits were often dominated by a low regard for working people. Christopher Haigh comments:

The brand of religion which appealed to illiterate peasants offered little satisfaction for the priestly products of the seminaries, Jesuit Colleges, and reformed Benedictine monasteries, who preferred the spiritual life of an educated household. . . If priests became private chaplains to landlords because of the brand of religion they professed, they did so too because of the kind of men they were and their concepts of clerical dignity. . . The devotional works printed for English Catholics were designed for the gentry family.

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<sup>36</sup>John O'Malley, "Was Ignatius Loyola a Church Reformer? How to Look at Early Modern Catholicism," *CHR*, 77 (1991), 181-182. The normal Jesuit mode of operation was not a parish but a college. They used the term college not in the educational sense, but meaning a collection of people. It consisted of a building, at least 12 Jesuits, and an endowment to pay for them.

<sup>37</sup>Loyola, *Constitutions of the Society of Jesus*, p. 275, part VII, ch. 2, paragraph 622 d-c; John O'Malley, "Renaissance Humanism and the Religious Culture of the First Jesuits," *Heythrop Journal*, 31 (1990), 482.

<sup>38</sup>Paul Meyvaert, "Gregory the Great and the Theme of Authority," *Spode House Review*, (1966), 24.

<sup>39</sup>*Ibid.*, p. 23.

<sup>40</sup>Christopher Bagshaw, *A True Relation of the Faction begun by Fr. Persons at Rome* (1601), ed. Thomas Law (London: D. Nutt, 1889), p. 105.

They enjoin a life of piety which created a demand for domestic chaplains, and the patterns of intense family religiosity, was followed in manor-houses across the country.<sup>41</sup>

By the time of the Civil War there were ten Catholic colleges and convents on the continent established and financed through the tuition paid by the gentry for their children. Because of the cost, most laboring Catholics could not attend. The schools had been operating since the 1590s and may have had as many as 1,000 students in some years.<sup>42</sup> Almost 5,000 graduates became priests and nuns in the first-half of the seventeenth century.

It was natural, given this background, that when the clergy came to Maryland, they brought beliefs about their role which were opposed to congregational development. While service in the Indian missions inspired heroic sacrifices, their beliefs about the laboring Catholics were closer to those of Robert Persons, S.J., who regarded low birth with scorn. The priest Thomas Copley, S.J. referred to the political participation of working men in the Maryland assembly as "factious."<sup>43</sup> When because of an economic downturn, it appeared the clergy might have to engage in manual labor to support themselves, they invoked the "laws of the Church of God" and "God's cause."<sup>44</sup> At first manual labor was seen by them as incompatible with their ideas about clerical dignity. When forced to live like the laboring people, they complained of having no servants and of living "in a vile little hut, mean and low down in the ground."<sup>45</sup> The clergy's tastes in liturgical accessories reflected manorhouse preferences. In 1645 they possessed tapestries embroidered in gold and silver, jewelry made of gold, diamond, sapphire,

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<sup>41</sup>Christopher Haigh, "From Monopoly to Minority: Catholicism in Early Modern England," *TRHS*, 31 (1981), 138-139.

<sup>42</sup>Francis Courtsey, "English Jesuit Colleges in the Low Countries, 1593-1776," *Heythrop Journal* 4 (1963), 254-263; Peter Guilday, *The English Catholic Refugees on the Continent: The English Colleges and Convents in the Low Countries, 1558-1795* (London: Longmans, 1914), vol. 1, pp. 28-29, 40, 111; Aldo Scaglione, *The Liberal Arts and Jesuit College System* (Philadelphia: John Benjamin Co., 1986), p. 62; Michael E. Williams, *St. Alban's College Valladolid: Four Centuries of English Catholic Presence in Spain* (New York: St. Martins, 1986), pp. xii, 13, 42, 46.

<sup>43</sup>Copley, "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, vol. 28, p. 169.

<sup>44</sup>*Ibid.*, pp. 162, 164, 166.

<sup>45</sup>Hughes, *Society of Jesus*, documents, vol. 1, no. 8, T (1655-1656); *ibid.*, text, vol. 2, p.

and ruby, as well as silver plate.<sup>46</sup>

In their annual reports to Europe they stressed it was to the "chief men," to whom they ministered their main devotion or ministry, the *Spiritual Exercises*. One report to Europe stated, "Several of the chief men have, through the use of the *Spiritual Exercises*, been formed by us to piety, a fruit by no means to be despised."<sup>47</sup> The same report spoke of "a noble matron" who had lately died, "She was fond of us when living, and a benefactor to us when dying."

The *Spiritual Exercises* and the life which it taught was directed at inspiring personal piety in the gentry: lengthy and complex daily meditation and self-examination, scripture reading, acts of penance, catechizing, spiritual direction from a priest, and mass and frequent sacraments.<sup>48</sup> The Anglican gentry, including the Puritans, often had the same ideals and shared the same books as Catholics.<sup>49</sup> The *Spiritual Exercises* and personal piety were not designed to serve congregational needs and in fact distracted the clergy from such pursuits. The criticism by the English Catholic Thomas Hawkins (d. 1639) about the anti-

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<sup>46</sup>George Manners, "Deposition" (Oct. 3, 1648), *Md. Arch.*, vol. 4, p. 415; William Boreman, "Deposition" (May 28, 1650), *ibid.*, vol. 10, p. 12; Beitzell, *Jesuit Missions*, p. 15.

<sup>47</sup>Anonymous, "Annual Letter of the Society of Jesus to Europe" (1638), in Foley, *Records*, vol. 3, p. 371.

<sup>48</sup>Typical manuals for the gentry included, I. R., *A Manual, or Meditations* (1596), *ERL*, vol. 116; Vincenzo Bruno, S.J., *An Abridgement of Meditations* (1599), *ERL*, vol. 246; Nicholas Berzetti, *The Practice of Meditating* (1613), *ERL*, vol. 42; Antonio de Molina (d. 1619), *A Treatise of Mental Prayer* ([1617] 1970), *ERL*, vol. 15; James Anderton, *The Liturgy of the Mass* (1620), *ERL*, vol. 184; Fulvio Androzzi, *Certain Devout Considerations of Frequenting the Blessed Sacrament* (1606), *ERL*, vol. 23; Anonymous, *The General Rubriques of the Breviary* (1617), *ERL*, vol. 351; Henry Fitzsimon, *The Justification and Exposition of the Divine Sacrifice of the Mass* (1611), *ERL*, vol. 108; John Heigham (d. 1639), *A Devout Exposition of the Holy Mass* (1622), *ERL*, vol. 205; Cresacre More (d. 1649), *Meditations and devout discourses upon the Blessed Sacrament* (1639), *ERL*, vol. 20; Achilles Galliard, *Jesus Psalter, 1575: An Abridgement of Christian Perfection* (1625), *ERL*, vol. 176; Luis de Granada (d. 1588), *Of Prayer and Meditation* (1582), *ERL*, vol. 64.

<sup>49</sup>Elizabeth Hudson, "The Catholic Challenge to Puritan Piety, 1580-1620," *CHR*, 77 (1991), 6. Richard Hopkins translated Spanish Dominican Luis de Granada, *Of Prayer and Meditation, Wherein are Contained Fourteen Devout Meditations* [1582] in *ERL*, vol. 64 and by the same author, *A Memorial of a Christian Life* [1586], in *ERL*, vol. 272. Hopkins dedicated the former work to the "virtuous noblemen who are far more effective in setting the proper religious example among common folk than are the clergy." Other Catholic works in favor among the Puritan gentry were Thomas Rogers' translation of *De Imitatione Christi* (London: E.P., 1640) and Edmund Bunny's edition of Robert Persons' *First Book of the Christian Exercise, appertaining to resolution* (1582).

labor nature of devotions like the *Spiritual Exercises* was in part noted earlier:

Since the work of hands has ceased, they have extremely praised mental prayer. Tis in what constituted the heresy of the Messalians, condemned in the fourth century. And what Catholics reproached them for the most was their contempt of labor. . . . Mental prayer is a lazy devotion. The clergy make a long and difficult art, pretending to distinguish exactly the several states of prayer, and the degrees and progress of Christian perfection. And it was made long since to turn all the texts of scripture to a figurative sense.<sup>50</sup>

Among the "chief men" in Maryland formed by the *Spiritual Exercises* was probably the proprietor's governor, Leonard Calvert. When he died at age 41 in 1647, the governor's estate was worth little more than £150, but it had "a table book [bible?] and a discipline [whip?], a bone cross, a gold reliquary case, a kneeling desk, and a picture of Pauls [the Protestant cathedral in London?]."<sup>51</sup> The gentry ideal of personal devotion, as opposed to congregational service, held up for imitation the Jesuit saints such as Aloysius Gonzaga. Gonzaga believed it was a virtue to daily beat himself bloody and indulge in an abundance of mental prayer.<sup>52</sup> Calvert's discipline and kneeling desk corresponded to these requirements.

Another of the chief men for whom the clergy showed a bias was the local Conoy leader. For a period in 1639 Andrew White, S.J. took up residence in what he called the "palace" of the Patuxent king and later of the Piscataway "king." He became their chaplain, not unlike a domestic chaplain of the English gentry. And not unlike a gentry chaplain, White arranged for the Piscataway king's eldest daughter, who was 7 years old, to be educated among the English and married to a European. The Indian king's real estate descended matrilineally through this eldest daughter. John Brooke, S.J. reflected in 1641 that "many of the higher ranks of Indians show themselves inclined towards the Christian faith, amongst them being the king of the Anacostians."<sup>53</sup>

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<sup>50</sup>Thomas Hawkins, *A View of the Real Power of the Pope and of the Priesthood over the laity, with an account of how they use it* (London: n.p., [1639], 1733), p. 508.

<sup>51</sup>"Inventory of Leonard Calvert" (Mar. 11, 1648), *Md. Arch.*, vol. 4, p. 320.

<sup>52</sup>Cepari, *The Life of Aloysius Gonzaga*, pp. 41, 63.

<sup>53</sup>Anonymous, "Annual Letter of the English Province of the Society of Jesus" (1639,

The clergy's beliefs about their role was not the only obstacle to parish development in Maryland. Some of the Catholics had a bias against the clergy because they were members of the Jesuit order. John Krugler believes the reason some English Catholics did not migrate to Maryland in the first place was because the Jesuits were there.<sup>54</sup> The Jesuits were centered in Rome with roots in Spain and the Hapsburg empire. Catholics, as seen in their writings, were aware of the problems which the Hapsburg empire and its emperors, such as Charles V (1500-1558), a nephew of Queen Katherine (1485-1536), had created for them. Charles V captured Rome and took Pope Clement VII prisoner in 1527. Charles forced the pope to block his aunt Katherine's divorce by Henry VIII (d. 1547), which created the English schism.<sup>55</sup>

In England and on the continent there was frequent hostility to the Jesuits from bishops, secular priests, and Catholic populations. They were viewed as arms of the Roman establishment and of Spanish imperial ambitions. The Catholic lawyer Anthony Copley commented on the disaster which Spanish Hapsburg rule meant for laboring people:

We are not ignorant by the example of Sicily, Naples, Lombardy, and the Low Countries (Flanders, Belgium). The Spanish king dignifies the nobles of these provinces. He endowes them over and above their own patrimony with double as much pension from Spain. But to what end? Truly, to no other, than that by so retaining the affections of the nobles loyal to him, he may by their hands (being naturals) the easier tyrannize over commons to their utter bondage and beggary, as in those parts we see it.<sup>56</sup>

Of the 30 year Spanish Hapsburg rule in Flanders, Copley pointed out: "How displeasing the calamities of Flanders may any time these past 30 years and yet at this day touch us. With the Duke of Alva came what oppression of the commons,

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1640), in Foley, *Records*, vol. 3, pp. 372-373, 378-379; John Brooke, S.J. (real name Morgan, d. 1641), "Letter to the English Provincial" (1641), in *ibid.*, vol. 3, p. 386.

<sup>54</sup>John Krugler, "Puritan and Papist: Politics and Religion in Massachusetts and Maryland before the Restoration of Charles II,," unpublished Ph.D. dissertation, University of Illinois at Urbana-Champaign, 1971, p. 95.

<sup>55</sup>A. G. Dickens, *The Counter Reformation* (Norwich, Eng.: Harcourt, Brace and World, 1989), p. 94.

<sup>56</sup>Anthony Copley (1567-1607), *Another Letter of Mr. A. C. to his Dis-Jesuited Kinsman* (1602) in *ERL*, vol. 100, p. 14, see also, p. 64-65.

what wars and waste of their estates to this house (Hapsburg)."<sup>57</sup> Robert Persons quoted, in order to rebut, a description given by one of his opponents concerning the onerous Spanish taxation system imposed on farmers:

A tale whereof I will give you as that for every chimney and other place to make fire in, as ovens, furnaces, smiths forges and such others, a french crown is yearly paid. The king also takes a pence for all manner of corn, bread, beef, mutton, capons, pigs, geese, beans, ducks, chicken, butter, cheese, eggs, apples, pears, nuts, beer, wine and all other things whatsoever he feedeth upon. Yea no farmer, yeoman or husband - durst eat a capon in his house if his friend came to him. For if he did it must cost him 6s/8d, though the capon was not worth 12d. And so *toties quoties*. These be the benefits and blessings that this Catholic king fought to bring in hither by his absolute authority.<sup>58</sup>

Anthony Copley listed among his complaints against Spanish tyranny the "taxation and rapine" of salads, eggs, pudding-pies, horse-shoeing and "the like plain and petty wares" throughout the realm.<sup>59</sup>

The Maryland Catholics had reason to be cautious towards the Hapsburg influence on the Jesuits. For example, the Jesuit priest Andrew White, S.J. had spent much of his life teaching theology in Spain prior to his arrival in Maryland. He advised the proprietor in 1639 to initiate a monopoly or tax scheme on basic necessities modeled on the Hapsburgs that would have impoverished the planters:

As in France, Spain, and Italy, the sovereigns appropriate the sale of certain things for themselves, so I conceive your lordship for a time to monopolize certain trades as bringing in a brickman to serve you for years and obliging all to take so many bricks of him. . . and for this a convenient price may be set on the thousand, no man permitted to make bricks. . . The like I say of carpenters, hatters, sawyers, coopers, smiths, etc.<sup>60</sup>

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<sup>57</sup>Anthony Copley, *An Answer to a Letter of a Jesuited Gentleman, by his Cousin, Mr. A. C. Concerning the Appeal, State, Jesuits* (1601) in *ERL*, vol. 31, p. 49.

<sup>58</sup>Robert Persons, *A Temperate Ward-Word to the Turbulent and Seditious Watch-Word of Francis Hastings* (1601) in *ERL*.

<sup>59</sup>Copley, *Another Letter*. The crown in 1631 refused to license the Catholic dramatist Philip Massinger's play, *Believe as You List* because it attacked Hapsburg tyranny. See Doris Adler, *Philip Massinger* (Boston: Twayne Publishers, 1987), pp. 12, 86.

<sup>60</sup>Andrew White, S.J. "Letter to Cecil Calvert" (Feb. 20, 1639), *Calv. Pap.*, p. 207.

At another point White advised the proprietor to set up a store in Maryland like the Duke of Florence did in his colony. The store would have a monopoly in selling all commodities shipped into the country. This would bring "a very great gain" to the proprietor.<sup>61</sup>

Understandably, the Jesuit and Spanish crown's intrusion into the local churches was not appreciated. An illustration of the hostility by some of the Catholics in England, as mentioned earlier, was the project during and after the Civil War to enlist Parliament's help in deporting them and their supporters to Maryland or otherwise opposing their presence in England.<sup>62</sup> An example of where there was Catholic hostility in Maryland can be seen in the will of John Lloyd in 1658. Instead of leaving his bequest to the Jesuits, who were the only Catholic clergy within several thousand miles, he left it to the secular clergy in Europe.<sup>63</sup> The clergy needed economic support in ministering to the congregations, especially during those periods of the Civil War era when their plantation was not profitable. In another case illustrative of anti-Jesuit hostility among some Catholics was an invitation in 1641 to two secular priests, Thomas White and Henry Holden to take over the ministry in Maryland. For 40 years these individuals were prominent in the anti-Jesuit party in England.<sup>64</sup> Anti-Jesuit hostility probably also accounted for some of the Catholics who joined the Protestant church or refused to use the services of the clergy. For example, the Catholic Thomas Allen (d. 1648) wrote in his will that he did not want his son, Robert, to be adopted by a "papist."<sup>65</sup>

An aspect of anti-Jesuitism that cannot be blamed on the Catholics but that had an adverse impact on their service to the congregations was the deportation of two of them to England in 1645. The two deported priests, as described in the last chapter, had taken refuge along with the Maryland governor in Virginia at the time of the proprietor's overthrow. They were Royalists and may have believed

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<sup>61</sup>*Ibid.*, p. 208.

<sup>62</sup>Hughes, *Society of Jesus*, text, vol. 2, pp. 13-14, 613-617.

<sup>63</sup>John Lloyd, "Will" (July 26, 1658), *Md. Arch.*, vol. 41, p. 116.

<sup>64</sup>Hughes, *Society of Jesus*, text, vol. 2, appendix A, p. 613; vol. 1, p. 498; documents, vol. 1, no. 19 E.

<sup>65</sup>"Thomas Allen" (1648), "Career Files."

that they would receive more sympathy from the Royalists in Virginia than the Independents in Maryland.<sup>66</sup> The Catholics were not part of the 1645 deportation, but they did force the recall of Francis Fitzherbert, S.J. to England toward the end of the Civil War.<sup>67</sup> Thomas Hughes, S.J. remarks that Fitzherbert had roused "his own people" against him, and a contemporary stated, "He offended everybody with whom he dealt."<sup>68</sup> Fitzherbert was not forced out because he was a Jesuit but because he had ideas that were incompatible with the Catholic church in Maryland.

#### Assembly Legislation Concerning the Clergy's Role

With this description of the parishes and the obstacles to their development as a foundation, the third part of the chapter will look at what is argued here was the key law that helped overcome the problems mentioned above and that evidently reflected the Catholics' views on the role of the clergy. It will be recalled from the last chapter that in Maryland a role in governing was generally wide open to the ordinary planters. Some of the assemblies, such as those in 1638 and 1642 when the legislation that helped establish the parishes was enacted, were run as town meetings. Each freeman, not merely each freeholder, was required to attend or send a proxy. This included tenants and artisans who owned no land.<sup>69</sup> At least one woman was officially part of the 1648 assembly. If the meetings as mentioned in Chapter 2 resembled parish assemblies in England, then they were also generally present and contributing to the proceedings.

In all the assemblies prior to the 1650s the Catholics were a majority of those with known religion. For example, in the 1638 assembly there were 18

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<sup>66</sup>Russell Menard, "The Lords Baltimore and the Colonization of Maryland," *Early Maryland in a Wider World*, ed. David Quinn (Detroit: Wayne State University Press, 1982), pp. 209-210. Thomas Copley continued to take the royalist side after his deportation. He was employed in 1648 "upon important affairs" from England to the royalist governor of Virginia, William Berkeley. See Thomas Copley, S.J. "Letter to Father General," in Foley, *Records*, vol. 3, p. 388; Hughes, *Society of Jesus*, text, vol. 2, p. 621.

<sup>67</sup>Hughes, *Society of Jesus*, text, vol. 2, pp. 64-65.

<sup>68</sup>*Ibid.*

<sup>69</sup>Russell Menard, *Economy and Society in Early Colonial Maryland* (New York: Garland Pub., [1975], 1985), p. 313.

Catholics, 10 Protestants, and 34 of unknown religion.<sup>70</sup> In the 1639 assembly the Catholics had an absolute majority, with at least 10 and perhaps 12 out of the 18 legislators being Catholic.<sup>71</sup> In all the assemblies Catholics held committee leadership positions. For example, in the 1638 assembly five people were elected to the legislative drafting committee, three of whom were Catholic, the other two being of unknown religion.<sup>72</sup> The Catholics were Leonard Calvert, Robert Wintour, and Thomas Cornwallis. That the committeemen gained their appointments by majority vote is perhaps an indication that they were expected to represent the interests of those who voted. The laws which they helped draft concerning the role of the clergy seem to have conformed to the interests of the Catholic voters.

Another preliminary point about the assembly needs to be recalled. While the interests of the proprietor and the planters were often identical, the assembly from the start did not rubber stamp the proprietor's laws. It enacted its own independent codes. Each bill in the assembly codes was separately read aloud, debated, amended, and voted upon by all present on each of three separate days before passage.<sup>73</sup> The legislative procedure indicates that in the 1630s and 1640s, the assembly and the planters were no more deferential than the Parliament, which at that time was conducting a successful war against the Crown to safeguard its privileges.

The basic law by which the Catholics expressed their beliefs about the role of the clergy was that which limited the clergy's rights to invoke canon law, church courts, excommunication, the Roman establishment, and bishops against the assembly's legislation and court decisions. The assembly enacted and the provincial courts decided various matters dealing with parish development. These would have had no authority, had the clergy been able to challenge such legislation and court decisions by appeal to Rome and by excommunicating those

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<sup>70</sup>Papenfuse, *Dictionary*, p. 15, lists those who were delegates to the 1638 assembly. They have been cross checked with the "Career Files" for religion.

<sup>71</sup>*Ibid.*, p. 16, cross checked with the "Career Files."

<sup>72</sup>Carl Everstine, *The General Assembly of Maryland, 1634-1776* (Charlottesville, Va.: Michie, 1980), p. 45; Papenfuse, *Dictionary*, p. 15.

<sup>73</sup>Everstine, *General Assembly*, p. 46.

who enacted or enforced the legislation.

The policy by which the clergy were traditionally limited, and the one followed in Maryland, went back to the First Statute of Praemunire, which was enacted in England in 1353.<sup>74</sup> The statute outlawed legal appeals to Rome and the extension of Roman law into England. Such appeals were the way Rome and the clergy attempted to control the English church. The praemunire law had been most recently incorporated by Parliament into the Act of 1571 against the "Bringing in and putting into Execution of Bulls and other instruments of the See of Rome."<sup>75</sup> In Maryland the equivalent of the 1571 penal law was written into the Maryland assembly's 1638 code as law No. 34. The law "guaranteed the immigrants from papal interference," as Alfred Dennis puts it.<sup>76</sup> The pope had no legal rights in Maryland. The exact wording of the statute does not survive, but a description of it was included in a letter of April 3, 1638 by Thomas Copley, S.J. Copley was writing to the proprietor in England, asking him to veto the law:

In law [No.] 34 among the enormous crimes one is exercising jurisdiction and authority, without lawful power and commission derived from the lord proprietary. Hereby even by Catholics a law is provided to hang any Catholic bishop that should come hither, and also every priest, if the exercise of his functions be interpreted jurisdiction or authority [from Rome].<sup>77</sup>

Law No. 34 undoubtedly had the support of the Protestants and probably of the proprietor, although he did not confirm any laws from the 1638 assembly.<sup>78</sup> In the Maryland charter which the proprietor's father had drawn up for approval by the crown in 1632, it was stated, "The church in Maryland is to be established according to the ecclesiastical laws of England." This would have included the

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<sup>74</sup>Gee, *Documents Illustrative of English Church History*, pp. 103-104.

<sup>75</sup>E. Elliot Rose, *Cases of Conscience: Alternatives Open to Recusants and Puritans under Elizabeth and James* (Cambridge: Cambridge University Press, 1976), p. 11. The 1571 Act, 13 Elizabeth 1, cap. 2, was directed against the bull, "Regnans in Excelsis."

<sup>76</sup>Alfred Dennis, "Lord Baltimore's Struggle with the Jesuits, 1634-1649," *Annual Report of the American Historical Association*, 1 (1900), p. 114.

<sup>77</sup>Thomas Copley, S.J., "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, p. 165.

<sup>78</sup>The proprietor's failure to confirm the assembly code had more to do with his not conceding the assembly a right to initiate legislation than with his objection to any particular enactment. As seen in the last chapter, it was not until 1640 that the proprietor gave up trying to convince the assembly that it had no right to initiate legislation.

praemunire law in the 1571 Act and the Acts of Supremacy and Uniformity, with the Book of Common Prayer as the norm for worship and the Thirty-Nine Articles as norms for doctrine.<sup>79</sup> In spite of the charter, the proprietor did not support the oath of supremacy and other measures so he may not have supported the praemunire legislation.

Because others may or may not have supported law No. 34, does not mean it did not also represent the beliefs and serve the interests of most Catholics. Several points need to be emphasized concerning this. First, the voting record of the 1638 assembly has not been preserved. But Copley indicated that the law was enacted "even by the Catholics," that is, it had Catholic support. Catholics were a majority on the committee which drafted the law. Among the Catholics who helped enact law No. 34 was William Lewis, the clergy's own overseer. Thomas Hughes, S.J., who does not appreciate the assembly's legislation, comments that William Lewis's support for the law "shows how obscure to the minds of plain people and ordinary planters was the drift, meaning, and management of the code which subsequently passed."<sup>80</sup>

Scholars such as Russell Menard and John Krugler have examined the matter and concluded that there was no feud between Protestants and Catholics out of which legislation hostile to the Catholics might have arisen. Krugler finds the Protestants did not exert "any profound influence on the colony as Protestants."<sup>81</sup> Menard makes note that the division was not between Catholics and Protestants, but between Catholics: "The relative harmony between Protestants and Catholics did not mean an absence of religious conflict, for there was a serious division among Maryland Catholics."<sup>82</sup>

The differences in belief about the role of the clergy were not unique to the Maryland Catholics. For example, in New England in the same period the

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<sup>79</sup>Henry Commager (ed.), *Documents of American History* (7th ed., New York: Appleton-Century-Crofts, 1963), vol. 1, pp. 21-22; John Ellis (ed.), *Documents of American Catholic History* (Chicago: Henry Regnery, 1967), vol. 1, pp. 95-98.

<sup>80</sup>Hughes, *Society of Jesus*, text, vol. 1, p. 181.

<sup>81</sup>Krugler, "Puritan and Papist," p. 171.

<sup>82</sup>Russell Menard, "Maryland's Time of Troubles: Sources of Political Disorder in Early Maryland," *MHM*, 76 (1981), 126. See also, Gilbert Garraghan, "Catholic Beginnings in Maryland," *Thought*, 9 (1934), 273.

Congregational church was engaged in similar legislation restricting its clergy. In the Platform of Church Discipline, the Massachusetts General Court set regulations on the holding of clerical gatherings.<sup>83</sup> A defender of the clergy, Thomas Parker, complained against the limitations. He wrote that presbyters rather than the "votes and suffrages of the people" should dictate church government.<sup>84</sup> John Cotton on the other hand believed the role of the clergy was to submit to congregational control.<sup>85</sup> Cotton was not accused of being anti-clerical. He was a cleric himself.<sup>86</sup>

The role of the church Catholics in England on the side of the Independents against the Presbyterians was discussed earlier. After the abolition of episcopal-controlled church courts on January 26, 1643, the Presbyterian gentry in Parliament sought to get control of the church through regional and national clerical-dominated assemblies.<sup>87</sup> However, the local congregations, including their church Catholic members generally refused to recognize the synods or to send deputies to them. Some 2,000 clergy were ejected by local parishes for failure to identify with and serve the needs of their congregations.

A point to be observed about the Catholics' support for the 1638 assembly code which established controls on the clergy is that it was enacted only after the assembly rejected a proposed code sent over by the proprietor.<sup>88</sup> The restrictive legislation on the clergy may have initially been part of the proprietor's proposed

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<sup>83</sup>Nathaniel Shurtleff (ed.), *Records of the Governor and Company of the Massachusetts Bay* (New York: AMS Press, [1854], 1968), vol. 3, p. 204.

<sup>84</sup>Thomas Parker, *A True Copy of a letter Written by Mr. Thomas Parker, a Learned and Godly Minister in New England unto a member of the Assembly of Divines now at Westminster* (London: n.p., 1644), pp. 3-4.

<sup>85</sup>John Cotton, *The Way of the Churches of Christ in New England* (London: M. Simmons, 1645), pp. 111, 113-116; Lazar Ziff, *The Career of John Cotton: Puritanism and the American Experience* (Princeton, N.J.: Princeton University Press, 1962), pp. 241-242.

<sup>86</sup>Richard Burg, "The Bay Colony Retaliates: A Taste of Venom in Puritan Debate," *HMPEC*, 38 (Sept. 1969), 281-289; Robert Scholy, "Clerical Consociation in Massachusetts Bay: Reassessing the New England Way and Its Origins," *WMQ*, 29 (1972), 411-413. Betram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982), p. 102, remarks that the legislature in Virginia customarily opposed the clergy on issues such as church taxation, patronage, and power.

<sup>87</sup>William Shaw, *A History of the English Church During the Civil Wars and Under the Commonwealth, 1640-1660* (2 vols.: New York: Longmans, Green, 1900), vol. 1, p. 121.

<sup>88</sup>"Assembly Proceedings" (Jan. 29, 1639), *Md. Arch.*, vol. 1, p. 9.

code. Thomas Hughes, S.J. speculates that such was the case.<sup>89</sup> If it was, it was not rubber stamped by the assembly but independently adopted according to the lengthy process that was mentioned earlier. That Thomas Copley, S.J., the Jesuit superior, wrote the proprietor seeking him to veto the clerical restrictions would indicate that the proprietor may not have initiated the legislation. Further, Copley would have blamed the proprietor, if he had been responsible for the legislation. Copley was not reluctant to complain against and even threaten excommunication against the proprietor.<sup>90</sup> In fact the proprietor did attempt to veto the 1638 assembly code.<sup>91</sup> If the 1638 assembly code had been similar to that he sent over, he presumably would not have attempted to veto it.

Concerning the enactment of the praemunire law, the role of John Lewger, the proprietor's secretary in Maryland, needs to be mentioned. Thomas Hughes believes Lewger had a leading role in enacting the limitations. However, Lewger was not elected to nor did he serve on the committee that drafted the law. He did have influence, as Copley's letter at the time noted.<sup>92</sup> But his influence was in conjunction with the "Catholics" mentioned by Copley. Lewger himself was a convert from the Anglican church and later returned to Europe and was ordained a secular priest.

Thomas Hughes thinks that the clergy had Thomas Cornwallis, Maryland's largest landlord, on their side against the limitations. Cornwallis wrote the proprietor on April 16, 1638 shortly after the assembly enacted its code. He requested the proprietor to look carefully at the code to make sure it contained nothing that was contrary to the "good conscience of a real Catholic."<sup>93</sup> He added, "I never yet heard of any that lost by being bountiful to God or his church, then

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<sup>89</sup>Hughes, *Society of Jesus*, text, vol. 1, p. 381.

<sup>90</sup>Bradley Johnson, *The Foundation of Maryland and the Origin of the Act Concerning Religion in Maryland*, in vol. 18, *Fund Publication* (Baltimore: J. Murphy, 1883), p. 69-79.

<sup>91</sup>Everstine, *General Assembly*, p. 49.

<sup>92</sup>Thomas Copley, S.J., "Letter to Cecil Calvert" (Apr. 3, 1638), *Calv. Pap.* p. 163, in discussing one part of the code, stated that John Lewger and "some others that I fear adhere too much to him, conceive that they may proceed with ecclesiastical persons as with others." Copley's concern here had more to do with Lewger's efforts to gain a monopoly for the proprietor on the pelt trade than for the praemunire law. Copley wanted a part in the pelt trade.

<sup>93</sup>Thomas Cornwallis, "Letter to Cecil Calvert" (Apr. 16, 1638), *Calv. Pap.*, vol. 28, p. 172.

let not your lordship be the first. Give unto God what does belong to him, and doubt not but Caesar shall receive his due." He was ready, Cornwallis declared, to sacrifice all "in defense of God's honor and his churches right."<sup>94</sup>

Cornwallis in his letter made no accusation against the praemunire law. He and probably the clergy were more concerned about other aspects of the code, such as the right to trade with the Indians and the acquisition of land directly from the Indians. Both the clergy and Cornwallis stood to benefit from these rights.<sup>95</sup> Allowing the clergy to receive land directly from the Indians would have been bountiful. Cornwallis had been a leader in the assembly that approved the praemunire law and had been on the committee which drafted it. When the proprietor's proposed code was rejected by the assembly in 1638, Cornwallis had been the one to suggest that Maryland be governed by the common and statutory law of England. The praemunire law was as much a part of the suggested English law, as it was in the 1638 code that was finally enacted.<sup>96</sup> When Cornwallis mentioned the "church's right," the right was the praemunire law, which protected it from being dominated by Rome. Robert Persons' remarks were quoted in the introductory chapter about the 500 year-old rights of the English church in preventing first the Normans and later the Hapsburgs from ruling England through Rome, "Even from the Conquest and entrance of the Normans and French Governors over our country, they have ever continued a certain faction and emulation of the laity against the clergy."<sup>97</sup>

Cornwallis may have opposed the code which he led in enacting, but the evidence is not clear cut on the point. As will be seen, the clergy were threatening to excommunicate him for administering several estates in the provincial court. The clergy believed the estates and the fees that were generated should be under the jurisdiction of ecclesiastical courts, of which they were demanding

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<sup>94</sup>*Ibid.* The Caesar quote was from scripture: *Mk.* 12:17, *Mt.* 22:21 and *Lk.* 20:25.

<sup>95</sup>Beitzell, *Jesuit Missions*, p. 11; Krugler, "Lord Baltimore, Roman Catholicism, and Toleration," pp. 69-70.

<sup>96</sup>Arthur Ogle, *The Canon Law in Medieval England: An Examination of William Lyndwood's 'Provinciale' in reply to the late Prof. Maitland* (London: John Murray, 1912), p. 173.

<sup>97</sup>Robert Persons, S.J. "A Story of Domestic Difficulties," *Miscellanea*, ed. John H. Pollen, S.J. *CRS*, 2 (1906), 50. Part of the defense against Norman ecclesiastical aggression was the execution of Thomas à Becket in 1170.

recognition. In England the fight against bishop Richard Smith and his effort to establish probate courts between 1625 and 1631 was led by Catholic lawyers such as Francis Plowden and Toby Matthews.<sup>98</sup> They had a business in administering the estates of the English Catholics. Cornwallis was a counterpart to them in Maryland. Nevertheless he might have sought to accommodate the clergy on some points.<sup>99</sup>

It could be argued that in addition to Cornwallis, Catholics such as Robert Clark, who were in the employment of the clergy or were otherwise well disposed toward them, would have supported the clergy's opposition to the praemunire law.<sup>100</sup> But the contrary case of William Lewis, the clergy's overseer, has been noted. Thomas Hughes assumed Lewis supported the code because he was an "ordinary planter." However, the code was debated for three months in Lewis's presence. If Lewis had been under the influence of the clergy, he would have voted against it, just on their word. Because the clergy had Catholics in their employment does not mean they shared common interests and beliefs with the clergy on every point.

That the Catholics were concerned about a development such as the appearance of a Catholic bishop in Maryland or the expansion of hierarchical powers may not be as remote as it sounds. Ireland during the 1630s had a functioning Catholic bishop in each of its dioceses. The penal laws there had been suspended by the crown's "Dispensing Power," as manifested in the Act of Grace of 1634.<sup>101</sup> In other Catholic colonies, the first bishops were sometimes appointed shortly after settlement. In Quito, for example, a bishop was named in 1545. Europeans first appeared there in 1534 and it was only in 1547 that a European-controlled civil government was established. There were only 250

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<sup>98</sup>Anthony Allison, "A Question of Jurisdiction, Richard Smith, Bishop of Chalcedon and the Catholic Laity, 1625-1631," *7 RH* (1982-1983), 142.

<sup>99</sup>Copley, "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, pp. 165-166.

<sup>100</sup>Hughes, *Society of Jesus*, text, vol. 1, p. 380. Michael Graham, "Lord Baltimore's Pious Enterprise," p. 119, believes Cuthbert Fenwick and Thomas Greene, besides Robert Clarke, would have supported the clergy against the praemunire law.

<sup>101</sup>Hugh O'Grady, *Strafford and Ireland* (2 vols., Dublin: Hodges, Figgis, and Co., 1923), vol. 2, pp. 611-622.

European households in Quito at the time.<sup>102</sup> Even earlier bishops had been established at Las Palmas in the Canary Islands (1409), at Funchal in Madeira (1514), and at Sant Iago in Cape Verde (1533), which were trading centers for the area of Africa extending south from Senegal to Guinea and the Ivory and Gold Coast. In 1639, the Cape Verde bishop became a suffragan, that is, subordinate of Lisbon. Further south in 1534 Pope Paul III (1534-1549) established a bishop on the island of São Tomé. This was the largest single producer of sugar in the western world along with the Azores and the Canaries.<sup>103</sup> It was also a trading center for the Portuguese in the present-day area of the Congo and Angola.<sup>104</sup> In 1658 François de Montmorency Laval was named the bishop of French Canada.<sup>105</sup>

The only reason there was no Catholic bishop in England during the period was not because of the penal laws and anti-Catholicism but because the Catholics had used their influence in the early 1630s to have the crown expel Richard Smith, the bishop.<sup>106</sup> He spent the next 20 years in exile in Paris until his death in 1655. It is not always accurate to assume the interests of the Catholics and those of the hierarchy and Rome were the same.

Because law No. 34 prevented appeals to Rome and excommunication, the Catholics were able to enact a series of other laws that helped in the development

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<sup>102</sup>Cushner, *Farm and Factory*, pp. 23, 39. According to W. Eugene Sheifs, S.J., "Seventeenth-Century Legal Crisis in the Missions," *The Roman Catholic Church in Colonial Latin America*, ed. Richard Greenleaf (Tempe, Ariz.: Center for Latin American Studies, 1977), p. 108, there was a crisis in the Mexican and other Spanish-American missions throughout the seventeenth century because Spain in 1574 decided to enforce episcopal jurisdiction over missionary districts. The local inhabitants and the regular clergy resisted.

<sup>103</sup>James Lockhart and Stuart Schwartz, *Early Latin America: A History of Colonial Spanish America and Brazil* (Cambridge: Cambridge University Press, 1983), p. 27.

<sup>104</sup>Joseph Bouchaud, *L'Eglise en Afrique noire* (Paris: La Palatine, 1958), p. 189; William Phillips, *Slavery from Roman Times to the Early Transatlantic Trade* (Minneapolis: University of Minneapolis Press, 1985), pp. 138, 156, 186. In 1580 the Spanish and Portuguese empires came under the joint rule of Philip II (1556-1598) of Spain, when the Portuguese Aviz dynasty died out. In 1640 the Portuguese overthrew Hapsburg-Spanish rule.

<sup>105</sup>P. F. X. de Charlevoix, *History and General Description of New France*, trans. J. G. Shea (6 vols., Chicago: Loyola University Press, [1872] 1962); Etienne M. Faillon, *Histoire de la colonie française en Canada* (3 vols., Montreal: 1866), vol. 2, pp. 313-341.

<sup>106</sup>Hughes, *Society of Jesus*, text, vol. 1, pp. 207-208, 212, 214. The proprietor's father, George Calvert, many of the gentry, and the Jesuits had opposed the bishop. The secular clergy had supported him.

of functional parishes. Six of these measures will now be outlined in the fourth and final part of the chapter. One provision which the 1638 assembly enacted required that the clergy undertake the office of "pastors." Being a pastor meant ministering to the three congregations, performing baptisms, marriages, and burials, and conducting regular services. The clergy protested against this law, calling it "inconvenient."<sup>107</sup> The Jesuits' negative beliefs about congregational service have been noted. Reformers at the Council of Trent had sought legislation that would have forced the clergy to reside in parishes and be pastors. The reformers were on many points defeated. In France, it was only with the Revolution and the Civil Constitution of the Clergy that the pastoral requirement was achieved.<sup>108</sup> Protestants involved in a plot against the Catholics would not have supported a law that required the clergy to be pastors. Anti-Catholics and anti-clerics would have been inclined toward penal laws that outlawed the clergy.

The concern of the Catholics in enacting the pastoral legislation appears to have been directed both at the clergy's preference for service among the Indians and at their devoting considerable time to managing their plantation. In later assembly codes such as that of 1639, limitations were placed on the clergy's freedom to live among the Indians.<sup>109</sup> Farm administration was a full-time job for one of the three clergymen then present in Maryland.<sup>110</sup> The clergy were among the largest landowners and had 20 or more indentured servants under their

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<sup>107</sup>Copley, "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, pp. 162-165.

<sup>108</sup>John Steward (ed.), *A Documentary Survey of the French Revolution* (New York: Macmillan, 1951), document 31, pp. 169-181.

<sup>109</sup>"Act for the Authority of Justices of the Peace" (Mar. 1639), *Md. Arch.*, vol. 1, p. 53; Hughes, *Society of Jesus*, text, vol. 1, p. 454; Anonymous, "Annual Letter of the Jesuits," in Hall, *Narratives*, pp. 119, 122; Beitzell, *Jesuit Missions*, p. 4-5.

<sup>110</sup>Anonymous, "Annual Letter of the Jesuits" (1639), in Hall, *Narratives*, p. 124, stated that Fernando Poulton (John Brock, d. Apr. 1641), was assigned to the Mattapany plantation. The waste of clerical resources in administration was also a problem in the Latin American missions. However, Cushner, *Farm and Factory*, pp. 11-16, 59, 134, finds that the clergy's enterprises were often poorly administered. The clergy felt administration was not part of their calling and did not take their assignments seriously. The profit-making of missionaries was a big enough problem generally that Pope Urban VIII in 1633 issued legislation outlawing such activities. This legislation was directed mainly at Latin America and Africa, where most of the missions were located. The prohibitions, like all canon law, only had effect when the local government was willing to enforce it. See Urban VIII, litt. ap. "Ex Debito," (Feb. 22, 1633), section 8, as cited in Joseph Bruni, *The Clerical Obligations of Canon 139 and 142* (Washington, D.C.: Catholic University of America, 1937), p. 70.

command. Later in the century it became difficult to distinguish the clergy from gentlemen farmers.<sup>111</sup>

A second consequence of limiting the clergy that had a beneficial effect on maintaining the service of the clergy concerned church courts. These were not allowed to be established. Catholic jurists like Christopher Saint-Germain (1460-1540) and John Bishop had long had advocated that common law reduce or replace ecclesiastical jurisdiction.<sup>112</sup> It was largely because Bishop Richard Smith had advocated the establishment of an ecclesiastical court and Roman jurisdiction that the Catholic gentry in England sent him into exile.<sup>113</sup> Initially the Maryland clergy expected to have ecclesiastical courts. When the assembly assigned all the matters that traditionally came under ecclesiastical jurisdiction to the provincial court, the clergy threatened to invoke the bull *In Coena Domini* and excommunicate those who took their cases to the provincial court.<sup>114</sup> This would

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<sup>111</sup>Gerald Fogarty, "The Origins of the Mission, 1634-1773," *Maryland Jesuits: 1634-1833* (Baltimore: n.p., 1976), p. 23; Peter Finn, "The Slaves of the Jesuits in Maryland," unpublished M. A. Thesis, Georgetown University, 1974, pp. 4, 45, 94-100, 103, 119.

<sup>112</sup>Dickens, *Counter Reformation*, p. 16; John Bishop, *A Courteous Conference with the English Catholics Roman about the Six Articles Ministered unto the Seminary Priests* (London: Robert Dexter, 1598), p. 4, 69-84; Christopher Saint-German, *The Doctor and Student, or, Dialogues between a Doctor of Divinity and a Student in the Laws of England Containing the Grounds of Those Laws Together with Questions and Cases Concerning the Equity Thereof*, ed. T. F. Plucknett (London: J. L. Barton, 1974), bk II, chapter 36, 39, 41, 44, 47; John A. Guy, *Christopher St. German on Chancery and Statute* (London: Selden Society, 1985), p. 21; Franklin Baumer, "Christopher Saint-Germain: The Political Philosophy of a Tudor Lawyer," *AHR* (July 1937).

<sup>113</sup>L. B. [Lord Baltimore, George Calvert], *The Answer to the Judgment of a Divine upon the letter of the lay Catholics to my Lord Bishop of Chalcedon* (1631), *ERL*, vol. 55, pp. 23-25. Anthony Allison, "A Question of Jurisdiction, Richard Smith," pp. 112, 127, quotes a contemporary account which stated that Bishop Smith was "attributing to himself the decision of all causes in primia instantia, as those which concern marriages, testaments, legacies, and such like, as well of ecclesiastical as lay persons. Nevertheless, this his illimited and exorbitant episcopal authority, titles, offices and proceedings, are rejected, disapproved and condemned by the chief Catholics, as well clerics and lay, as a thing contrary to canons, practice and laws of Christian provinces." The Jesuits were opposed to Bp. Smith and the establishment of ecclesiastical courts in England because the bishop was not under their influence. Earlier in the 1620s they had gone along with the establishment of a bishop because the original bishop had been favorable to them. Hughes, *Society of Jesus*, text, vol. 1, pp. 207-208, 212, 214, speculates *The Answer to the Judgment* mentioned above was a forgery and that George Calvert supported Bp. Smith.

<sup>114</sup>Hughes, *Society of Jesus*, text, vol. 1, p. 456. The assembly provided that the provincial court follow common law, not canonical jurisprudence. This meant, for example, that the clergy were not given a priority over other creditors in debt cases. See *ibid.*, text, vol. 1, pp.

have included Thomas Cornwallis, who in April 1638 was administering the estates of John Saunders and Jerome Hawley in the provincial court.<sup>115</sup> The administration of personal as opposed to real property traditionally came under ecclesiastical jurisdiction.<sup>116</sup> Because of the praemunire law, however, the clergy were unable to appeal to and be backed up by Rome. Their threat of excommunication was for practical purposes unenforceable.

One of the reasons the clergy wanted church courts and one of the several consequences of not having them was that the provincial court, which often had a Catholic as a judge, did not look with favor on testators giving legacies for masses to be said for the souls of the deceased.<sup>117</sup> Not only Protestants, but prominent English Catholics of the period such as Thomas White and Henry Holden, who were mentioned earlier as having been invited to minister in Maryland, objected to the problems which the purgatory doctrine brought.<sup>118</sup> White commented on the clerical abuses arising from hell and purgatory fear-mongering to obtain purgatory bequests:

If I be thought the occasion of restraining the profuse abundance of alms in this particular, I shall withal have the satisfaction to have checked the daily increasing swarms of unworthy priests, who, like drones upon this flock, to the disgrace and contempt of their function, to the abuse of souls, and the common scandal both of those who live in and out of the church.<sup>119</sup>

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413, 419; documents, vol. 1, no. 11.

<sup>115</sup>Bozman, *History of Maryland*, vol. 2, p. 92.

<sup>116</sup>Land was devised by will, which were administered in common law courts, while personalty was bequeathed in testaments, over which ecclesiastical courts had jurisdiction. See Alison Reppy, *Historical and Statutory Background of the Law of Wealth, Descent, and Distribution, Probate and Administration* (Chicago: Callaghan and Co., 1928), pp. 4-5.

<sup>117</sup>Hughes, *Society of Jesus*, documents, vol. 1, pp. 158-161. Illustrative of the clerical literature defending purgatory bequests was William Allen, also known as John Brekeley, *A Defense and Declaration of the Catholic Church's Doctrine Touching Purgatory* (1565), *ERL*, vol. 18; and his *A Treatise made in defense of the lawful power and authority of priesthood to remit sin* (1567) *ERL*, vol. 99.

<sup>118</sup>Henry Holden, *A Letter to Mr. Graunt, Concerning Mr. White's treatise, "De Medio animarum statu"* (Paris: n. p., 1661). W. K. Jordan, *The Charities of Rural England, 1480-1660: The Aspirations and the Achievements of the Rural Society* (London: George Allen and Unwin, 1961), p. 373, holds that purgatory bequests had for the most part died out in England prior to the Reformation. Most Catholics perhaps never did believe in the doctrine.

<sup>119</sup>Thomas White, *The Middle State of Souls from the hour of death to the day of*

The practices that were the basis for purgatory bequests interfered with clerical services to Catholic congregations. In the case of Martin Luther, it had led to the split in the German church. That White spoke for many Catholics on this and other topics has been noted by Robert Bradley, S.J.<sup>120</sup>

Another result of not having church courts was that cases dealing with matrimony, blasphemy, sorcery, idolatry, tithes, and sacrilege came under the jurisdiction of the provincial court.<sup>121</sup> Cases dealing with the latter items in the provincial court were rare. Had the hierarchy had its own way, this might not have been the case. It is interesting to note the contrast with other Catholic areas in the 1640s. In Mexico, for example, church courts were allowed as an appendage to the Spanish colonial order. As studied by scholars like Colin Palmer, such courts destroyed clerical service to laboring people. One example deals with blasphemy prosecutions. Masters normally used corporal punishment to coerce obedience. When their slaves and servants rebelled during such punishment by blaspheming, they were turned over to church courts. The church courts applied torture, which was legal, to gain an admission of guilt concerning the blasphemy. Then they were further punished by the church courts to gain obedience.<sup>122</sup> This resulted in popular dislike of the clergy and a renunciation of the master's God to whose established order the laboring people were to be obedient. Palmer comments:

Blasphemy appeared to be the instinctive reaction by a slave to an unbearable situation. In this sense they were no different from the

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*judgment* (London: n.p., 1659), pp. 205-206. In addition to hell-mongering, the English Catholics complained about some of the clergy who refused the sacraments to the dying unless they had left money in their will to particular causes. See Allison, "A Question of Jurisdiction, Richard Smith," p. 136. Traditionally, the clergy seem to have written many of the wills themselves.

<sup>120</sup>Robert Bradley, S.J., "Blacklo and the Counter-Reformation: An Inquiry into the Strange Death of Catholic England," *From the Renaissance to the Counter-Reformation: Essays in Honor of Garrett Mattingly*, ed. Charles Carter (New York: Random House, 1965), pp. 349-350.

<sup>121</sup>Fourth Assembly, "Marriage Bill," *Md. Arch.*, vol. 1, p. 94.

<sup>122</sup>Colin A. Palmer, *Slaves of the White God: Blacks in Mexico, 1570-1650* (Cambridge, Mass.: Harvard University Press, 1976), pp. 148-150, describes the process:

The accused person who balked at confessing could be tortured into making an admission of guilt. . . The most common offenses were blasphemy, sorcery, and witchcraft. . . . In its efforts to foster religious orthodoxy, the Inquisition relentlessly pursued blasphemers among the Mexican population, slave and free.

ordinary Spaniard, who used blasphemous words as a matter of course. Blasphemous expressions seem to have been in the mouth of everyone, ineradicable by the most severe legislation.<sup>123</sup>

The Maryland clergy were familiar with the ecclesiastical courts. They were common in Spain, where the clergy were trained. Thomas Copley, S.J., the Maryland superior, was born in Spain to exiled English parents. His father, William Copley had a life-long pension from the Spanish crown. Francis Fitzherbert, S.J. (1615-76), who came to Maryland in 1654 had been a chaplain in the Spanish forces at Ghent.<sup>124</sup> Andrew White, S.J. had taught at Valladolid and Seville.<sup>125</sup> They likely had acquaintances who ran church courts. Even without the courts, the Maryland clergy waged at least one anti-blasphemy campaign among their servants.<sup>126</sup>

The Maryland Catholics were probably familiar with the reputation of the Spanish church courts, and they had direct experience of the undesirable ecclesiastical courts in England. There was a hierarchy of 250 Protestant church courts there, until they were abolished along with the episcopacy as part of the Civil War reforms.<sup>127</sup> These courts had jurisdiction over the probate of wills, alimony, tithes, rates, sequestering goods and livings, impleading debtors, and trespassers.<sup>128</sup> The Grand Remonstrance in 1641 complained against the bishops' use of the High Commission, which was the chief ecclesiastical court, to excommunicate, suspend, and degrade the clergy. The High Commission was compared with the Roman Inquisition in the ability of the bishops to use it to impoverish, imprison, and to force to flee to Holland and New England the

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<sup>123</sup>*Ibid.*, p. 152.

<sup>124</sup>John Krugler, "'With Promise of Liberty in Religion:' The Catholic Lords Baltimore and Toleration in Seventeenth-Century Maryland, 1634-1642," *MHM*, 79 (Spring 1984), p. 35.

<sup>125</sup>Beitzell, *Jesuit Mission*, p. 16.

<sup>126</sup>"The Process Against William Lewis, Francis Gray, Robert Sedgrave" (July 3, 1638), *Md. Arch.*, vol. 4, pp. 35-37.

<sup>127</sup>Shaw, *History of the English Church*, vol. 1, pp. 91, 120-121, 225-227 (Act of 16 Charles I, c. 11); vol. 2, p. 210. The Ordinance for Abolishing Bishops was enacted on Oct. 9, 1646. The church courts were abolished in 1643.

<sup>128</sup>William Lyndwood, *Lyndwood's 'Provinciale': The Text of the Canons therein contained, reprinted from the Translation made in 1534* (London: Faith Press, 1929), pp. 34, 109; Ogle, *Canon Law in Medieval England*, pp. 85-87.

"meaner sort of tradesmen and artisans."<sup>129</sup> Alexander Leighton estimated at the time that the people needlessly spent £50,000 per annum on matrimonial suits, £100,000 on probate of wills, and another £100,000 for "pleas and jangling matters."<sup>130</sup> John Milton wrote of the burden on laboring people caused by the church courts:

Two leeches the episcopacy have that still suck and suck the kingdom - their ceremonies and their courts. . . For their courts, what a mass of money is drawn from the veins into the ulcers of the kingdom this way; their extortions, their open corruptions, the multitude of hungry and ravenous harpies that swarm about their offices, declare sufficiently. . . Their trade being, by the same alchemy that the pope uses, to extract heaps of gold and silver out of the drossy bullion of the people's sins.<sup>131</sup>

In addition to the assembly's requirement that the clergy serve as pastors and its refusal to establish church courts, a third consequence of putting the praemunire limits on the clergy, which helped parish development, was that the clergy were made subject to many of the normal rights and duties of a citizen. They were permitted privileges such as exemption at assembly attendance and jury service and in criminal cases the 1639 assembly exempted them from capital punishment, as was the normal common law practice.<sup>132</sup> But they were held responsible for other matters, such as taxation, military service, and liability to civil and criminal proceedings in the provincial court. Against this they initially protested, but in the long run many of these responsibilities were beneficial to them and the province.<sup>133</sup>

An example of where the Catholics used civil proceedings to safeguard and promote clerical service to the congregations involved a 1658 case brought against Francis Fitzherbert, S.J. The plaintiff was the Catholic Thomas Gerard (d.

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<sup>129</sup>Gee, "The Grand Remonstrance," *Documents Illustrative of English Church History*, p. 557, par. 51.

<sup>130</sup>Alexander Leighton, *An Appeal to the Parliament, or Sions Plea Against the Prelacie* (Holland: n.p., 1628), pp. 121, 263-264.

<sup>131</sup>John Milton, "A Reformation of England," *The Prose Works of John Milton* (5 vols., London: H. G. Bohn, 1881), vol. 2, pp. 402-404.

<sup>132</sup>Bozman, *History of Maryland*, vol. 2, p. 125.

<sup>133</sup>Thomas Copley, S.J., "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, vol. 1, pp. 162-163.

1673). Gerard's wife, Susan Snow Gerard was a Protestant. He had agreed with his wife that while he would remain Catholic, his wife would raise their children as Protestants. Fitzherbert used anti-Protestantism to browbeat Gerard for not making his wife and children become Catholic. Fitzherbert also attempted to turn the Catholics against Gerard, in effect, to excommunicate him.<sup>134</sup> Under normal circumstances in Catholic countries where no praemunire laws existed, Gerard could have been excommunicated merely for bringing charges against a priest in a non-ecclesiastical court, not to mention for marrying a Protestant and not raising his children as Catholics. In Maryland, the provincial court prosecution such as that against Fitzherbert helped protect Catholics in maintaining their church membership and still have harmony with their Protestant spouses.

One might contend that subjecting the clergy to judicial proceedings was anti-clerical. The argument offered in this chapter, however, is that Catholics and the clergy simply had different beliefs about the role of the clergy. The thrust of the Catholics' legislation was toward making the clergy serve their needs, not toward outlawing the clergy, which would have been anti-clerical. Fitzherbert was allowed to make a full defense in the provincial court and in fact the court dismissed Gerard's charge. Not only the clergy but Catholics who engaged in sectarian misconduct were also rebuked. The Catholic Luke Gardiner in 1654 wanted to raise his 12 year old step-daughter, Elinor Hatton, as a Catholic, contrary to the wishes of the child's mother. The provincial court ruled the child should be raised as a Protestant.<sup>135</sup> A similar example involved William Lewis, who at the time was the overseer for the clergy. Several of the clergy's servants in June 1638 were reading a collection of sermons by the Protestant cleric, Henry Smith. Lewis prohibited them from reading the sermons. The servants went to the provincial court. Lewis was arrested, convicted, and fined. Both judges were Catholic. They stated that Lewis had "exceeded his power in forbidding them to read a book otherwise allowed and lawful to be read by the State of England."<sup>136</sup>

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<sup>134</sup>Beitzell, *Jesuit Missions*, p. 28.

<sup>135</sup>"Luke Gardiner" (April 3, 1654), "Career Files."

<sup>136</sup>"The Process Against William Lewis, Francis Gray, Robert Sedgrave" (July 3, 1638), *Md Arch*, vol. 4, pp. 35-37; *ibid.*, vol. 1, p. 119; Ronald B. Jenkins, *Henry Smith, England's Silver-Tongued Preacher* (Macon, Ga.: Mercer University Press, 1983).

In non-capital cases English common and statutory law generally governed in Maryland, except where the assembly decided otherwise.

A fourth consequence of putting limits on the clergy was that they were not allowed corporately to own church property. But they could and did own property as ordinary citizens and in addition some of the Catholics held property in trust for them. Thomas Copley, S.J. owned and paid taxes on St. Mary's Freehold in 1642.<sup>137</sup> Mortmain, literally "dead hand," meant holding property corporately, rather than personally. In England a statute against ecclesiastical mortmain was first enacted in the thirteenth century to control the monopolizing of land by the Norman monasteries.<sup>138</sup> The aim was to keep the church's land, revenue, services, and theology under local control rather than under that of a foreign hierarchy.<sup>139</sup>

The Maryland anti-mortmain policy was included in the "Laws of England," which Thomas Cornwallis proposed and the 2nd assembly in March 1638 adopted as a replacement for the proprietor's code, which they rejected.<sup>140</sup> The main user of the anti-mortmain policy was the proprietor. He included such a provision in his "Conditions of Plantations" in 1641.<sup>141</sup> The measure stated:

Any corporation, society, fraternity, guild, or body politic, either

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<sup>137</sup>Garry Stone, "Society, Housing, and Architecture in Early Maryland: John Lewger's St. John's," unpublished Ph.D. dissertation, University of Pennsylvania, 1982, p. 346; Thomas Copley, S.J. "Certificate for St. Inigoes to Cuthbert Fenwick" (July 27, 1641), *Calv. Pap.*, pp. 164, 211-220; "Land Notes, 1634-1655," *MHM*, vol. 6, p. 202; "Land Notes, 1634-1655," *ibid.*, vol. 7, p. 386; Thomas Copley, "Demand for Land" (Aug. 16, 1650), *Md. Arch.*, vol. 3, p. 258; Thomas Green, "Affidavit in behalf of Thomas Copley" (Aug. 16, 1650), *ibid.* Hughes, *Society of Jesus*, text, vol. 1, pp. 484, 527-550; Beitzell, *Jesuit Missions*, pp. 5, 8, 18.

<sup>138</sup>Mortmain Act (1279), 7 Edward 1, Stat. 2, Statutes of the Realm, 1.5; Gee, *Documents Illustrative of English Church History*, p. 81; Sandra Raban, *Mortmain Legislation and the English Church, 1279-1500* (London: Cambridge University Press, 1982), pp. 2-11.

<sup>139</sup>From the time of the false decretals (Isidorian Forgeries, 847-857 A.D.), if not earlier, the hierarchy and Rome had promoted the idea of their and not the Catholics' ownership and control of church property as a divine right. See Ronald J. Cox, *A Study in the Juridic Status of Laymen in the writing of the medieval Canonist* (Washington, D.C.: Catholic University Press, 1959), p. 93; Stanley Chaderow, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: The Ecclesiology of Gratian's Decretum* (Berkeley: University of California Press, 1972).

<sup>140</sup>Everstine, *General Assembly*, p. 42.

<sup>141</sup>Cecil Calvert, "Conditions of Plantation" (Nov. 10, 1641), in Hughes, *Society of Jesus*, documents, vol. 1, pp. 162-168.

spiritual or temporal, or any other person or persons whatsoever, can receive land in trust for them or any of them or to such use or uses forbidden in the kingdom of England at any time before the reign of Henry VIII, upon pain of forfeiture of all such lands.<sup>142</sup>

While the assembly did not make a practice of accepting the proprietor's proposed legislation, it did endorse the anti-mortmain law or at least its results in 1649.<sup>143</sup>

The positive result from the anti-mortmain policy for congregational development can be seen in the establishment and governance of St. Mary's chapel. The chapel was built by a joint subscription of the Protestants and Catholics in 1638. It was 18 by 30 feet in size, of brick construction, and used by both Catholics and Protestants.<sup>144</sup> Building it jointly with Protestants cut down on the costs to the Catholics. Such collaboration where the clergy owned the church would have been impossible. The clergy could have been excommunicated by Rome for permitting Protestant services. Even when churches were owned by non-clergy, there were difficulties. Thomas Gerard, for example, donated the land for and helped build the first Protestant chapel at St. Clement's manor. As noted earlier, Gerard was a Catholic, but his wife was a Protestant. Gerard believed he had a proprietary interest in the chapel. For reasons not disclosed in the record, Gerard decided to lock the chapel and not permit services there. For this he was brought to court, ordered by a Catholic judge to unlock the chapel, and fined 500 pounds of tobacco to be paid to the first Protestant minister to come to the province.<sup>145</sup>

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<sup>142</sup>Johnson, *Foundation of Maryland*, p. 67.

<sup>143</sup>"An Act Concerning Purchasing land from the Indians" (Apr. 21, 1649), *Md. Arch.*, vol. 1, p. 248; Bozman, *History of Maryland*, vol. 2, p. 356. This act was apparently directed against William Claiborne and other Virginia speculators, who were buying Maryland land directly from the Indians. The Maryland population did not want to be dominated by Virginia landlords. The clergy had obtained land directly from the Indians in the 1630s. For years the proprietor had sought through mortmain to deprive them of it. The 1649 assembly act was not directed specifically at the clergy, but deprived them of their title, as it did to all who took from the Indians. According to a letter by the clergy, the 1642 assembly "has not hesitated to violate the immunities of the church by endeavoring to enforce the unjust laws passed in England." See Anonymous, "Annual Letter of the Clergy" (1642), Foley, *Records*, vol. 3, p. 385; Graham, "Lord Baltimore's Pious Enterprise," p. 55.

<sup>144</sup>Rightmyer, *Maryland's Established Church*, p. 14.

<sup>145</sup>"Assembly Proceedings" (Mar. 23, 1641), *Md. Arch.*, vol. 1, p. 119; Beitzell, *Jesuit Missions*, p. 20; Thomas, *Chronicles of Colonial Maryland*, p. 198.

The fifth consequence of putting limits on the clergy concerns oaths. As discussed earlier, some of the Roman hierarchy's ideas about the role of the clergy ran counter to that of providing service. The papacy believed it had the right to demand that the clergy and Catholics seek to overthrow the English government. Rome maintained that the clergy and Catholics who took oaths of allegiance to the English government or who voted in the Maryland assembly for the establishment of such oaths were apostates, guilty of schism, and excommunicated.<sup>146</sup> When the 1638 assembly enacted legislation requiring an oath of allegiance to the English government, Thomas Copley, S.J. threatened to excommunicate the Catholic legislators.<sup>147</sup> But the praemunire law negated any leverage to his threat. At least 18 Catholics were members of the 1638 assembly.<sup>148</sup> They ignored Copley's threat. No one resigned. In the 3rd assembly in 1639, which had an absolute majority of Catholics, they re-enacted the oath.<sup>149</sup> If the Catholics had permitted Roman clericalism, they would have been cut off from the services of the clergy. This should be kept in mind if one suspects the oath requirement was a Protestant plot or that Catholics were not capable of independent religious beliefs. Those in England setting out for the colonies were also required to take oaths of allegiance to the government. Had Catholics not been allowed to take such oaths, it would have eliminated their migration and the development of Maryland parishes.<sup>150</sup> The clergy itself was influenced by the Catholics' approval of oaths. Andrew White, S.J. was condemned by Rome on

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<sup>146</sup>Thomas Clancy, S.J., "English Catholics and the Papal Disposing Power, 1570-1640, Part III," *RH*, 7 (1962/1963), 7; Thomas Sanchez, S.J. *Opus Morale in Praecepta Decalogi sivi summa casuum conscientiae* (2 vols., Antwerp: Martin Hutium, [1615] 1631); Robert Persons, *A Brief Discourse containing certain reasons why Catholics Refuse to go to Church* (Douay: John Lyon, 1580); Rose, *Cases of Conscience*, pp. 5, 112.

<sup>147</sup>Hughes, *Society of Jesus*, text, vol. 1, pp. 416-417; *ibid.*, documents, vol. 1, pp. 158-161.

<sup>148</sup>Papenfuse, *Dictionary*, p. 15; "Career Files"; Second Assembly, "Act for Swearing Allegiance to our Sovereign" (Mar. 16, 1638), *Md. Arch.*, vol. 1, p. 20.

<sup>149</sup>Third Assembly, "Act Ordaining Certain Laws for the Government of the this Province" (Mar. 19, 1639), *Md. Arch.*, vol. 1, pp. 82-83; see also, 3rd Assembly, "Proposed Act for Swearing Allegiance" (Mar. 19, 1639), *ibid.*, vol. 1, p. 40; Papenfuse, *Dictionary*, p. 16.

<sup>150</sup>Lois Green Carr, "Introduction," in Andrew White, S.J., *A Relation of the Successful Beginnings of the Lord Baltimore's Plantation in Maryland* [1634] (Annapolis: Maryland State Archives, 1984), p. xxx.

November 15, 1647 for supporting an oath to the parliamentary government in London.<sup>151</sup>

A sixth and final consequence of limiting the clergy involved outlawing the establishment of convents. Edward Knott, S.J., the Jesuit superior in London, reported to the papal nuncio, Monsignor Rosetti on November 17, 1641 about the Maryland assembly having prohibited convents. He called the act "extremely disparaging to the dignity and authority of the Supreme Pastor, Christ's Vicar upon earth."<sup>152</sup> Henry More, S.J., who was the Jesuit superior in England at the time reported to Rome that the Maryland "law is repugnant to the Christian faith and ecclesiastical immunities: that no virgin can inherit unless she marries before 29 years of age."<sup>153</sup> Copley remarked that it was contrary to canon law for the assembly to require that "unless a woman marry within 7 years after land falls to her, she must either dispose away of her land, or else she shall forfeit it to the next of kin."<sup>154</sup> The anti-convent measure referred to by Copley made the state of perpetual celibacy for women a state of perpetual economic insecurity.<sup>155</sup>

The explanation for the Catholics having put a limitation on the clergy's right to establish a convent was not motivated by any particular desire to disparage Rome, although this would not have been foreign to the *praemunire* tradition. It had more to do with beliefs about the role of the clergy and Maryland's unequal sex ratio. The sex ratio ranged from three to six men for each woman over the course of the Civil War period.<sup>156</sup> Thomas Hughes speculates that the arrival of the "rich, influential, and pious" Margaret Brent in 1638, who was also single, was the reason the clergy sought to establish a convent.<sup>157</sup> Looked at from the perspective of laboring people, the need to establish families was the primary concern; the desires of the clergy to establish convents would not

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<sup>151</sup>Thomas Clancy, S.J., "The Jesuits and the Independents, 1647," *AHSJ*, 40 (1971), 73, 85.

<sup>152</sup>Hughes, *Society of Jesus*, text, vol. 1, pp. 417-418; *ibid.*, vol. 1, nos. 16 and 18.

<sup>153</sup>Quoted in Bernard Steiner, *Maryland During the English Civil Wars* in JHU, series 24, nos. 11-12 (1907), p. 18.

<sup>154</sup>Copley, "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, pp. 162-165.

<sup>155</sup>Hughes, *Society of Jesus*, text, vol. 1, p. 412.

<sup>156</sup>Menard, *Economy and Society*, p. 145.

<sup>157</sup>Hughes, *Society of Jesus*, text, vol 1, p. 412.

have benefited congregational development.

Six consequences for parish development that came from assembly legislation dealing with the role of the clergy have been discussed. These dealt with pastors, church courts, tax, military, and provincial court liabilities, mortmain, oaths, and convents. The clergy in their correspondence listed 14 other limitations that the assembly placed upon them.<sup>158</sup> According to the clergy's superior in England, the Maryland Catholics, like the New England Puritans, allowed the clergy no rights "except such as can be proved from scripture."<sup>159</sup> This was the doctrine taught by Henry Smith, whom as mentioned, the clergy's servants found of interest.<sup>160</sup> To list out and elaborate on each of the 14 other limitations, all of which were similar to or overlapped those already mentioned, is unnecessary. Enough legislation has been discussed to establish that the Catholics believed the role of the clergy was to serve their congregational needs, not to be dominated by clericalism.

Even the proprietor, the main person within the gentry class connected to Maryland who might have been sympathetic to the ideal of domestic chaplains, opposed them on the issue of mortmain and probably on the other issues. In England, the proprietor, like many of the gentry, monopolized clerical services for his own use. John Lewger served as his domestic chaplain in the 1650s. There is no indication the proprietor sought to promote the pastoral ministry in Wiltshire. But in Maryland the proprietor was instrumental in acquiring the services of the clergy for the laboring people in the first place and then in supporting the congregations against the wishes of the clergy.<sup>161</sup>

The proprietor had his own needs in the matter. The clergy, if a negative factor for some potential migrants, were a selling point to others. But at least during the early part of the Civil War the proprietor also feared that too close an

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<sup>158</sup>*Ibid.*, text, vol. 1, pp. 416-417; *ibid.*, documents, vol. 1, pp. 158-161.

<sup>159</sup>*Ibid.*, text, vol. 1, p. 419.

<sup>160</sup>Jenkins, *Henry Smith*, p. 3.

<sup>161</sup>John Bossy, "Reluctant Colonists: The English Catholics Confront the Atlantic," *Early Maryland in a Wider World*, ed. David Quinn (Detroit: Wayne State University Press, 1982), pp. 162-163, states that George Calvert and Richard Blount, S.J., the Jesuit provincial, met in 1631 and made a deal for Maryland to be a refuge for the English Jesuits, if the campaign then going on to exclude Bishop Smith from England failed.

identification with the clergy could cost him his patent. It will be recalled that even the Catholic Thomas Cornwallis charged the proprietor with "Catholicism" before Parliament in 1644. To have allowed the clergy to own a chapel in St. Mary's would have been just one more weapon for those in Virginia and London who had ambitions of gaining the Maryland charter for themselves.<sup>162</sup>

Among those in Europe whom the proprietor had to fear were George Goring (d. 1663), Earl of Norwich and Richard Boyle, Earl of Cork. Goring had negotiated the marriage of Prince Charles to Henrietta Maria of France in the 1620s. This resulted in the pro-Spanish faction at court, of which George Calvert was a member, losing favor.<sup>163</sup> Goring owned the farm of the tobacco custom for England, which meant all colonial tobacco sold in England and Ireland passed through his hands. Goring was resentful of Thomas Wentworth, earl of Strafford and of John Ormond (d. 1688), who were allies of the proprietor.<sup>164</sup> Wentworth in the 1630s obtained the tobacco custom farm in Ireland, which eliminated Goring's income from that source. More tobacco was sold in Ireland than in England.<sup>165</sup> Goring's father-in-law was Richard Boyle. Early in the century Boyle

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<sup>162</sup>Cecil Calvert, "Letter to Leonard Calvert" (Nov. 23, 1642), *Calv. Pap.*, p. 220; William Claiborne, "Declaration Showing the Illegality of the Patent" (1649), *Md. Arch.*, vol. 5, pp. 175-181; William Claiborne, "Petition to his Majesty" (Apr. 1636), *ibid.*, vol. 3, p. 32; Maurice Thompson, "Petition to House of Lords" (Feb. 8, 1647), *ibid.*, vol. 3, p. 181; Robert Brenner, "Commercial Change and Political Conflict," unpublished Ph.D. dissertation, Princeton University, 1970, p. 546, citing Admiralty Committee of the Council of State, SP 25/123/90 (Dec. 28, 1649). Frederick Fausz in *The Secular Context of Religious Toleration in Maryland* (Baltimore: Maryland Humanities Council, 1984), p. 14, and in "Merging and Emerging Worlds, Anglo-Indian Interest Groups and their Development in the Seventeenth-Century Chesapeake," *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip Morgan, and Jean Russo (Chapel Hill, N.C.: University of North Carolina Press, 1989), p. 79, lists the reasons that the proprietor had for justified fear in 1640.

<sup>163</sup>John Morris, "The Lords Baltimore," *Fund Publications* (Baltimore: Maryland Historical Society, 1874), vol. 8, p. 12. Those in the Spanish party had desired that Charles I make a Spanish marriage. Most in the party received regular pensions or bribes from the Spanish government. They included Thomas Howard (1585-1646), earl of Arundel, who was later general of the army against the Scots and escorted Queen Henrietta Maria to the continent in 1642. Also among the Spanish party was Henry Somerset (1577-1646), earl of Worcester, who provided funds to Charles I; Richard Weston, earl of Portland (1577-1635), who was chancellor of exchequer and then lord high treasurer (1628-1633); and John Digby, earl of Bristol (1580-1653), who as ambassador of James I had done the negotiations (1611-1624) for the Spanish marriage.

<sup>164</sup>Thomas Leland, *The History of Ireland from the Invasion of Henry II* (3 vols., Dublin: B. Smith, 1814), p. 19. Ormond was the proprietor's proxy in the Irish Parliament in 1634.

<sup>165</sup>O'Grady, *Strafford and Ireland*, vol. 1, pp. 369-370.

had introduced some new types of manufacturing into Ireland and made a fortune. Prior to Wentworth, he in conjunction with Goring held the tobacco monopoly which had been centered at Galway. He had also profited as a banker for the bills of exchange issued for imports and exports. This business too had been taken by Wentworth.<sup>166</sup> Because of this and because Wentworth had built up a powerful and papist army in Ireland that scared Boyle and many in England, he helped with Parliament's impeachment and execution for treason of Wentworth in 1641.<sup>167</sup>

The proprietor, as a member of Wentworth's party, was similarly disliked by Goring and Boyle. One writer remarks concerning the mortmain limitation, "Calvert's hostility to the Jesuits was irrational."<sup>168</sup> But it was not irrational in terms of keeping his charter. As John Krugler puts it, "To have acquiesced to the Society of Jesus would have been suicidal for Baltimore."<sup>169</sup>

The argument in this chapter has been that the legislation discussed reflected mainly the beliefs of the Catholics, not the reputed anti-Catholic beliefs of the Protestants who were part of the assembly. The legislation was not penal laws: there were no fines, supremacy oaths, or requirements for the clergy to leave the province. This is not to deny that anti-Catholicism did not play a role in provincial politics at some points during the period. But the Catholics were capable of dealing with anti-Catholicism. They even used it to advance their own interests. The 1644 case involving Cornwallis was just mentioned. The proprietor, as a Royalist, was seeking to close down the tobacco trade between London and Maryland. The Catholic planters, with Cornwallis in the lead, petitioned Parliament to revoke the proprietor's charter for his "arbitrary government, Catholicism, and loyalty to the monarch."<sup>170</sup> This anti-Catholicism promoted the interests of Catholic planters.

Another apparent example of using anti-Catholicism to their advantage

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<sup>166</sup>*Ibid.*, vol. 1, p. 372.

<sup>167</sup>*Ibid.*, vol. 1, p. 370; Christopher Hill, *The English Revolution: 1640* (London: Lawrence and Wishart, 1940), p. 48.

<sup>168</sup>Stone, "Society, Housing, and Architecture," p. 49.

<sup>169</sup>Krugler, "Lord Baltimore, Roman Catholicism, and Toleration," p. 73.

<sup>170</sup>Steven Crow, "Left at Libertie: The Effects of the English Civil War and Interregnum on the American Colonies, 1640-1660," unpublished Ph.D. dissertation, University of Wisconsin, 1974, p. 59.

involved Virginia's aggression against the province. The Virginia magnates had not wanted the establishment of Maryland in the first place, and they revived their opposition by attempting to annex it in 1655. To win Parliament's approval, they claimed the Catholics were persecuting the Protestants. At the same time they imposed on Maryland a penal law against Catholics and Protestants.<sup>171</sup> In response the Maryland Catholics and Protestants first waged a military battle, which failed, and then petitioned Parliament to protect their independence, which succeeded.<sup>172</sup> Prior to the petition, six Catholics in 1655 had gone to court, voluntarily confessed to being Catholic, and allowed themselves to be fined under the penal law: "I confess myself in court to be a Roman Catholic and acknowledge the pope's supremacy."— The explanation for the Catholic confessions apparently was that they wished to make explicit in London that if any religious persecution was going on, it was the work of the Virginians and their penal laws. Parliament ruled shortly thereafter that the Virginians should stop "meddling" with Maryland.

To sum up, the chapter has looked at Catholic beliefs concerning the role of the clergy by looking at assembly legislation. In the two previous chapters on the Catholics' beliefs about labor and politics, the views of the English Catholic gentry were discussed in the concluding sections to point up that the Maryland Catholics had their own unique beliefs. In this chapter it is unnecessary to bring in the beliefs of the English Catholic gentry about the role of the clergy. Their beliefs as reflected in the thinking of the clergy have been contrasted with those of the Catholics throughout the chapter.

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<sup>171</sup>The Catholics were ousted from the legislative assembly at Providence in October 1654, which then adopted legislation that was a verbatim copy of Parliament's "Instrument of Government" of Dec. 16, 1653. See Gardiner, *Documents*, pp. 405-406, ch. 25, 37; David Jordan, *Foundations of Representative Government in Maryland, 1632-1715* (Cambridge: Cambridge University Press, 1987), p. 56; Richard Bennett and William Claiborne, "Commission for Governor of Maryland Under the Commonwealth" (Aug. 8, 1654), *Md. Arch.*, vol. 3, pp. 311-313; 14th Assembly, "An Act Concerning Religion" (Oct. 20, 1654), *ibid.*, vol. 1, pp. 340-341.

<sup>172</sup>Crow, "Left at Libertie," p. 146. Parliament gave a new charter to the proprietor on June 20, 1656.

<sup>173</sup>John Pile, "Career Files," box 19; William Boreman, Thomas Matthews, et al., "Court Proceedings" (Oct. 5, 1655), *Md. Arch.*, vol. 10, pp. 423, 426-427, 441; see also, Denis Moran, "Anti-Catholicism in Early Maryland Politics: The Puritan Influence," *ACHSPR*, 61 (1950), 153; Beitzell, *Jesuit Mission*, p. 22.

The Catholics believed the clergy should serve as pastors in the three congregations which were established in Maryland. The clergy were initially resistant to their legislatively mandated pastoral role, but this role ended up being their most lasting contribution to the Maryland community. In the early 1650s the Jesuit superior in England, Edward Knott, S.J., wanted to abolish the Jesuit presence in Maryland because it had not worked out according to the missionary and gentry pattern favored by the Jesuit constitution. The Maryland Jesuits who had come to value the pastoral ministry successfully argued for the continuation of the Jesuit presence.<sup>174</sup> Maryland's achievement can be contrasted with New Mexico in the same period, where instead of serving laboring people, the clergy ended up in permanent hostility to them and their government. France C. Scholes writes:

Neither state nor church learned the need for patience and friendly cooperation in dealing with problems of ecclesiastical immunity. Permanent compromises were never found, and the tradition of rivalry and hostility became one of the powerful traditions in provincial life.<sup>175</sup>

Map 5: European Locations in Maryland in the  
Civil War Period

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<sup>174</sup>Hughes, *Society of Jesus*, text, vol 2, p. 47.

<sup>175</sup>France C. Scholes, *Church and State in New Mexico, 1616-1650* (Albuquerque: University of New Mexico Press, 1937), p. 192; Benedict Warren, "The Ideas of the Pueblos of Santa Fe," *The Roman Catholic Church in Colonial Latin America*, ed. Richard Greenleaf (Tempe: Arizona State University Press, 1977).

## Chapter 5

### Beliefs about the Market

This chapter is about the market beliefs of the Maryland Catholics during the English Civil War era. Just as Catholics believed politics and the clergy should serve their needs, they held the market should do likewise. Their interests in terms of the market meant those of laboring people, which were not necessarily those of the proprietor, local landlords, Parliament, crown or London merchants. Depending on the circumstances they served their needs by a free market and sometimes by a regulated market and collective enterprise.

The defense of their market interests against the proprietor and other interests had an antinomian character to it. Having seen in Chapter 1 the broadly held antipathy among most English Catholics to "private" monopolies, unemployment, and excessive profit making by employers, and the measures they took against them, the similar developments in Maryland should not be surprising. John McCusker and Russell Menard describe the laboring people as migrating to Maryland to avoid higher rents, smaller yields, lower wages, fewer chances, greater inequality, and being trapped in low-paying seasonal jobs that kept them close to the subsistence margin.<sup>1</sup> They did not have much patience with those who wished to deny them what they had come for.

The chapter is divided into three parts. There is first a preliminary discussion of market conditions during the period and of the Catholics' beliefs about the market; second, five different types of assembly legislation concerning corn, tobacco, land and labor, pelts, and local and foreign merchants and officials will be outlined; and third, the beliefs of the English Catholic gentry about the

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<sup>1</sup>John McCusker and Russell Menard, *The Economy of British America: 1607-1785* (Chapel Hill, N.C.: University of North Carolina Press, 1985), p. 31.

market will be mentioned, in order to contrast them with those of the Maryland Catholics.

The first part of the chapter outlines the market conditions in Maryland and Catholics beliefs about them. Between 1638 and 1646, the European and colonial American economies were in a period of depression and Civil War.<sup>2</sup> In Maryland this meant that prices and profits for agricultural produce paid by European merchants declined. With the decline in profits came a decline in migration and investment. However, the price of imported goods, such as shoes, tools, ammunition, clothing, servants, and credit, upon which the province depended, did not necessarily decline.<sup>3</sup> These market forces put pressure on the Maryland producers to increase their productivity in order to pay for European imports with a greater amount of the lower-priced exports. However, this demand-and-supply or more work for less return model was legislatively resisted.

The assembly legislation was not always as successful in guiding Maryland's economic development as the planters intended. This is demonstrated by Russell Menard and John McCusker. They find market forces, such as the cyclical pattern of trade, depression, overproduction, credit, and labor, to be more useful in explaining economic developments in Maryland.<sup>4</sup> These scholars give consideration to the non-market force of legislative regulation but see it as a secondary factor, and often as "vague and impractical."<sup>5</sup> However the interest in this chapter is not economic development as such, but the nature of Catholic beliefs. The legislation downplayed by the market studies sheds light on the economic beliefs of the legislators and those who elected them. As will be seen, the legislation was also successful in a number of its aims.

Lois Green Carr, Michael Graham, and Lorena Walsh document what might be called the collective economy that was characteristic of Maryland at the neighborhood level.<sup>6</sup> Free-market, arms-length relations for personal gain had a

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<sup>2</sup>*Ibid.*, p. 65; Russell Menard, *Economy and Society in Early Colonial Maryland* (New York: Garland Pub., [1975], 1985), pp. 208-209.

<sup>3</sup>Menard, *Economy and Society*, p. 213.

<sup>4</sup>*Ibid.*, pp. 202-243; McCusker and Menard, *The Economy of British America*, pp. 120-137.

<sup>5</sup>Menard, *Economy and Society*, p. 212.

<sup>6</sup>Michael Graham, "Lord Baltimore's Pious Enterprise: Toleration and Community in

place. But also basic for survival and part of Catholic beliefs were the less than arms-length, collective efforts at economic advancement. These efforts were not anti-market, but supplemental to it. Neighbors helped each other in framing buildings, hunting, gathering corn, and housing and packing tobacco. They lent tools and exchanged salt, corn, liquor, meat, and cloth from family stocks when neighbors needed them.<sup>7</sup> Michael Graham writes:

These [good neighbor] patterns can be seen over and over in the lives of the Catholic men who worshiped at the Newton church. For example, they publicly supported one another through the signing of one another's documents; that they did so signals the importance of the informal relationships upon which these more formal, legal relationships were based. . . . Death especially called upon friends to stand by one another.<sup>8</sup>

Maryland's Catholics and Protestants, as documented in the county studies by Carr and others, often believed economic relations included a concern for the local neighborhood. This concern for community also extended to the provincial level through assembly legislation. The assembly's regulatory legislation was not unique. To a greater or lesser extent there were similar enactments in the other colonies and in England.<sup>9</sup> However, because the Maryland regulations were not unique does not mean they were inevitable or that they did not represent the Catholics. There was both local and foreign opposition to some of the legislation, which opposition the Maryland planters in some cases overcame only with

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Colonial Maryland," unpublished Ph.D. dissertation, University of Michigan, 1983, pp. 91-92; Lois Green Carr and Lorena Walsh, "The Planter's Wife: The Experience of White Women in Seventeenth-Century Maryland," *WMQ*, 34 (1977), 542-571; Lois Green Carr, "Sources of Political Stability and Upheaval in 17th-Century Maryland," *MHM*, 79 (1984), 46; Lorena Walsh, "Community Networks in the Early Chesapeake," *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip Morgan, and Jean Russo (Chapel Hill, N.C.: University of North Carolina Press, 1989), p. 235.

<sup>7</sup>Walsh, "Community Networks," p. 235.

<sup>8</sup>Graham, "Lord Baltimore's Pious Enterprise," p. 92.

<sup>9</sup>Illustrative of community concerns in the early Plymouth settlement was legislation which provided for the community of goods and provision. As noted in Chapter 1, Thomas Weston (1574-1647), who started out as a London ironmonger and ended up living in Maryland in the 1640s, had been the one who chartered the Mayflower for the Pilgrims in 1620 and later had supplied them with provisions and lived in Massachusetts. See Roland G. Usher, "Thomas Weston," *Dictionary of American Biography*, ed. Dumas Malone (New York: Charles Scribners, 1936), vol. 10, p. 20; Roland G. Usher, *The Pilgrims and their History* (New York: Macmillan, 1918).

difficulty.

In looking at assembly legislation, it should be recalled from Chapter 3 that up to the 1650s the Catholics, as assembly and council members and as members of legislative drafting and other committees, had an influential part in enacting and, as provincial office-holders, in enforcing Maryland legislation. In the ten assemblies that met during the 1640s, the Catholics constituted a majority of those with known religion and in the third assembly of 1639 they were an absolute majority. These Catholics were laboring people, including tenants, sharecroppers, artisans, and laborers.<sup>10</sup>

The Catholics in the assembly were planters, that is, field laborers, and it was natural that the legislation they helped enact addressed the needs of the planters. It was seen earlier that they were not rubber stamps for the proprietor or for the few landlords. They repeatedly rejected the legal codes which the proprietor sent over and initiated their own legislation. This is not to say that the proprietor was not in agreement with much of their legislation. Similarly, the landlords were often, but not always in agreement with and supported legislation that served the needs of the majority. Thomas Copley, S.J., a priest, but also one of Maryland's landlords mentioned the potential strength of the laboring people in the assembly, "If any factious working man can but procure an overweening number of votes by proxies, he shall undo whom he pleases."<sup>11</sup> To the extent a large Catholic landlord like Thomas Cornwallis was able to play a leadership role on some issues, it seems to have been because his interests and those of the laboring people coincided.

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<sup>10</sup>Because the findings about economic beliefs are based mainly on the assembly enactments, this chapter is not directly about the economic beliefs of indentured Catholic servants, who were down to 20 percent of the population by 1642. Nor is it about the economic beliefs of Catholic women. Women, as mentioned earlier, were one-third to one-sixth of the population. In England it was common for women to participate in town and parish assemblies. This may have been the case in Maryland. Some of the assembly's legislation such as the nutritional measures were in the self-interest of indentured servants and women and would logically have been supported by them. In addition, at least a quarter of the known Catholics were former indentured servants and no Catholic remained an indentured servant longer than four to seven years. The economic beliefs of indentured and free, therefore, may have overlapped. Similarly, Catholic women shared many of the same economic circumstances as their spouses, and it is reasonable to assume their economic thinking overlapped.

<sup>11</sup>Thomas Copley, S.J., "Letter to Cecil Calvert" (Apr. 3, 1638), *Calv. Pap.*, no. 28, p. 169.

The assembly addressed issues relating to the market first through corn regulations, second through tobacco regulations, third through land regulations, fourth through pelt regulations, and fifth through regulations covering local and foreign merchants and officials. Through the corn laws, of which there were three types, the assembly sought to insure the production of corn. Corn was Maryland's main food. Assembly codes between 1639 and 1654 required that "Every person planting tobacco shall tend two acres of corn."<sup>12</sup> The Maryland corn laws were stricter than those in Europe or those that would be locally enacted later in the century in that no minimum planting requirements existed in Europe or later in Maryland. Parish and county governments in England reacted to bad corn crops by enacting measures such as shutting down alehouses and proscribing malting in times of bad crops, since alemaking wasted bread corn.<sup>13</sup>

The corn regulation inhibited market pressure for increased productivity in tobacco, the cash crop. Each day and each acre spent in corn production was a day and an acre not spent in tobacco production. Garry Stone estimates that each direct producer planted an average of two acres of corn and two acres of tobacco per year.<sup>14</sup> Market forces in Ireland, Latin America, New England, and in early seventeenth-century Virginia drove planters to neglect their own nutritional needs or those of their servants and tenants.<sup>15</sup> Ireland's population declined from 1.5 to

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<sup>12</sup>Second Assembly, "A Bill for Planting Corn" (Mar. 15, 1638), *Md. Arch.*, vol. 1, p. 20; 3rd Assembly, "An Act Ordaining Certain Laws for the Government of the Province" (Mar. 19, 1639), *ibid.*, vol. 1, p. 83-84; 3rd Assembly, "Proposed Act for Planting of Corn" (Mar. 19, 1639), *ibid.*, vol. 1, p. 79; 4th Assembly, "Act for Planting of Corn" (Oct. 1640), *ibid.*, vol. 1, p. 97; 6th Assembly, "Act Providing for the Planting of Corn" (July 30, 1642), *ibid.*, vol. 1, p. 160; "Commission to the Sheriff of St. Mary's" (July 4, 1641), *ibid.*, vol. 3, p. 98; John Bozman, *The History of Maryland* (Spartanburg, S.C.: Reprint Co., [1837], 1968), vol. 2, p. 148; Vertrees Wyckoff, *Tobacco Regulation in Colonial Maryland* (Baltimore: Johns Hopkins Studies, 1936), 22, p. 51.

<sup>13</sup>John Walter, "Dearth and Social Order in Early Modern England," *PP*, vol. 71 (1976), 24, 27, 39; Donald Barnes, *A History of the English Corn Laws* (London: A. M. Kelly, [1930], 1961), pp. 2-4.

<sup>14</sup>Garry Stone, "Society, Housing, and Architecture in Early Maryland: John Lewger's St. John's," unpublished Ph.D. dissertation, University of Pennsylvania, 1982, p. 114.

<sup>15</sup>Andrew Appleby, *Famine in Stuart and Tudor England* (Stanford: Stanford University Press, 1978); Joyce Appleby, *Economic Thought and Ideology in Seventeenth-Century England* (Princeton: Princeton University Press, 1978), p. 4; Carville Earle, "Environment, Disease, and Mortality in Early Virginia," *The Chesapeake in the Seventeenth-Century*, ed. Thad Tate and David Ammerman (Chapel Hill: University of North Carolina Press, 1979), pp. 108-111, 116;

.9 million between 1641 and 1652 because of famine. This resulted from the Civil War, but also because cash crops were substituted for food crops.<sup>16</sup> On a smaller scale many died just north of Maryland in the the mid-1640s at Fort Christiana, which is now Wilmington, Delaware. The New Sweden Trading Company which established the fort in 1637 emphasized pelt trading. It employed one person to grow corn for each eight pelt traders. But in the early period, it seems to have required eight corn growers to feed just one pelt trader.<sup>17</sup>

In Maryland one finds no starvation but rather numerous cases of default to creditors. For example, Giles Brent was not able to pay a debt of 8,000 pounds of tobacco and John Lewger had to mortgage his plantation for 10,000 pounds of tobacco or about £83 to meet his debt to a London merchant.<sup>18</sup> This meant the planters were not planting enough tobacco to keep up with their creditors, but they were planting enough corn to keep up with their own needs.

At least some of the Maryland landlords were opposed to the obligatory minimum corn planting law. In Virginia it was a common pattern for the landlords to oppose corn laws.<sup>19</sup> The Maryland landlord, Thomas Copley, S.J. with 20 or more indentured servants, was concerned that he was not obtaining enough productivity even without the corn regulations. He commented that his "company of headstrong servants scarcely maintain themselves."<sup>20</sup> Yet,

It is expected that every head plant two acres of corn, whereas already we find by experience that we cannot possibly employ half

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Herbert Cedarberg, "An Economic Analysis of English Settlement in North America, 1583-1635," unpublished Ph.D. dissertation, University of California Press, 1968, p. 144.

<sup>16</sup>William Petty, *Political Anatomy of Ireland* in Charles Hull, *The Economic Writings of Sir William Petty* (New York: A. M. Kelley, [1898], 1964), vol. 1, p. 151; Erich Strauss, *Sir William Petty, Portrait of a Genesis* (London: Bodleyhead, 1954), p. 52. Concerning market-driven nutritional deprivation in Quito during the 1640s, see Nicholas Cushner, S.J., *Farm and Factory: The Jesuits and the Development of Agrarian Capitalism in Colonial Quito, 1600-1767* (Albany: SUNY Press, 1982), pp. 35, 131. Joseph Smith (ed.), *Colonial Justice in Western Massachusetts, 1639-1702: The Pychon Court Record* (Cambridge: Harvard University Press, 1961), p. 14, mentions the New England corn shortage and famine scare in 1638. Not enough corn crops were planted in 1637.

<sup>17</sup>John Munroe, *Colonial Delaware: A History* (Millwood, New York: KTO Press, 1978), pp. 24-25.

<sup>18</sup>Stone, "Society, Housing, and Architecture in Early Maryland," p. 133.

<sup>19</sup>Wyckoff, *Tobacco Regulation in Colonial Maryland*, p. 15.

<sup>20</sup>Copley, "Letter to Cecil Calvert" (Apr. 3, 1638), *Calv. Pap.*, p. 159.

our number in planting and therefore we must turn planters ourselves.<sup>21</sup>

It should be noted that Copley apparently was not speaking merely as a clergyman. He did not invoke an argument of clerical privilege but voiced the concern of a landlord seeking to make ends meet. During depression periods, indentured servants were a liability. Further, the corn laws applied to those who physically planted tobacco. Clergymen, like artisans and overseers, did not plant, and so were exempt from the corn laws, at least until 1649.<sup>22</sup>

Besides minimum planting requirements, the assembly passed other corn regulations. One prohibited the export of grain in times of scarcity, as during the winter months.<sup>23</sup> It was between October and February when the province was most dependent on corn for its nutritional needs. It was in these months when the best prices and profits could have been gained by speculators selling to Virginia or New England. As in the case of corn planting legislation, there was opposition among the landlords about the export laws, and for not dissimilar reasons. Thomas Copley, for example, expressed his dislike for not being able to trade in corn freely.<sup>24</sup>

The final type of corn regulation required that private stores of corn were to be inspected by officials to prevent the hoarding of any amount over and above the necessary sustenance for each household.<sup>25</sup> Rationing as carried out in the winter of 1647-1648 involved confiscating the proprietor's entire supply, despite his objections. The assembly stated, "Since there is a scarcity of corn and since some considerable amount of corn is by diverse persons concealed for their private interests which if it were purchased of the owner and distributed" would

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<sup>21</sup>*Ibid.*, p. 164.

<sup>22</sup>In 1649 the two acre law was extended to every taxable person, not merely to those who planted. See Bozman, *History of Maryland*, vol. 2, p. 560.

<sup>23</sup>Second Assembly, "A Bill for Corn Measures" (Mar. 14, 1638), *Md. Arch.*, vol. 1, p. 16; 4th Assembly, "An Act Prohibiting the Exportation of Corn" (Oct. 1640), *ibid.*, vol. 1, p. 96; 6th Assembly, "An Act Limiting the Exportation of Corn" (July 30, 1642), *ibid.*, vol. 1, p. 161; 10th Assembly, "Proceedings" (Jan. 24, 1648), *ibid.*, vol. 1, pp. 217-218; Thomas Greene, "Non-Exportation of Corn" (Nov. 10, 1647), *ibid.*, vol. 3, pp. 194-195; William Stone, "Non-Exportation of Corn" (Jan. 24, 1652), *ibid.*, vol. 3, p. 293.

<sup>24</sup>Copley, "Letter to Cecil Calvert" (Apr. 3, 1638), *Calv. Pap.*, p. 164.

<sup>25</sup>Sixth Assembly, "Act Limiting the Exportation of Corn" (July 30, 1642), *Md. Arch.*, vol. 1, p. 161; 10th Assembly, "Proceedings" (Jan 24, 1648), *ibid.*, vol. 1, pp. 217-218.

end the scarcity, therefore the government "is authorized to view and measure each person's corn."<sup>26</sup> Where there was more than two barrels per head, the corn was to be purchased at 150 pounds of tobacco per barrel, which was worth between £1 1/2 and £3. It was seen earlier that similar anti-hoarding measures were characteristic of Lancashire county, where the Catholic population was relatively heavy. The constables there were ordered to search all "houses, barnes, and men holding corn more than for necessary support of themselves and their families."<sup>27</sup> Those with excess were obliged to bring the corn to market by installment and sell it "at reasonable rates to the poor people."

Besides legislation designed to protect the province's nutritional needs in time of economic depression, the assembly passed a second type of legislation which impeded the negative effects of unregulated supply-and-demand market relations. This was tobacco regulations. The fourth assembly in October 1640 sought to stabilize declining prices and planter income by eliminating surplus production. The assembly's law established an inspection system to destroy "bad tobacco." Bad tobacco, which had a market in good times, was defined as "ground leaves, second crops, leaves notably bruised, or worm eaten, or leaves sun burnt, frost bitten, or weather beaten."<sup>28</sup> The legislation ran for two years. Another type of legislation relevant to tobacco production was that which sought to reduce the cost of shipping. These laws increased and standardized the size of the hogshead in which tobacco was transported to Europe. The standard weight in 1640 was 250 pounds. By 1660 it was nearing 400 pounds.<sup>29</sup>

In their study of the Chesapeake economy John McCusker and Russell Menard find that the regulations covering tobacco were a positive development:

By responding creatively to the periodic depression in the tobacco industry, Chesapeake planters escaped the worst consequences of dependence on a single crop in an uncertain international market. .

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<sup>26</sup>Tenth Assembly, "Proceedings" (Jan. 24, 1648), *ibid.*, vol. 1, pp. 217-218.

<sup>27</sup>Walter, "Dearth and Social Order in Early Modern England," pp. 24, 27, 39.

<sup>28</sup>Fourth Assembly, "Act Touching Tobacco" (Oct. 1640), *Md. Arch.*, vol. 1, p. 97; 4th Assembly, "Oath of a Viewer" (Oct. 1640), *ibid.*, vol. 1, p. 98.

<sup>29</sup>Third Assembly, "Proposed Act Detailing Enormous Offenses" (Mar. 19, 1639), *ibid.*, vol. 1, p. 73, which dealt with weights and measures; 4th Assembly, "Act for Measures" (Aug. 12, 1641), *ibid.*, vol. 1, p. 108.

. In the face of falling prices, profits and expensive imported manufacturers, colonial officials attempted to control the price, quality, and quantity of tobacco, encourage alternative staples, and supported local industry.<sup>30</sup>

The "alternative staples" and "local industries" referred to above which the assembly helped support through legislative enactment included the cattle, fish, horse, swine, deer skin, beaver pelt, and corn milling industries.<sup>31</sup>

As with the corn laws, some of the local magnates, including the governor, opposed the tobacco regulations. But six of the seven known Catholics in the Fourth Assembly voted for the regulations, not for the free market.<sup>32</sup> There are no surviving letters from the proprietor to the governor giving the proprietor's views on the tobacco regulations. But since the governor was appointed by and the agent of the proprietor, with no independent authority, it might be assumed the governor's veto was the veto of the proprietor and that the proprietor opposed the tobacco regulations. This was the case in the post-Civil War era.

The reasons the proprietor opposed the regulations later would have been just as compelling in 1640. They included, first, that the crown, London merchants, and shipowners wanted maximum volume, because custom taxes and freight revenue were dependent on volume. Calvert sought to please the crown.<sup>33</sup> Second, the proprietor's revenue came in part from quitrents, and idle land meant less revenue for him.<sup>34</sup> His revenue also came from land registration and patent fees. A cut in tobacco production brought a cut in migration and in land registration fees. Third, the proprietor in 1640 may have particularly wanted no regulations because these would have displeased his friend, Thomas Wentworth,

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<sup>30</sup>McCusker and Menard, *The Economy of British America*, p. 126.

<sup>31</sup>Eleventh Assembly, "An Act Touching Hogs and Marking of Cattle" (Apr. 21, 1649), *Md. Arch.*, vol. 1, p. 251; 14th Assembly, "Concerning Fencing of Ground" (Oct. 20, 1654), *ibid.*, vol. 1, p. 344, which held that corn had to be fenced in, to allow cattle, hogs, and horses to run; Thomas Greene, "Non-Exportation of Corn, Horses, etc." (Nov. 10, 1647), *ibid.*, vol. 3, pp. 194-195, who prohibited export of horses in order to increase the stock in Maryland; "Provincial Court License for Thomas Hebden to Kill Swine" (Nov. 4, 1642), *ibid.*, vol. 4, p. 139; Bozman, *History of Maryland*, vol. 2, pp. 156, 203.

<sup>32</sup>Fourth Assembly, "Proceedings" (Oct. 22, 1640), *Md. Arch.*, vol. 1, p. 93; Papenfuse, *Dictionary*, p. 16-17, cross-checked with "Career Files."

<sup>33</sup>Wyckoff, *Tobacco Regulation in Colonial Maryland*, pp. 68, 73-74, 80.

<sup>34</sup>*Ibid.*, p. 59.

Earl of Strafford, who had given the proprietor £500 in 1639.<sup>35</sup> Wentworth was the lord deputy and then lord lieutenant of Ireland in the 1630s.

Wentworth's tobacco policy in Ireland was to flood the market, which meant maximum importation from Maryland and elsewhere.<sup>36</sup> By doing this Wentworth maximized his personal income. He owned the custom farm for Ireland starting in 1637. All of the tobacco imported into Ireland passed through his custom house at the port of Kinsale. He charged a per pound custom duty of 1s/6d and an impost tax of 6d.<sup>37</sup> The price of tobacco to the Irish consumer was 2s/4d per pound.<sup>38</sup> Between 1637 and 1640 the value of tobacco imported was £80,000.<sup>39</sup> In a remonstrance Wentworth was accused by the Irish House of Commons of "uttering tobacco at high prices" so that "thousands of families in Ireland and the colonies were utterly destroyed."<sup>40</sup>

Despite the governor's wishes and perhaps those of the proprietor, most Catholics seemed to have felt, as would be expected, that decreased production for higher prices was preferable. The aim of the Catholics was not to defy the governor, but merely to serve their own needs. The elimination of surplus tobacco through quality controls was among the reasons Chesapeake tobacco eventually proved more competitive than that grown in Europe.<sup>41</sup>

It might be argued the tobacco regulations favored the landlords more than the ordinary planters and that the 1640 assembly was dominated by landlords, that is, those who were not field workers. They were looking out for their interests at the expense of the ordinary planters. There are several problems with this argument. First, there were only four landlords in the assembly: Leonard Calvert, Giles Brent, Thomas Gerard, and John Lewger. One of these, Leonard Calvert,

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<sup>35</sup>John Krugler, "The Calvert Family, Catholicism, and Court Politics in Early Seventeenth-Century England," *The Historian*, 43 (1981), 391.

<sup>36</sup>Hugh O'Grady, *Strafford and Ireland: The History of his Vice-Royalty with an account of his Trial* (2 vols., Dublin: Hodges and Figges, 1923), vol. 1, p. 373.

<sup>37</sup>*Ibid.*, vol. 1, pp. 368-369; John Rushworth, *Historical Collections of Private Passages of State: 1618-1648* (8 vols., London: D. Browne, 1772), vol. 8, pp. 411-412.

<sup>38</sup>O'Grady, *Strafford and Ireland*, vol. 1, p. 374.

<sup>39</sup>*Ibid.*, vol. 1, p. 372; Rushworth, *Historical Collections*, vol. 8, p. 651.

<sup>40</sup>O'Grady, *Strafford and Ireland*, vol. 1, p. 369.

<sup>41</sup>Menard, *Economy and Society*, p. 240.

voted against the regulations. The other 12 members of the assembly, so far as can be told from the "Career Files," were laboring people. Even among the landlords, Thomas Gerard probably was a field worker in this period.<sup>42</sup> Four laboring people voted against the regulations, but eight voted for them. This would appear to mean the laboring people along with the landlords were generally for the regulations.

It could be argued that the eight laboring people who voted for the regulations only voted for them because they were dominated by the landlords. But the landlords seem to have felt that they were the ones that were dominated. The statement of Thomas Copley, S.J. has already been quoted about any working man with enough proxies was able to undo whomever he chose.<sup>43</sup> Thomas Cornwallis, another landlord stated that he was in the power of his servants, if they but chose to turn spy and informer.<sup>44</sup> Even in England, where there actually was a gentry class complete with a military, legislature, courts, church, and educational institutions to support it, the laboring people often dominated during the war. A Royalist of Yorkshire, where Catholic influence was strong, recollected with distaste:

We had a thing called a committee in our locality which overruled deputy-lieutenants and also justices of the peace, and of this we had brave men: Ringwood of Newport, the pedlar; Maynard, the apothecary; Matthews, the baker; Wavell and Legge, farmers, and poor Baxter of Hurst Castle. These ruled the whole area and did whatsoever they thought good in their own eyes.<sup>45</sup>

Christopher Hill finds that in large measure, even the gentry in Parliament were dominated by and not dominant over laboring people during the Civil War. As noted earlier in Chapter 2, he describes the parliamentary groups in 1642 that

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<sup>42</sup>"Act for Tobacco" (1640), *Md. Arch.*, vol. 1, p. 93. The 12 laboring people in the fourth assembly were: John Abbott, Thomas Adams, Thomas Allen, Thomas Baldrige, Fulke Brent, Cuthbert Fenwick, Francis Gray, Thomas Greene, Richard Lusthead, Thomas Morris, George Pye, Robert Vaughan.

<sup>43</sup>Thomas Copley, S.J., "Letter to Lord Baltimore" (Apr. 3, 1638), *Calv. Pap.*, p. 169.

<sup>44</sup>Thomas Cornwallis, "Letter to Cecil Calvert" (Apr. 16, 1638), *Calv. Pap.*, pp. 177-178.

<sup>45</sup>John Oglander, *A Royalist's Notebook, The Commonplace Book* (New York: B. Blom, 1971), pp. 110-111.

came forward to head movements which threatened to turn against the gentry as a whole: "I am their leader, I must follow them."<sup>46</sup>

There is another problem with the argument that the regulations represented the interests of the landlords at the expense of the ordinary planters. Not only is there no indication in the record that the laboring majority which enacted them were under the domination of the landlords, but there is no indication that the legislation was more favorable to the landlords than to the ordinary planters. How can one logically say that getting paid more for less work was to the disadvantage of ordinary planters? Perhaps there is an assumption that for the laboring people to have given voice to their own needs was somehow anarchistic and disorderly. But to the contrary, it was the unregulated market for tobacco that was disorderly and to the disadvantage of Catholic needs. The Catholics in establishing tobacco regulations were on the side of order. Those who wanted the free market were closer to being the anarchists in this instance.

There is another problem that concerns specifically the proprietor. His successor in 1682 approved of the regulations and did so because this was in the interest of the ordinary planters. Specifically, the "poorer classes," in Virginia, as Vertrees Wyckoff labels them, early in 1682 had rioted after the Virginia legislature, dominated by landlords, failed to enact tobacco regulations. In response the ordinary planters illegally destroyed three-fourths of the Virginia tobacco crop.<sup>47</sup> The Maryland proprietor agreed to the regulations because he saw what happened in Virginia. He had no choice in the face of the militant small planters. The evidence from the post-war period is no different from the evidence in 1640: the small planters wanted the regulations because they were felt to serve their interests.

A final problem with the argument that the regulations represented the interests of the landlords at the expense of the ordinary planters also concerns the proprietor. In the 1630s he had attempted to veto the codes enacted by the assembly. He gave up doing this beginning in 1640. Because he did not veto the act does not mean he approved it. The Maryland population operated in the 1630s

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<sup>46</sup>Christopher Hill, "Debate: Parliament and People in Seventeenth-Century England," *PP*, no. 98 (1983), 157.

<sup>47</sup>Wyckoff, *Tobacco Regulation in Colonial Maryland*, pp. 90-91.

under the codes which they enacted. They ignored the proprietor and his vetoes. He stopped vetoing in 1640 because he conceded it was pointless to do so. It was not only the tobacco regulations he did not veto, but every act starting in 1640.<sup>48</sup>

There was a third type of market regulations besides those dealing with corn and tobacco. These addressed the market in land and labor. Concerning land, most laboring people initially lacked the capital to patent, survey, and build farms on the land which the proprietor and landlords offered to them as their freedom dues and headrights. In 1642, for example, four landlords owned 69 percent of the patented land.<sup>49</sup> One aspect of the 1645-1646 leveling was that tenants and indentured servants sometimes became squatters on the land they had been farming for their landlord or they became squatters on vacant land elsewhere. It cost about £3 to establish a bare minimum frontier cottage.<sup>50</sup> Stephen Crow studies the proprietor's unhappiness with the leveling of the landlord monopoly by those who "had acquired land without his approval and therefore did not pay the quitrents due him. . . The colony had grown rapidly and men had hurriedly grabbed more lands as the frontiers moved further inland."<sup>51</sup>

In the years following the leveling, the proprietor sought to reimpose limitations on the market in land, but the assembly generally declined to cooperate with him. For example, he requested in 1648 that all those making use of public services, such as the courts, be required to take an oath of fealty to him, a copy of which oath he sent over. In this oath the taker acknowledged the proprietor as landlord and promised to pay survey, patent, quitrent, and other fees.<sup>52</sup> The assembly voted down the regulation and told him to stop sending over

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<sup>48</sup>Carl Everstine, *The General Assembly of Maryland, 1634-1776* (Charlottesville, Va.: Michie, 1980), p. 65.

<sup>49</sup>Menard, *Economy and Society*, p. 61.

<sup>50</sup>Stone, "Society, Housing, and Architecture," p. 181.

<sup>51</sup>Steven Crow, "Left at Libertie: The Effects of the English Civil War and Interregnum on the American Colonies, 1640-1660," unpublished Ph.D. dissertation, University of Wisconsin, 1974, pp. 133-134.

<sup>52</sup>Matthew Andrews, *Tercentenary History of Maryland* (Baltimore: S. J. Clarke Pub. Co., 1925), vol. 1, p. 189; Cecil Calvert, "Letter to Assembly" (Aug. 26, 1649), *Md. Arch.*, vol. 1, p. 267; "Oath of Fealty to the Lord Proprietor" (June 20, 1648), *ibid.*, vol. 3, pp. 196-197. Cyrus Karraker, *The Seventeenth-Century Sheriff: A Comparative Study of the Sheriff in England and the Chesapeake Colonies, 1607-1689* (Chapel Hill: University of North Carolina Press, 1930), p. 142, believes the quitrent was the most valuable of all the revenues collected by the proprietor.

proposed oaths, "Experience teaches us that a great occasion is given to much perjury when swearing becomes common. Oaths little prevail upon men of little conscience."<sup>53</sup>

Because the assembly declined to do so, the proprietor beginning in 1641 sought to legislate a regulation by prerogative decree that would have required squatters to take out a patent within one year of a claim arising or the claims would be lost.<sup>54</sup> But the assembly declined to recognize his prerogative jurisdiction and even refused to enact legislation proposed by the proprietor that would have acknowledged his proprietorship and right to collect fees. Fees were in part what kept the land monopolized and evidently were not appreciated. The Fourth Assembly of 1641 by a unanimous vote except for the proprietor's governor and secretary refused the "confirmation of Calvert's patent."<sup>55</sup> The Tenth Assembly of January 1648 by a unanimous vote except for his governor and secretary did the same thing to an act for confirmation of his proprietorship.<sup>56</sup> The assembly "ordered that the said bill should be thrown out of the house by all the freemen then assembled."

The assembly likewise voted down a bill proposed by the proprietor that would have allowed him to use the provincial court to attach the property of squatters in order to force them to pay up. The assembly in 1648 stated, "no attachment is allowed on goods or chattels of any inhabitant of the province except when the true owner [that is, the proprietor] is not resident or dwelling in the province."<sup>57</sup> Instead of passing the proprietor's legislation, the assembly enacted legislation that allowed his property to be attached by the Maryland

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But this would have been later in the century, not in the Civil War era.

<sup>53</sup>Eleventh Assembly, "Letter to Cecil Calvert" (Apr. 21, 1649), *ibid.*, vol. 1, p. 242.

<sup>54</sup>"Third Conditions of Plantation" (Aug. 1648), *Md. Arch.*, vol. 3, pp. 99-101; Cecil Calvert, "Conditions of Plantation" (Oct. 8, 1641), *Md. Arch.*, vol. 4, p. 100; Bozman, *History of Maryland*, vol. 2, p. 251; John Kilty, *The Land-Holders Assistant, and Land-Office Guide: Being an Exposition of Original Titles, as Derived from the Proprietary Government, and more Recently from the State of Maryland* (Baltimore: G. Dobbin and Murphy, 1808), pp. 32-35.

<sup>55</sup>"The Bill for Confirmation of his Lordship's Patent" (Aug. 12, 1641), *Md. Arch.*, vol. 1, p. 107.

<sup>56</sup>"An Act for the Confirmation of the Lord's Patent" (Jan. 25, 1648), *ibid.*, vol. 1, p. 218.

<sup>57</sup>Tenth Assembly, "An Act for the Extent of Attachments and Executions" (Mar. 4, 1648), *Md. Arch.*, vol. 1, pp. 232-233.

residents. He complained on hearing of the legislation, "We be less master of our estate than the meanest planter there."<sup>58</sup> The Catholics seem to have taken literally the remarks by John Smith (d. 1631) in 1616, "In the colonies there are no hard landlords to rack us with high rents, nor tedious pleas in law to consume us with their many years disputation for justice. Here every person may be master of their own labor and land."<sup>59</sup> William Hilton wrote in 1621 from Plymouth plantation, "We are all free-holders, the rent day does not trouble us."<sup>60</sup> The Catholics in the 1640s might have said the same.<sup>61</sup>

The assembly protected the free market in land by not permitting the proprietor to use the provincial court to attach land in order to collect his revenue. Another measure dealing with the courts also protected the free market in land. In Massachusetts the general court established a land recording system.<sup>62</sup> In disputes over land ownership, the law provided that the courts should give priority to recorded deeds. In Maryland, a recording act would have opened up squatting planters to the revenue demands of the proprietor. Unlike Massachusetts the assembly never enacted a recording act and in a 1650 case, the provincial court declared that priority in land disputes was not to be given to the deed of record, that is a recorded deed.<sup>63</sup>

The assembly addressed the labor market as well as the land market. The proprietor proposed, and if the assembly had cooperated, Maryland would have been a semi-feudal state with the laboring people enserfed to landlords. There would have been less of a market for land and labor there than in England. But the assembly refused to enact legislation that would have made it illegal for tenants

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<sup>58</sup>Cecil Calvert, "Letter to Assembly" (Aug. 26, 1649), *Md. Arch.*, vol. 1, p. 268.

<sup>59</sup>John Smith, *A Description of New England* (London: H. Lownes, 1616), pp. 195-196.

<sup>60</sup>William Hilton as quoted in Alexander Young, *Chronicles of the Pilgrim Fathers of the Colony of Plymouth, 1602-1625* (Boston: C. C. Little and Brown, 1841), p. 250.

<sup>61</sup>Robert Cushman, *ibid.*, pp. 248-249, contrasted the economic opportunities in America with those in England. While America rewarded labor, England "groans under so many closefisted and unmerciful men, that colonization only could correct the straitness of the land. While the rent-takers in England lives on sweet morsels, the rent-payer eats a dry crust often with watery eyes."

<sup>62</sup>Richard Morris, *Studies in the History of American Law with Special Reference to the Seventeenth and Eighteenth Centuries* (New York: Columbia University Press, 1930), p. 72.

<sup>63</sup>"Johnson versus Land," *Md. Arch.*, vol. 4, p. 542.

and servants to leave the province without his permission.<sup>64</sup> The Catholics believed the market in labor and land should serve their benefit and they used the assembly in successfully defending their beliefs. The leveling and the assembly legislation following it resulted in a "broadly distributed" land and labor system.<sup>65</sup>

A fourth type of regulations covered the pelt market. This was a lucrative industry in early English Maryland.<sup>66</sup> Both in prerogative proclamations, in the proposed codes which he sent, and in the various wars which he sought to wage against the Susquehannock, the proprietor claimed the right to monopolize the pelt market for his own benefit. The Maryland Catholics however, believed the pelt trade should benefit the entire province. They did not approve of the proprietor's "raking out of mens necessities."<sup>67</sup> They declined to give him a monopoly. The assembly code in 1638, for example, "confirms the trade with the Indians for all commodities to be exported."<sup>68</sup> A year later the third assembly debated but did not enact a provision to allow an unlicensed pelt trade to those who bought or sold no more than two or three pelts per year.<sup>69</sup> This was the number of pelts most planters were able to afford to buy yearly from the Indians and resell to trading ships. Such trade brought £2 or £3 additional yearly income. Because the proposal was not enacted, there seems to have been no limits on pelt dealing. The proprietor continued to request a monopoly, as in the 11th assembly

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<sup>64</sup>Seventh Assembly, "Proceedings" (Sept. 13, 1642), *Md. Arch.*, vol. 1, p. 180.

<sup>65</sup>Menard, *Economy and Society*, pp. 63, 178.

<sup>66</sup>Andrew White, S.J., *A Brief Relation of the Voyage unto Maryland* (1634) in Hall, *Narratives*, p. 42, and in Andrew White, S. J., *A Relation of Maryland* (1635) in Hall, *Narratives*, pp. 71-77; Frederick Fausz, "Merging and Emerging Worlds: Anglo-Indian Interest Groups and Their Development in the Seventeenth-Century Chesapeake," in Carr, *Colonial Chesapeake Society*, p. 79. The pelt trade was similarly valued in William Pychon's Springfield, Massachusetts and in early Quebec.

<sup>67</sup>Thomas Copley, S.J., "Letter to Cecil Calvert" (Apr. 3, 1638), *Calv. Pap.*, p. 161; Hughes, *Society of Jesus*, text, vol. 1, p. 394.

<sup>68</sup>Thomas Cornwallis, "Letter to Cecil Calvert" (Apr. 16, 1638), *Calv. Pap.*, p. 173. The landlord and priest, Thomas Copley, S.J., "Letter to Cecil Calvert" (Apr. 3, 1638), *ibid.*, p. 161, complained to the proprietor against the attempted monopoly, that if the proprietor could "but have the [Indian] trade of beaver and corn to yourself, the plantation is not much to be regarded."

<sup>69</sup>"An Act for Trade with the Indians" (Mar. 19, 1639) *Md. Arch.*, vol. 1, pp. 42-44; "An Act Ordering Certain Laws for the Governing of this Province" (Mar. 19, 1639), *ibid.*, vol. 1, p. 82.

of April 1649. His proposed code contained a provision for "freedom of trade with the natives upon reasonable conditions tending more to public good than to our advantage."<sup>70</sup> The assembly, however, refused to enact his proposed "freedom of trade" legislation. Its "conditions" apparently were not believed to be for the "public good." The New England population similarly refused to permit a pelt monopoly to the magnates there.<sup>71</sup>

In addition to corn, tobacco, land, and pelt regulations a fifth type of legislation addressed the negative effects of demand-and-supply market relations created by local and foreign merchants and officials. These began in 1639 if not earlier, when the assembly enacted regulations against monopolization and profiteering on a limited number of day-to-day goods and services. The regulations on local, as opposed to foreign, merchants and officials, consisted of price controls of three types. The local merchants and officials were also often the landlords in the province. The regulations gave the ordinary planters and laboring people an equality with the landlords and merchants at the market place. One of these types of local price controls prevented merchants from "engrossing" commodities, that is monopolizing the market.<sup>72</sup> Also prohibited by such legislation was "forestalling" or speculating, that is, buying goods or servants before public sale and later selling them at higher prices.<sup>73</sup> Illustrative of an anti-speculation regulation was the 1640 prohibition on forestalling:

It is prohibited for any person to go aboard any vessel wherein are

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<sup>70</sup>Cecil Calvert, "Letter to the Assembly" (Aug. 26, 1649), *Md. Arch.*, vol. 1, pp. 262-263.

<sup>71</sup>Edgar Johnson, *American Economic Thought in the Seventeenth-Century* (London: Russell and Russel, 1932), p. 148.

<sup>72</sup>Third Assembly, "Proposed Act Determining Enormous Offenses" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 74; 4th Assembly, "Proclamation" (Oct. 12, 1640), *ibid.*, vol. 1, p. 90; 6th Assembly, "An Act Against Engrossers and Forestallers" *ibid.*, vol. 1, p. 161; 14th Assembly, "Act Against Engrossers" (Oct. 20, 1654), *ibid.*, vol. 1, p. 351. According to a parliamentary Act of 1552, which reproduced earlier acts and local regulations, an engrosser was one who obtained possession of grain or other food by buying or contracting for them before harvest, with the intention of selling again. A regrator was a person who bought provisions in a fair or market and resold any part of them in any fair or market within a distance of four miles. A forestaller was one who bought or caused to be bought any merchandise or food-stuffs or any other thing coming by land or water or contracted for or in any way enhanced the price of such commodities. See Barnes, *History of the English Corn Laws*, p. 2.

<sup>73</sup>Fourth assembly, "Proclamation" (Oct. 12, 1640), *Md. Arch.*, vol. 1, p. 90.

imported goods to be retailed or to treat, deal or give intelligence to or with the skipper, factor or any seaman in any such vessel touching any goods, or the rates or quantity of tobacco or want of goods within the colony before liberty of trade is proclaimed at the fort. Even then there shall be no trade at any higher or greater rate than shall be proclaimed.<sup>74</sup>

Through a second type of local economic regulation the assembly set the fees which government officials such as the provincial secretary, sheriff, coroner, surveyor, and marshall could collect. Table 5-1 gives the fee schedule for 1639.

Table 5-1:  
Fees for Public Officials<sup>75</sup>

Officer	Fees (lbs Tobco)	For Type of Service
secretary	60	manor patent
"	30	freehold patent
"	20	license
"	1	administering allegiance oath
"	5	pass
"	5	will probate (less than 1,000)
"	10	" (1,000 to 5,000 lbs tob)
"	20	" (estate more than 5,000)
court clerk	5	registering/certfyng a matter
sheriff	10	serving writ
marshall	50	burning in hand/mutilation
"	100	inflicting death penalty
coroner	40	viewing or burying body
surveyor	20	per 100 acres surveyed

The third type of local price regulations were those involving the service trades such as a 1640 act which authorized the county court to "moderate the bills,

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<sup>74</sup>Leonard Calvert, "Commission to Sheriff to Enforce the Forestalling Act" (Oct. 12, 1640), *ibid.*, vol. 1, p. 91.

<sup>75</sup>Third Assembly, "Proposed Act for Fees" (Mar. 19, 1639), *Md. Arch.*, vol. 1, pp. 57-58. See also, Third Assembly, "Act Ordaining Certain Law for the Government of this Province" (Mar. 19, 1639), *ibid.*, vol. 1, p. 84; 6th Assembly, "Table of Officer's Fees" (Aug. 2, 1642), *ibid.*, vol. 1, p. 162; 6th Assembly, "Fees of the Surveyor General, Sheriff, Clerk" (Aug. 2, 1642), *ibid.*, vol. 1, p. 163. Bozman, *History of Maryland*, vol. 2, p. 145, notes that the 1639 schedule was not enacted, but was followed in practice.

wages, and rates of artificers, laborers, and surgeons."<sup>76</sup> Craft wages in Maryland averaged 3 times higher than in England. In England the daily craft wage was 1s/5d. In Maryland during the 1630s, carpenters got from 300 pounds of tobacco per month to 20 pounds of tobacco per day. With tobacco at 3d per pound, this meant from 3s to 5s per day. In the 1640s, when tobacco dropped to 2d per pound, Maryland wages were between 2s and 3s per day. In 1644 a shipwright in Maryland was paid 1½ pounds beaver or 12s to 15s for two days work.<sup>77</sup>

The assembly did not approve a type of regulation that would have been favorable to the proprietor in giving him a monopoly on the labor of brickmakers, carpenters, coopers, hatters, sawers, and other artisans. But among the regulations for artisans which were approved was the "Order Providing for the Smith" by the 11th Assembly of 1649.<sup>78</sup> It gave blacksmiths a priority at the county court over landlords and others in collecting debts. This was in recognition of their value.<sup>79</sup> While smiths were given a priority, debts to merchants for wine and "hot waters" were given a subordinate status to the claims of other creditors.<sup>80</sup> The anti-liquor merchant legislation seems to have been directed in particular at and was resented by the London merchant John Smith and his Maryland agent, the landlord John Lewger. Smith exported liquor valued at £100 to Maryland in 1639. This was equal in value to 10 percent of Maryland's gross tobacco production, which amounted to between £800 and £1,200 per year.<sup>81</sup> The three types of price control regulations on local merchants and officials had their counterparts in Virginia and were likewise not appreciated by some merchants there. Charles I wrote in their behalf in 1642 that the planters should not "constrain merchants to take tobacco at any price, in exchange for their wares."<sup>82</sup>

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<sup>76</sup>Fourth Assembly, "Act for Rating Artificers Wages" (Oct. 30, 1640), *Md. Arch.*, vol. 1, p. 97; 11th Assembly, "An Order Providing for the Smith" (Apr. 21, 1649), *ibid.*, vol. 1, p. 255.

<sup>77</sup>Stone, "Society, Housing, and Architecture in Early Maryland," p. 169.

<sup>78</sup>Andrew White, S.J., "Letter to Cecil Calvert" (Feb. 20, 1639), *Calv. Pap.*, p. 207.

<sup>79</sup>Eleventh Assembly, "An Order Providing for the Smith" (Apr. 21, 1649), *Md. Arch.*, vol. 1, p. 255.

<sup>80</sup>Third Assembly, "Act Ordaining Certain Laws for the Government of this Province" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 84.

<sup>81</sup>Stone, "Society, Housing, and Architecture," pp. 45, 131.

<sup>82</sup>Charles I, "Instructions to William Berkeley, 1642," *VMHB*, 2 (1894-1895), p. 287, no. 28; Bozman, *History of Maryland*, vol. 2, p. 53.

The regulation of local merchants and officials was a fairly easy task compared to regulating demand-and-supply market relations with foreign merchants and officials. During the Civil War period royalist Bristol merchants, the proprietor, and his governor sought to shut off Maryland to the parliamentary London merchants. The London merchants with the help of the Virginia governor, sought to do the reverse to the royalist and Dutch merchants. Despite the difficulties, the Maryland Catholics seemed to have believed foreign merchants and officials no less than local ones should serve their needs and they acted accordingly, often with success. No foreign merchants or officials were able to establish the type of monopoly in Maryland which the Dutch West India Company had over New Amsterdam. There were frequent complaints from New Amsterdam during the 1640s about the company's monopoly, which resulted in unjustified high prices.<sup>83</sup> No such monopoly was allowed in Maryland.

The threat to the province's trade from the Royalists came in 1644 and 1645. As seen earlier in the Chapter 3 discussion of political beliefs, on January 18, 1644 the proprietor's governor and secretary arrested Richard Ingle, the representative of the London merchants in Maryland. Within a day of the arrest, however, four individuals, including three Catholics, freed him in defiance of the governor. The three Catholics were Edward Packer (1614-1667), who was an owner-operator, a former indentured servant, and the current sheriff of St. Mary's; James Neale (1615-1675), another small planter; and Thomas Cornwallis (1605-1675), the landlord. Cornwallis had employed Ingle in prior years to carry goods to and from Maryland.

Despite convening seven different juries, the governor could get no support to indict the London merchant or otherwise inhibit trade relations with Parliament. At least seven people who sat on the juries that refused to indict were Catholics.<sup>84</sup> Later that year Thomas Cornwallis brought charges against the proprietor before Parliament to have the proprietor's patent suspended. His sentiments seemingly represented the views of the Maryland Catholics, who

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<sup>83</sup>Adrian van der Donck, *The Representation of New Netherlands* (New York: [1650], 1849), p. 40, quoted in Johnson, *American Economic Thought*, p. 149.

<sup>84</sup>"Court and Testamentary Business" (Feb. 1-5, 1644), *Md. Arch.*, vol. 4., pp. 237-238, 240-241, 245.

resented the proprietor's threat to their market interests.

In January 1645 the Catholics again came forward to protect their market relations from the interference of the Royalists. The proprietor, as already described in Chapter 3 had a commission from the crown to construct royal custom houses and fortifications in the Chesapeake. London ships were to be seized. As soon as the commission was revealed in Maryland, the assembly denounced it. It might be argued that the governor and proprietor voluntarily gave up because the crown's defeat at Naseby made implementing the commission impractical. However, Naseby was not until June 1645. The assembly rejected the royal commission some six months prior to the crown's defeat. What changed the governor and proprietor's mind was not developments in England, but the Maryland planters. A short time after the assembly rejected the royal commission, the "disgruntled Catholics" in February 1645 helped in the bloodless overthrow of the proprietor's governor.<sup>85</sup> The crown and proprietor were defeated in Maryland well before they were defeated in England. After the proprietor's defeat, some 30 Catholic adult males known by name who were members of the provincial militia carried on their farming as usual and made no effort to come to the proprietor's defense or help restore his governor.<sup>86</sup>

It might be argued that the Catholics did not support the proprietor because of a failure of leadership, rather than that they merely were doing what they found to be in their best interest. That is, the Catholics were Royalists, and they did not mind committing economic suicide to serve the crown. But it was pointed out in Chapter 3 that the governor and secretary were not surprised by Richard Ingle. They had been negotiating with him and had time to escape to Virginia. There was no lack of time to call out the militia. The problem was the militia was not interested in disrupting the London trade. Not only did the Catholic militia not support the proprietor, it took a Presbyterian militia from Virginia headed by Richard Bennett to restore the proprietor in 1646.

Not only the Royalists but the London merchants sought to inhibit Maryland's trade and met Catholic resistance in the process. The London

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<sup>85</sup>Crow, "Left at Libertie," p. 93.

<sup>86</sup>"Career Files" sorted for religion, date of birth, date of arrival, and last date.

merchants resented the Dutch trade and had been in opposition to it since the colony was established. As noted earlier in the Chapter 3 discussion on political beliefs, prohibitions on "trucking for merchandise whatsoever with any ship other than his majesty's subjects" were issued by the crown, by Parliament, and by the proprietor with regularity, as in 1635, 1642, 1650, and 1651.<sup>87</sup> Despite London's prohibitions and England's war against the Dutch traders, the Catholics maintained and expanded the trade with the Dutch.<sup>88</sup> The Catholic Edward Packer and the Protestant Henry Fleet on July 17, 1644 were given a commission by the assembly to trade with the Dutch.<sup>89</sup> This was given at the very time and perhaps in response to Parliament giving London merchants permission to attack Dutch shipping.<sup>90</sup>

The assembly had begun sanctioning the Dutch trade at least as early as 1639. The assembly provided that the Dutch pay a 5 percent custom tax on the tobacco which they purchased.<sup>91</sup> This became the province's largest source of tax revenue.<sup>92</sup> Establishing a custom tax independent of and in opposition to Parliament was seemingly an act of political autonomy. The Maryland planters

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<sup>87</sup>Cecil Calvert, "Letter to Leonard Calvert" (Nov. 21, 1642), *Calv. Pap.*, p. 215, stated the Dutch were stealing his land in Delaware and that he was angry that they had been welcomed and well-treated during the 1641 trading season.

<sup>88</sup>McCusker and Menard, *The Economy of British America*, pp. 47-48; John Pagan, "Dutch Maritime and Commercial Activities in Mid-Seventeenth-Century Virginia," *VMHB*, 90 (1982), 491, 495; "Proclamation on Export of Tobacco" (Jan. 8, 1644), *Md. Arch.*, vol. 3, p. 144; Hugh E. Egerton, *A Short History of British Colonial Policy* (London: Methuen, 1928), p. 61; Bernard Bailyn, *The New England Merchants in the Seventeenth Century* (Cambridge: Harvard University Press, 1955), pp. 93-94. Vertrees Wyckoff, "The International Tobacco Trade in the Seventeenth Century," *Southern Economic Journal*, 7 (1940), 13.

<sup>89</sup>"Edward Packer" "Career Files."

<sup>90</sup>Robert Brenner, "Commercial Change and Political Conflict," unpublished Ph.D. dissertation, 1970, p. 535, citing *Commons Journal*, vol. 3, p. 607; PRO, *CSPC* (1574-1660), p. 171.

<sup>91</sup>Third Assembly, "Act Ordaining Certain Laws for the Government of the Province" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 84, provided a 5 percent custom on tobacco shipped outside the province except to England, Virginia, and Ireland; 6th Assembly, "Act for Support of the Government" (July 30, 1642), *ibid.*, vol. 1, pp. 146-147, required that all tobacco shipped out of the province, except to England, Virginia, and Ireland, had to pay a custom of 5 percent; 7th Assembly, "Act for the Support of the Government" (Sept. 13, 1642), *ibid.*, vol. 1, p. 182. Bozman, *History of Maryland*, vol. 2, p. 218, says the Dutch custom tax was established in 1638.

<sup>92</sup>See "Receipt for Henry Adams" Oct. 15, 1651, *Md. Arch.*, vol. 10, p. 376; "Receipt for Thomas Copley" Dec. 23, 1651, *ibid.*, vol. 10, p. 373.

also established ambassadors or agents in Amsterdam in order to promote their trade there. These ambassadors were James Neale and Samuel Goldsmith.<sup>93</sup> London merchants disliked the Dutch traders because they paid higher prices for tobacco, which forced the English to pay higher prices. This was so significant that the proprietor called the Dutch traders the "darling" of the Maryland planters.<sup>94</sup>

#### English Catholic Gentry Beliefs about the Market

The third part of this chapter takes up the beliefs of the English Catholic gentry about the market. The antinomian and labor value nature of Maryland Catholic beliefs about labor, politics, and the clergy were better seen when compared with the beliefs of the Catholic gentry. A look at the gentry's beliefs about the market likewise helps point up the antinomian and labor value thinking of the Maryland Catholics on that subject. Their market beliefs generally stemmed from their role as producers seeking a maximum return on their labor and were not derivative from but largely in opposition to those of the gentry.

The non-improving Catholic gentry tended to think the market should serve their benefit. This meant a market in which the laboring majority lived at subsistence so that the 5 percent that were gentry could live in relative luxury. A way to study the gentry's market beliefs is by looking at their writings about different sectors of the market. One sector was the market in land and labor, which they believed should be monopolized by themselves. The gentry's largest source of wealth was the rent paid by tenants. To maintain the rent system, they held a disproportionate amount of the land. They often opposed agrarian reforms such as the elimination of primogeniture, entail, and perpetuities, the imposition of property and inheritance taxes, or the confiscation of land by those who worked it.<sup>95</sup> An exception was their general approval of the sixteenth-century

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<sup>93</sup>Susan Falb, *Advice and Ascent: The Development of the Maryland, 1635 -1689* (New York: Garland Publishers, 1986), p. 270.

<sup>94</sup>Cecil Calvert, "Letter to Maryland Council" (July 1, 1661), *Md. Arch.*, vol. 3, p. 428.

<sup>95</sup>Joan Thirsk, "The European Debate on Customs of Inheritance, 1500-1700," ed. Jack Goody, *Family Inheritance: Rural Society in Western Europe, 1200-1800* (Cambridge: Cambridge University Press, 1972), pp. 178-185; Andre Tiragueau (b. 1488), *On the Nobility and*

agrarian reforms which involved confiscation of monastic and hierarchic land and its redistribution to themselves. Not a few Catholic gentry, including the proprietor's family, were living on confiscated monastic estates.<sup>96</sup>

A majority of gentry did not believe in a free market in land. They saw the system of entails and other restrictions to be in their interest. Nor did they want a free market in labor. For example, many favored restricting the migration of laboring people to the colonies.<sup>97</sup> Robert Persons, S.J., it will be recalled from Chapter 2, taught that when Catholicism was restored in England, the mobility of laboring people would be stopped and they would become the "responsibility" of feudal lords.<sup>98</sup> The gentry quoted ancient authorities to justify their belief about monopolizing land and labor, and its corollary, that laboring people should live at subsistence.<sup>99</sup> Their authorities, as discussed in Chapter 2 on beliefs about labor included the standard classical texts found in seventeenth-century libraries: Aristotle's *Economics*, Xenophon's *Economist*, and Plutarch's *Conjugal Precepts*.<sup>100</sup> These authorities condemned or ignored agrarian reform and slave abolition measures that would have produced a market more favorable to laboring

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*the Law of Primogeniture* (1549, 15th ed. 1580); Kenelm Digby, *An Introduction to the History of the Law of Real Property* (5th ed., Oxford: Clarendon Press, 1897), pp. 95-100.

<sup>96</sup>J. Anthony Williams, *Catholic Recusancy in Wiltshire, 1660-1791* (Newport, Eng.: Catholic Record Society, 1968), p. 183; James Foster, *George Calvert: The Early Years* (Baltimore, Md.: Historical Society, 1983), pp. 26, 28, 32-33, 48.

<sup>97</sup>J. P. Cooper, "Social and Economic Policies Under the Commonwealth," *The Interregnum: The Quest for Settlement, 1646-1660*, ed. G. E. Aylmer (London: Macmillan, 1972), p. 139. Bozman, *History of Maryland*, vol. 2, p. 303, discusses the 1642 parliamentary legislation concerning migration restrictions.

<sup>98</sup>Thomas Clancy, S.J., *Papist Pamphleteers: The Allen-Persons Party and the Political Thought of the Counter-Reformation in England, 1572-1615* (Chicago: Loyola University Press, 1964), p. 42. It was against the gentry's desire for serfdom that Catholics like Thomas White, *The Grounds of Obedience and Government: Being the Best Account to All that has been Lately Written in Defense of Passive Obedience and Non-Resistance* (Farnborough, Eng.: Gregg International Publishers, [1649, 1655, 1659, 1685], 1968), p. 28, defended the laboring people's right to freely contract.

<sup>99</sup>Robert Persons, S.J., *A Memorial of the Reformation of England, Containing Certain Notes, and Advertisements, which seem might be proposed in the First Parliament after God shall restore it to the Catholic Faith*, ed. E. Gee (London: Richard Chiswel, 1596, 1690), pp. 220-224, 256-257.

<sup>100</sup>Robert Wintour, *To Live Like Princes: A Short Treatise Concerning the New Plantation Now Erecting in Maryland*, ed. John Krugler (Baltimore: Enoch Pratt Free Library, [1635], 1976), p. 32; Margo Todd, *Christian Humanism and the Puritan Social Order* (New York: Cambridge University Press, 1987), pp. 47, 64, 89.

people. The classical doctrine was production by slavery, which meant the physical minimum of subsistence for laboring people or what the economic liberals of the eighteenth century called the iron law of wages.<sup>101</sup> Gregory the Great and Aquinas were authorities for the view that the landlord's property concentration was based in natural law and was thus part of God's law and not susceptible to agrarian reform measures. Injunctions by the clergy directed at the rich to give generously to the poor had in some periods brought a cumulative redistribution of wealth, but it was in the direction of the ecclesiastical hierarchy and monasteries. The hierarchy, which was among Europe's largest landlords, called itself the "poorest of the poor" and took a preference in alms.<sup>102</sup> The redistribution did not reduce but increased the concentration of land and labor.

The market for commodity goods is a second area besides land and labor, in which the court Catholics, if not the Catholic gentry generally, believed they should have a monopoly. Court Catholics had a share in the lease of crown (national) resources, in the sale of political offices and in the royally granted manufacturing and trading patents which existed on many commodities including butter, herring, salt, beer, soap, coal and alum.<sup>103</sup> Nicholas Crispe, for example, was the Catholic son of a London alderman. He headed the Guinea Company, which had a licensed monopoly on the gold, redwood, and slave trade with Guinea.<sup>104</sup> Over a several year period he gained £140,000 for himself and his

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<sup>101</sup>Ronald Meek, *Studies in the Labor Theory of Value* (London: Lawrence and Wishart, 1973), pp. 240, 285, 289.

<sup>102</sup>Archbishop Salvian of Marseille, *Quis Dives Salvus: How a Rich Man May be Saved Written to the Catholic Church in France About the Year 480* ([1618] 1973) in *ERL*, vol. 170, pp. 275-276.

<sup>103</sup>Christopher Hill, *The English Revolution: 1640* (London: Lawrence and Wishart, 1940), pp. 42, 50. Christopher Hill, in *The Century of Revolution, 1603-1714* (Edinburgh: T. Nelson, 1961), p. 32, remarks about seventeenth-century monopolies:

A typical English family lived in a house built with monopoly bricks, heated by monopoly coal. Their clothes were held up by monopoly belts, monopoly buttons, and monopoly pins. They ate monopoly butter, monopoly currants, monopoly herrings, monopoly salmon, and monopoly lobsters.

<sup>104</sup>Thomas Clancy, S.J., "The Jesuits and the Independents: 1647," *Archivum Historicum Societatis Jesu*, 40 (1971), 78; Frederick Crispe, *Collections Relating to the Family of Crispe* (2 vols. London: n.p., 1882), vol. 1, pp. 13, 32, 34; Rushworth, *Historical Collections*, vol. 4, p. 53; J. W. Blake, "The Farm of the Guinea Trade in 1631," *Essays in British and Irish History in Honor of James E. Todd*, eds. Henry A. Cronne and D. B. Quinn (London: F. Muller, 1949), pp. 86-106. "Nicholas Crispe," *DNB*, vol. 5, p. 95, mentions Crispe's involvement in the slave

partners, who included the Catholics Anthony Bugges, Kenelm Digby, and William Herbert.<sup>105</sup> Another Catholic, John Wintour, held a patent on royal leases at Lydney, Gloucestershire in the Forest of Deane. These leases involved some 18,000 acres of timber, iron mills, and coal mines.<sup>106</sup> The revenues from these leases, together with his shares in fishing and other companies, were so great that he acted as a financier for the crown during the 1630s when the king ruled without parliamentary revenue appropriations.<sup>107</sup>

The Maryland proprietor and his father were not least among the court Catholics who looked on monopoly patents as a divine right. It was observed in the English background discussion that the Stuarts turned licensed corporations from being effective governmental regulatory devices into mere money-raising expedients. The Stuarts tended to rule for their own narrow benefit and spend money without the consent of Parliament. The Calverts in gaining and retaining the Maryland patent were tied into the worst aspects of the crown abuse. George Calvert made a career out of using public corporations for royal fund raising schemes. His early career and role in gaining the Maryland patent resembled that of his better known friend, Thomas Wentworth. Wentworth came from a non-noble family. He had ambitions of being a noble but had no significant revenue-producing estates. Therefore he advanced himself, as John Eliot put it in 1628, by going into the service of the crown against the interests of the nation and of his own class.<sup>108</sup> In return for promoting crown monopolies and similar activities, he eventually obtained a peerage and an office. As lord lieutenant of Ireland in the 1630s he confiscated Irish land, had a concession on the tobacco trade, and earned £23,000 annually.<sup>109</sup> Part of his service included helping the crown plot the overthrow of Parliament. About this, Thomas Macaulay remarked that Wentworth

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trade.

<sup>105</sup>Brian Magee, *The English Recusants* (London: Burns and Oates, 1938), pp. 139-140, 142; Blake, "The Farm of the Guinea Trade," pp. 90-91.

<sup>106</sup>Newman, *Royalist Officers*, p. 419; John Wintour, *Sir John Wintour Vindicated from the Aspersion of Destroying the Ship-Timber of the Forest of Deane* (London: n.p., 1660); Robert Ashton, *The Crown and the Money Market: 1603-1640* (Oxford: Clarendon Press, 1960).

<sup>107</sup>"John Wintour," *DNB*, vol. 21, p. 685.

<sup>108</sup>C. V. Wedgwood, *Thomas Wentworth, First Earl of Strafford, 1593-1641: A Revaluation* (London: Jonathan Cape, 1961), p. 68.

<sup>109</sup>*Ibid.*, p. 233; O'Grady, *Strafford and Ireland*, vol. 1, p. 368.

was one "to whom a peerage was a sacrament of infamy, a baptism into the communion of corruption, which destroys nations."<sup>110</sup> Wentworth had a common theological explanation for monopolizing the market place:

The prerogative of the crown is the first table of the Fundamental Law. It has something more imprinted on it. It hath a divinity imprinted on it. It is God's anointed. It is He that gives the Powers. Kings are as gods on earth.<sup>111</sup>

George Calvert was similarly from a non-noble family. He had ambitions of nobility and advanced himself by place-seeking and promoting crown monopolies.<sup>112</sup> As a royalist member of Parliament, he was sometimes one of only four members who consistently supported the crown's domestic and foreign policies.<sup>113</sup> He was threatened with permanent banishment because, as John Krugler puts it, he was "often expressing the very words his colleagues least wanted to hear."<sup>114</sup> His defense of patents included a tobacco concession given to Thomas Roe in 1620 and the Newfoundland and North American fishing concessions.<sup>115</sup> In the fishing monopoly he had a personal interest. These licenses were given to raise funds for the crown. The increased prices paid by consumers were popularly understood to be a form of taxation without the consent of Parliament.<sup>116</sup> George Calvert took a hand against those like Edwin Sandys who opposed the patents. Sandys as a member of Parliament was jailed on the pretense of having sought to establish a Puritan republic in Virginia.<sup>117</sup>

Court Catholics tended to believe in a monopolized market place because

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<sup>110</sup>Thomas Macaulay, quoted in Wedgwood, *Thomas Wentworth*, p. 70.

<sup>111</sup>O'Grady, *Strafford and Ireland*, vol. 1, p. 239.

<sup>112</sup>Gillow, "George Calvert," *Literary*, vol. 1, pp. 374-375; Krugler, "The Calvert Family, Catholicism, and Court Politics," 378-392.

<sup>113</sup>John Krugler, "Our Trusting and Well Beloved Counselor: The Parliamentary Career of George Calvert, 1609-1624," *MHM*, 72 (1977), 486-487.

<sup>114</sup>*Ibid.*, pp. 484-485.

<sup>115</sup>Richard Davis, *George Sandys, Poet-Adventurer: A Study in Anglo-American Culture in the Seventeenth Century* (London: Bodley Head, 1955), p. 110.

<sup>116</sup>Against George Calvert's wishes, Parliament enacted legislation against monopolies in 1624. See G. E. Aylmer, *Rebellion or Revolution? England from Civil War to Restoration* (New York: Oxford University Press, 1986), p. 5.

<sup>117</sup>Wallace Notestein, et al, *Commons Debates, 1621* (9 vols., New Haven: Yale University Press, 1935), vol. 6, p. 618; Davis, *George Sandys*, pp. 262, 264.

they profited from it. George Calvert's office during the 1620s netted him £2,000 or more annually. He also gained landholdings of 2,300 acres in County Longford, Ireland, 2,700 acres in County Wexford, Ireland, and a title in the Irish peerage (Lord Baltimore).<sup>118</sup> When he died in April 1632, he was worth about £10,000. But for his early death, he would have been granted the Maryland patent.<sup>119</sup>

The Maryland proprietor, Cecil Calvert, like his father was a monopolist. He was the god-son and name-sake of the great promoter of Stuart monopolies, Robert Cecil.<sup>120</sup> Cecil was secretary of state from 1596 to 1608 and helped in securing the Stuart succession. The proprietor used the same court connections that his father had cultivated.<sup>121</sup> These connections assisted him in maintaining the patent against those in Virginia and London who, as mentioned in Chapters 3 & 4, wished to abolish or obtain it for themselves.

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<sup>118</sup>O'Grady, *Strafford and Ireland*, vol. 2, pp. 706-712; Herbert Francis Hore, *History of the Town and County of Wexford, compiled principally from the State Papers*, ed. P. H. Hore (5 vols., London: Elliot Stock, 1900), vol. 5, p. 253, and Wedgwood, *Thomas Wentworth*, p. 392, discuss the fraud used by among others, the English and Irish Catholic gentry, including those like George Calvert, to make their plantations in Wexford.

<sup>119</sup>G. E. Aylmer, *The King's Servants: The Civil Service of Charles I, 1625-1642* (London: Routledge & Kegan Paul, [1961] 1974), pp. 110, 205; Krugler, "The Calvert Family, Catholics, and Court Politics," pp. 387-388; Russell Menard and Lois Green Carr, "The Lords Baltimore and the Colonization of Maryland," *Early Maryland in a Wider World*, ed. David Quinn (Detroit: Wayne State University Press, 1982), p. 173; William Browne, *George Calvert and Cecilius Calvert* (New York: University Press, 1890), p. 31.

<sup>120</sup>George Cokayne, "Cecil Calvert," *The Complete Peerage of England, Scotland and Ireland*, ed. Vicary Gibbs (12 vols., London: St. Catherine Press, 1910), vol. 1, p. 393; Foster, *George Calvert*, p. 80.

<sup>121</sup>Cecil Calvert, "Letters to Francis Windebank" (Sept. 15, 1634, Feb. 25, 1637, Mar. 1637), *Md. Arch.*, vol. 3, pp. 25, 41-43; Francis Windebank, "Letter to John Harvey," *ibid.*, vol. 3, pp. 26; John Harvey, "Letters to Francis Windebank" (Dec. 16, 1634 and July 14, 1635), *ibid.*, vol. 3, pp. 30, 38-39; Fausz, "Merging and Emerging Worlds," pp. 68, 92-97. During the 1630s the proprietor's connections included Francis Windebank, who was secretary of state from 1632 to 1640, Thomas Wentworth, the principal advisor to Charles I between 1639 and 1641, John Harvey, governor of Virginia between 1630 and 1639, Toby Matthew, William Peaseley, Richard Lechford, Thomas Motham, and those on Archbishop William Laud's Commission for Foreign Plantations. Later, when Parliament took over, he seems to have been on good terms with Bulstrode Whitelocke and Thomas Widdrington, who were government officials. Whitelocke was one of the four commissioners of the great seal under the commonwealth and president of the council of state. Grants of land to London merchants and political leaders seems to have been part of the proprietor's system for keeping good will. See "Order of the Council of State" (July 31, 1656), *Md. Arch.*, vol. 3, p. 320; Hughes, *Society of Jesus*, vol. 2, text, p. 56; Patents 4:19-20; Q 459-480, HR; Menard, *Economy and Society*, p. 363.

Besides the classical authorities, Catholic magnates such as the Calverts, Crispe, and Wintour had the doctrine of Thomas Aquinas and similar writers to justify themselves.<sup>122</sup> Andrew White, S.J., a professor of the theology of Aquinas prior to his arrival in Maryland followed the morality of Aquinas in advising the proprietor in 1639 to pursue a monopolistic course that would have impoverished the planters.<sup>123</sup>

Aquinas was favored because, as Barry Gordon puts it, he emphasized commutative, not distributive justice. Commutative (from *commutatio* or transaction) justice was the classical Greek and scholastic term for the government of relations of individual to individual. Distributive justice was the term for collective justice, that is, for the obligation of the community to the individual. Keith Luria suggests that the spirituality of laboring people generally was, as might be expected, sensitive to collective needs.<sup>124</sup> Gordon writes about the absence of the collective element from Aquinas, "Because he related economic analysis mainly to questions of commutative [individualistic] rather than distributive justice, Aquinas offers little by way of insight into the theory of income distribution."<sup>125</sup> The wealth produced by laboring people in Aquinas' day ended up disproportionately monopolized by the 5 percent that were landlords and merchants. This was the nature of the market system and his theology was not concerned about significantly changing it. In one of his earliest works, *Commentary on the Sentences* (of Peter Lombard), Aquinas did concur with Lombard, for whom commutative and distributive exchange were linked together by one general end, the transfer of the necessities of life.<sup>126</sup> However, 16 years

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<sup>122</sup>L. B. [Lord Baltimore, George Calvert], *The Answer to the Judgment of a Divine upon the Letter of the lay Catholics to my Lord Bishop of Chalcedon* (1631), *ERL*, vol. 55, pp. 49-53, illustrates George Calvert's use of Aquinas as an authority.

<sup>123</sup>Andrew White, S.J., "Letter to Cecil Calvert" (Feb. 20, 1639), *Calv. Pap.*, p. 207.

<sup>124</sup>Keith Luria, "The Counter-Reformation and Popular Spirituality" *Christian Spirituality: Post-Reformation and Modern*, ed. Louis Dupré and Don Saliers (New York: Crossroad, 1989), p. 104.

<sup>125</sup>Barry J. Gordon, *Economic Analysis Before Adam Smith: Hesiod to Lessius* (New York: Macmillan, 1975), p. 159; see also, Ernest Bartell, "Values, Price, and St. Thomas," *The Thomist*, 25 (1962), 354.

<sup>126</sup>Thomas Aquinas, *Scriptum super sententiis magistri Petri Lombardi*, ed. Pierre Mandonnet and M. Moos (4 vols., Paris: 1949), bk. 4, d. 17, q. 1, art. 1, gla. 1.

later when he started writing his main work, the *Summa Theologiae*, Aquinas had abandoned that approach.<sup>127</sup>

In part because they limited their attention to commutative (individualistic) exchange, that is to the little picture rather than the big picture, Aquinas and the seventeenth-century magnates endorsed a number of market doctrines that dated back to the classical writers. One of these was the doctrine of token almsgiving, the superficial redistribution of monopolistic income. As described in seventeenth-century pamphlets, this type of almsgiving was characterized by funeral almsgiving, feast-day donations, and giving succor to a ritual number of poor, usually twelve.<sup>128</sup> Such charity was inefficient and little adapted to material needs. It was meant to satisfy the conscience of the magnate, not to address the issue of market monopoly. Illustrative of the type of income distribution favored was the following:

If you wish to magnify charity toward persons necessitous, cast your eye upon Anne of Austria, Queen of Poland. She was accustomed to serve twelve poor people every Monday. This was the very same day she yielded her soul up to God. When she had scarcely so much left as a little breath on her lips, she asked that she might once more wait on the poor at dinner, and that death might close her eyes when she opened her hands to charity.<sup>129</sup>

The scholastic authority Domingo de Soto at the University of Salamanca, as well as Gregory the Great and Salvian of Marseille condemned efforts to substantially address monopoly and the poverty it caused, saying removal of the indigent from the streets would result in grave spiritual harm by denying the faithful the opportunity of practicing charity.<sup>130</sup> Contrary to the thinking of

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<sup>127</sup>Part of the established order was the clerical hierarchy, which was among Europe's largest proprietors. It had an interest in not changing the system of wealth distribution.

<sup>128</sup>Thomas Aquinas, *Summa Theologiae: Latin Text and English Translation, Introduction, Notes*, ed. Thomas Gilby, O.P. (60 vols. New York: McGraw-Hill, 1964), vol. 34, pt. 2a-2ae, q. 32, art. 10, ad. 3; *ibid.*, pt. 2a-2ae, q. 31, art. 3, ad 4; *ibid.*, pt. 2a-2ae, q. 32, art. 9, and art. 10, ad. 1; Gillow, *A Literary*, vol. 5, p. 76.

<sup>129</sup>Nicholas Caussin, *The Holy Court, or the Christian Institution of Men of Quality with Examples of those who in Court have Flourished in Sanctity* [1634, etc.] 1977), trans. Basil Brooke in *ERL*, vol. 3, p. 91. See also, Henry Hawkins, *The History of St. Elizabeth* (1632), *ERL*, vol. 198; Pierre Matthieu, *The History of St. Elizabeth* (1633), *ERL*, vol. 94.

<sup>130</sup>Domingo de Soto, *Deliberación en la causa de los pobres* (Madrid: Instituto de Estudios Políticos, 1965), pp. 117-118, 121; Maureen Flynn, *Sacred Charity: Confraternities and*

laboring people who resisted market monopoly and made peasant rebellion "endemic to the middle ages," Aquinas said that poverty was inevitable and could be an opportunity for virtue.<sup>131</sup> Monastic landlords set the norm for magnate almsgiving by doling out in alms as little as 3 percent of the revenue which they received from their tenants and perhaps a similar amount of less formal charity.<sup>132</sup>

In addition to token almsgiving there was another market-related doctrine associated with commutative exchange that dated back to the classical writers and that was favored by Aquinas and the magnates. This was the doctrine of "just price." It could be argued that the just price doctrine would have been against monopoly. A just price presumed a free market. Prices set by a monopolized market would favor the monopolist and violate the doctrine. This might seem to be Aquinas' point in the following passage:

In a just exchange the medium does not vary with the social position of the persons involved, but only with regard to the quality of the goods. For instance, whoever buys a thing must pay what the thing is worth whether the person buys from a pauper or from a rich person.<sup>133</sup>

Aquinas accepted that the "free" market set the price for "what the thing is worth."<sup>134</sup> He insisted only that poor and rich both receive the same market price.

The just price doctrine, despite what would seem to be a contradiction, was nevertheless acceptable to monopolists because they viewed the market, as

*Social Welfare in Spain, 1400-1700* (Ithaca: Cornell University Press, 1989), pp. 94-95, 97; Todd, *Christian Humanism*, p. 240; Salvian of Marseille, *Quis Dives Salvus*, pp. 99-100, 111; Edward Knott, S.J. *Charity Mistaken, with the want whereof Catholics are unjustly Charged, for affirming that Protestantism unrepented destroys Salvation* (London: n.p., 1630).

<sup>131</sup>Aquinas, *Summa Theologiae*, vol. 47, p. 211, pt. 2a-2ae, q. 188, art. 7; 1a-2a, q. 4, art. 7; Richard Kaeuper, "Peasants' Rebellion" in *Dictionary of the Middle Ages*, ed. Joseph Strayer (New York: Scribner, 1969), vol. 9, p. 477.

<sup>132</sup>J. J. Scarisbrick, *The Reformation and the English People* (Oxford: Basil Blackwell, 1984), p. 51; Todd, *Christian Humanism*, p. 136.

<sup>133</sup>Aquinas, *Questiones quodlibetales*, quodlibet, q. 6, art. 10; see also, Aquinas, *Summa Theologiae*, vol. 38, pp. 225-231, pt. 2a-2ae, q. 77, art. 4.

<sup>134</sup>John Baldwin, *The Medieval Theories of Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries* (Philadelphia: American Philosophical Society, 1959), pp. 27-29; Aron G. Gurevich, *Categories of Medieval Culture* (Boston: Rutledge and Kegan Paul, 1985), p. 277; Jacques LeGoff, *Medieval Civilization, 400-1500* (London: Basil Blackwell, 1988), p. 291.

did Aquinas, in terms of commutative (individualistic) justice, that is, as a relation of individual to individual. Just price, like token almsgiving, required no substantive reduction in monopoly. Barry Gordon comments about Aquinas's just price doctrine:

Aquinas does not confront the issue of the relationship of commutation and distribution. . . There is no guarantee that the achievement of justice in pricing will ensure justice in distribution.<sup>135</sup>

Aquinas' free market was more illusion than reality and lent itself to monopolization. Commutative justice ignored the unequal economic position of poor buyers who were forced to pay the same price as the gentry. The price was set by gentry who could outbid the poor. It was a system of rationing that gave the gentry a monopoly on consumer goods.

The Maryland Catholics in regulating the corn, tobacco, and other markets were not against a free market and a just price. Their belief was that a free market required regulation to protect it from monopoly. The unregulated market was a free market only in the sense of the rich having freedom to monopolize it for their benefit. Between the strong and the weak, it was freedom which oppressed and law which liberated. The Maryland producers were not prone to allowing the free market to become a fetish in which the magnates could stand reality on its head by calling getting rich off the labor of others "paying a just price."<sup>136</sup> The Maryland laboring people did not reject the doctrine of just price but rather interpreted it to require that labor be included as the central element in the just price doctrine. This required a substantive reduction in monopoly.

There was a third market doctrine besides token almsgiving and just price, which accompanied the commutative or individualistic concept of justice. This was the doctrine of humility and patient suffering. The monopolization of wealth was acceptable, according to Aquinas and Salvian, as long as no pride was taken in it by the gentry.<sup>137</sup> Market relations and the world generally were a testing

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<sup>135</sup>Gordon, *Economic Analysis Before Adam Smith*, p. 178.

<sup>136</sup>Aquinas, *Summa Theologiae*, vol. 38, pt. 2a-2ae, q. 78.

<sup>137</sup>*Ibid.*, vol. 47, p. 113, pt. 2a-2ae, q. 186, art. 3; Salvian of Marseille, *Quis Dives Salvus*, p. 86.

ground for laboring people to endure in order to make amends for sinfulness and earn heavenly life. Because suffering was willed or permitted by God as part of his plan, it could not be changed. The market was not the cause of suffering. One should suffer one's "cross and passion" in life with humility, self-denial, and meekness.<sup>138</sup> The chief offense was pride, as manifested by ambition for the wealth and life style of the gentry. God's will for the laboring people, said Robert Persons, S.J. was the "old simplicity, both in apparel, diet, innocency of life, and plainness of dealing and conversation."<sup>139</sup> This "testing ground" doctrine was incorporated by Loyola as a foundation for the spirituality of his religious group.<sup>140</sup> The theme of Jesus as meek and humble was standard in the prayers, hymns, form of confession, meditations, examination of conscience, and litanies that were published in the Catholic gentry's prayer manuals. The book titles give an idea of the testing-ground, virtue-of-suffering theology which they contained. Tobie Matthew translated *A Treatise of Patience* and wrote *A Missive of Consolation, sent from Flanders to the Catholics of England*.<sup>141</sup> Henry Arundell authored *Five Little Meditations in verse: . . . (2) Persecution No Loss; (3) On the text "God Chastiseth those whom He Loves"; (4) Considerations before the Crucifix; (5) Upon the Pains of Hell*.<sup>142</sup> Richard Mason produced *Brother Angelus Francis, The Rule of Penance of St. Francis*.<sup>143</sup> Richard Verstegan wrote

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<sup>138</sup>Ronald Hathaway, *Hierarchy and the Definition of Order in the Letters of Pseudo-Dionysius: a Study in the Form and Meaning of the Pseudo-Dionysian Writings* (Hague: Martin Nijhoff, 1969), p. 104.

<sup>139</sup>Persons, *A Memorial of the Reformation of England*, pp. 220-224, 256-257; see also, J. J. Scarisbrick, "Robert Person's Plans for the 'True' Reformation of England," *Historical Perspectives: Studies in English Thought and Society in Honor of J. H. Plumb*, ed. Neil McKendrick (London: Europa, 1974), p. 27.

<sup>140</sup>Juan L. Segundo, S.J., *The Christ of the Ignatian Exercises in Jesus of Nazareth Yesterday and Today* (New York: Orbis Pub. & Ediciones Christiandad, 1987), pp. 44, 46, 49.

<sup>141</sup>Tobie Matthew (trans.), *A Treatise of Patience, written by Father Francis Arias of the Society of Jesus, in his second part of the Imitation of Christ our Lord, translated into English with permission of Superiors* ([1630, etc.], 1970), *ERL*, vol. 21; Tobie Matthew, *A Missive of Consolation sent from Flanders to the Catholics of England* (Louvain: n.p., 1647).

<sup>142</sup>Henry Arundell, *Five Little Meditations in verse: . . . (2) Persecution No Loss; (3) On the text "God Chastiseth those whom He Loves"; (4) Considerations before the Crucifix; (5) Upon the Pains of Hell* (London: Nathaniel Thompson, 1679).

<sup>143</sup>Richard Mason, *Brother Angelus Francis, The Rule of Penance of St. Francis* (Douay: English College Press, 1644).

*Odes in Imitation of the Seven Penitential Psalms* and translated *Mental Prayer Appropriated to the Passion of Our Lord Jesus Christ*.<sup>144</sup> There were similar works about the cross, humility, penance, and contempt of the world by John Martiall, Alfonso Rodriquez, William Stanney, Robert Bellarmine and Diego de Estella.<sup>145</sup>

These writers held that laboring people should have no hope to make the market decent or struggle against it. It was the laboring people, not the market or the world, that was being tested. Montagu in his *Miscellanea Spirituality* maintained that otherworldly contempt for the present life was a virtue.<sup>146</sup> Persons offered a litany about the world's unredeemable nature:

This world is so vain, so deceitful, so troublesome, so dangerous; being it is a professed enemy to Christ, excommunicated and damned to the pit of hell; being it is (as one father said) an ark of travail, seeing it is a grove full of thorns, a meadow full of scorpions, a flourishing garden without fruit, a cave full of poisoned and deadly basilisks; seeing (as Saint Augustine said) the joy of this world has nothing else but false delight, travailous labor, seeing it has nothing in it (as St. Chrysostome said) but tears, shame, labors, terrors, sickness, sin, and death itself; seeing the world's repose is full anguish, its travails without fruit.<sup>147</sup>

Andrew White, S.J. wrote that his first act on landing in Maryland was to "humbly recite on bended knees, the litanies of the Holy Cross with great devotion."<sup>148</sup>

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<sup>144</sup>Richard Verstegan, *Odes in Imitation of the Seven Penitential Psalms* (London: n.p., 1601); Verstegan (trans.), *Mental Prayer Appropriated to the Passion of Our Lord Jesus Christ*, written by George Rainaldi (London: n.p., n.d.).

<sup>145</sup>John Martiall, *A Treatise of the Cross* (1564), *ERL*, vol. 174; Alfonso Rodriquez, *A Treatise of Humility* (1632), *ERL*, vol. 347; William Stanney, *A Treatise of Penance* (1617), *ERL*, vol. 92; Robert Bellarmine, *Meditations upon the Passion* (1617), *ERL*, vol. 23; Diego de Estella, *The Contempt of the World* (1584), *ERL*, vol. 242.

<sup>146</sup>Walter Montagu, *Miscellanea Spirituality: or, Devout Essays, the Second Part* (London: John Crook, 1654), vol. 2, pp. 70, 73, 161.

<sup>147</sup>Robert Persons, S.J., *The Christian Directory: Guiding Men to Eternal Salvation, Commonly called the Resolution* ([1582, etc.] 1970), *ERL*, vol. 41, pp. 510-511.

<sup>148</sup>Andrew White, S.J., *Narratives of a Voyage*, p. 351. As quoted in Anonymous, "Annual Letter of the English Province of the Society of Jesus" (1656), in Foley, *Records*, vol. 3, p. 338, White praised fasting, as did many of the Puritan clergy, "It is this very fasting which gives me strength to bear all for the sake of Christ."

In their thinking, gentry magnates equally with laboring people were to accept established market relations. But accepting an order that served their interest had a different significance for them. Similarly they had to endure suffering, such as sickness, old age, and death. But the suffering did not include the appropriation of wealth produced by their labor and a theology which claimed that God wanted it that way. As Aron Gurevich remarks, "In a class society, the commandment 'Thou shalt not steal' protected property in a way that was much in the interests of the 'halves'."<sup>149</sup> In addition when laboring people threatened market relations during the Civil War, the gentry did not talk of patient suffering but rather, as Walter Montagu put it in his *Miscellanea Spiritualia*, "death" for those in rebellion.<sup>150</sup>

To sum up, this chapter has discussed the market beliefs of the Maryland Catholics. They believed the market should serve their needs. They enacted legislation dealing with corn, tobacco, land and labor, pelts, and local and foreign merchants and officials in order to protect their beliefs. In supervising economic relations, the assembly at times had to set itself in opposition to the Bristol and London merchants and even to the crown and Parliament. The market beliefs of the English Catholic gentry have also been discussed to point up that the Maryland Catholic beliefs were not necessarily a repetition of but often in opposition to the gentry's beliefs. The Maryland Catholics seem to have had something in common with Timothy Breen's revolutionary planters of the 1770s. Both were not characterized by fatalism in religion, as Breen puts it, but rather had a sense of power and responsibility. They took charge of the market in the interest of promoting independence from England when it suited their needs.<sup>151</sup>

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<sup>149</sup>Gurevich, *Categories of Medieval Culture*, p. 242.

<sup>150</sup>Montagu, *Miscellanea Spiritualia*, p. 223.

<sup>151</sup>T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of the Revolution* (Princeton: Princeton University Press, 1985), p. 60.

Illustration 3: A 1641 woodcut showing how the people took the law into their own hands against monopolists like Cecil Calvert. The caption above it reads, "The manner and form how projectors and patentors have rode a tilting in parliament time."<sup>152</sup>

Map 6: Maryland Indian Locations in the  
Seventeenth Century<sup>153</sup>

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<sup>152</sup>British Library, TT E. 156(16), p. 8, as reproduced in David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England, 1603-1660* (New York: Oxford University Press, 1987), p. 176.

<sup>153</sup>Based on Christian Feest, "Nanticokes and Neighboring Tribes," in Bruce Trigger, *Handbook of North American Indians, Northeast*, ed. William Sturtevant (Washington, D.C.: Smithsonian Institution, 1978), vol. 15, p. 242.

## Chapter 6

### Catholic Beliefs in Relation to Gender and Race

The focus of this study is on class because most Catholics, including women, Africans, and Indians were laboring people. Labor, that is, class considerations dominated their beliefs. But gender and race were also influential and will be discussed in this chapter. Several Chesapeake historians have shown that when and where the gentry dominated, they promoted sexist and racist beliefs in attacking laboring people.<sup>1</sup> It was in the gentry's class interest to attempt to keep laboring Europeans from uniting with laboring women, laboring Africans, and laboring Indians. Disunity allowed the gentry, which sometimes included women, Africans, or Indians, to live off the wealth of both laboring Europeans and laboring Africans and Indians. As mentioned in Chapter 2, the gentry since ancient times had used sexism and racism based on nationality, "blood," and gender against laboring people.

Civil War Maryland was dominated by labor, not by the gentry. There were class, that is, economic reasons for unity, not disunity along gender and racial lines. The division in Maryland was at important times between the laboring people on one side and the crown, Parliament, proprietor, London and local merchants, or Virginian magnates on the other. The beliefs of the Civil War laboring Catholics, in contrast to those of the gentry, were not generally characterized by sexism or racism.

The chapter will first take up the Catholics' beliefs in relation to gender roles and the family, and then will discuss their beliefs in relation to race. The argument concerning gender roles as in the earlier chapters is that the Catholics' thinking grew out of and served their needs. The labor of women as well as men,

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<sup>1</sup>Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton & Co., 1975); Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill, N.C.: University of North Carolina Press, 1986), pp. 3-5, 9, 156-157.

and the family as a productive unit were basic to survival. The beliefs about the value of women and the family were reflected in assembly legislation, court cases, and customs. James Henretta is among those scholars who hold that positive views about women were often found in colonial British North America.<sup>2</sup> In other words, the Catholics' beliefs were not unique. However, their beliefs were not inevitable. The Catholics overcame opposition to their views from the proprietor, the Maryland landlords, and the clergy.

The discussion of gender and the family is divided into three parts. The first part reviews the Maryland demographic and occupational background of the Maryland women and the family. The second part discusses Catholic beliefs in relation to gender roles. The third part contrasts the Catholics' beliefs with those of the gentry.

Concerning the demographic background, it will be recalled that women and families were a numerical minority throughout the Civil War period. In the 1630s the ratio of women to men was probably one to six. By 1650 it had improved somewhat to one in three.<sup>3</sup> Lois Green Carr and Lorena Walsh estimate that there were 200 adult women in 1650, as compared to about 700 adult males.<sup>4</sup> For reasons explained in Appendix 1, the surviving Maryland records are not as adequate in identifying the religion of women as they are for men. Nevertheless the names of 56 women who were married to Catholics are known.<sup>5</sup> Many of these would have been Catholic. Five of these women came as servants: Eleanor Stephenson Brainthwaite, Bridget Seaborn Greenway, Rebecca Hall, Ann Pike Mansell, and Ann Lewger Tattersall. Twenty-one came as free, meaning they had the £5 to pay their passage and initial maintenance. Among the free were the Brent sisters, Mary and Margaret, and those who were spouses and children in a family unit, such as Elizabeth Gardiner (Lusthead) and Mary Cockshott (Adams),

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<sup>2</sup>James Henretta, "Mentalité in Pre-Industrial America," *WMQ*, 39 (1978), 3-32.

<sup>3</sup>Michael Graham, "Lord Baltimore's Pious Enterprise: Toleration and Community in Colonial Maryland," unpublished Ph.D. dissertation, University of Michigan, 1983, p. 135, counts at least 18 adult Catholic males who died during or shortly after the period without marrying. These included Dr. Henry Hooper, Edward Cotton, Thomas Dinard, and John Thimbleby.

<sup>4</sup>Lois Green Carr and Lorena Walsh, "The Planter's Wife: The Experience of Women in Seventeenth-Century Maryland," *WMQ*, 34 (1977), 543.

<sup>5</sup>See Appendix 1.

who was four years old when she arrived in 1641.

Like the men, most women, whether single, widowed or married, and whether free or indentured, did manual labor to improve their economic conditions.<sup>6</sup> They generally migrated with little capital. If free they hired themselves out or sharecropped for up to a decade in order to accumulate enough money to set themselves and their spouses up as owner-operators. Some of the recruiting pamphlets published in England advertised that because of the scarcity of single women, most were able to have their pick of husbands immediately upon arrival. If they had an indenture, claimed the pamphlets, their new husband would pay it off. But Carr and Walsh show that this was not accurate. Most men did not have their own cottage in which they could shelter a wife nor did they have the resources to pay off their own indenture, much less that of a wife.<sup>7</sup> While native-born women of the next generation married at an average age of 16, the migrants married at 25.<sup>8</sup>

When the women eventually did marry, they sharecropped jointly with their spouse. Women were at little disadvantage in doing the field work involved in tobacco and corn husbandry. Hilary Beckles writes that even in the more demanding work of sugar production in the Caribbean, the indentured and slave women "worked together in the same gangs with men from sun-up til sun-down."<sup>9</sup> The work required stamina but not great strength. At least in Barbados, the women worked in the fields until "far gone in their pregnancy." They were back at work within two weeks of delivery, their babies strapped to their backs or looked after by their older brothers or sisters.<sup>10</sup> In Maryland, where two adult

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<sup>6</sup>Carr and Walsh, "Planter's Wife," p. 546; David Galenson, *White Servitude in Colonial America: An Economic Analysis* (New York: Cambridge University Press, 1981), p. 7. Children over 10 also regularly did field work.

<sup>7</sup>Carr and Walsh, "Planter's Wife," p. 549.

<sup>8</sup>*Ibid.*, pp. 552, 564; Lorena Walsh, "Charles County, Md., 1658-1705: A Study in Chesapeake Political and Social Structure," unpublished Ph.D. dissertation, Michigan State University, 1977, p. 63.

<sup>9</sup>Hilary Beckles, *Afro-Caribbean Women and Resistance to Slavery in Barbados* (London: Karnak House, 1988), p. 16.

<sup>10</sup>*Ibid.*, p. 23. Richard Ligon, *A True and Exact History of the Island of Barbados* (London: H. Moseley, 1657), p. 48, lived in Barbados between 1647 and 1650. He described the women workers carrying babies on their backs or laying them naked in the fields and being sucked during work breaks.

males were farming in a partnership or where there were teenage children old enough to labor, or where the family owned an indentured servant, the woman probably lessened her involvement in field work and engaged in a "customary" division of labor.<sup>11</sup>

However, the division of labor never was as sharp as it was in England. During periods of low tobacco prices, the chief interest was not in home industry to make up for reduced buying power, but in increased tobacco production.<sup>12</sup> This meant increased pressure for women's field work. As a result sheep and wool cards, flax and hackles, and spinning wheels were nowhere as common in Maryland as in England.<sup>13</sup> Even when there was a division of labor, this still meant field work for women at peak periods, such as planting and harvesting. At other times, they would take charge of butter and cheese making, pounding corn in a mortar into meal, spinning flax and wool to a limited extent, winding silk from the worms, gathering fruits, looking after the house, washing, cooking, tending the herb and salad garden, gathering greens in the wild, and keeping the poultry, hogs and cow, not to mention caring for the younger children.<sup>14</sup> The custom among the Indians which was probably common among the Europeans was for the men to clear the fields and for the women to plant and tend the bean, pumpkin, and corn crops.<sup>15</sup> Helen Rountree remarks that because Indian women were food producers as well as food preparers, they had a higher status in their society than those women in Europe who did no labor.<sup>16</sup>

Most women and family units were working in the direction of being owner-operators. But some earned their livings as artisans or professionals. Elizabeth Willan and the Irish-born Audrey Daly were tailors.<sup>17</sup> Several Irish women worked as domestic maid servants for the Protestant merchant Robert

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<sup>11</sup>Gloria Main, *Tobacco Colony: Life in Early Maryland, 1650-1720* (Princeton: Princeton University Press, 1982), p. 41. See also, Carr and Walsh, "Planter's Wife," p. 561.

<sup>12</sup>Carr and Walsh, "Planter's Wife," p. 563.

<sup>13</sup>*Ibid.* p. 562.

<sup>14</sup>Main, *Tobacco Colony*, pp. 177-178.

<sup>15</sup>Frederick Fausz, "Present at the `Creation': The Chesapeake World that Greeted the Maryland Colonists," *MHM*, 79 (Spring 1984), 13.

<sup>16</sup>Helen Rountree, *Pocahontas's People: The Powhatan Indians of Virginia through Four Centuries* (Norman: University of Oklahoma Press, 1990), pp. 5, 150.

<sup>17</sup>"Audrey Daly," "Career Files," box 29; "Elizabeth Willan," "Career Files," box 31.

Slye and the Catholic planter Thomas Gerard in the 1650s.<sup>18</sup> During the 1650s the Maryland assembly authorized a Catholic women to run a public ferry, since her house was near the crossing.<sup>19</sup> The Catholic Katherine Hebden worked as one of the province's two or three physicians during the 1640s and 1650s. That she had an extensive practice can be seen by the numerous suits which she had to file for her fees. These included suits against the government to pay for doctoring injured militia members.<sup>20</sup> Margaret Brent was an attorney.<sup>21</sup> In performing her duties she appeared in the court records 124 times between between 1642 and 1650.<sup>22</sup> Among her clients were both Catholics and Protestants, including Cuthbert Fenwick, Thomas White, Thomas Allen, Thomas Green, John Jarbo, William Evans, Edward Hull, Anthony Rawlings, and Leonard Calvert.<sup>23</sup> The diligence of the work-life and views about labor among women artisans and professionals do not seem to have differed from those of the owner-operators.

Having reviewed the demographic and career background, the second part of the discussion looks at the Catholics' beliefs in relation to gender. The assembly and its legislation, court cases, and customs are the sources for information. Women approached being the economic equals of men and they often tended to have political, economic, and other rights and influence that were equal to those of men.

In politics, for example, it was pointed out earlier that the 1638, 1642, and 1648 assemblies were run as town meetings.<sup>24</sup> If similar to parish, manor, and

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<sup>18</sup>Francis Fitzherbert, "Career Files," box 9.

<sup>19</sup>Julia Spruill, *Women's Life and Work in the Southern Colonies* (New York: Norton, [1938] 1972), p. 241. Laurita Gibson, *Catholic Women of Colonial Maryland*, unpublished M.A. thesis, Catholic University of America, 1939, p. 32, states the woman's name was "Mrs. Fenwick."

<sup>20</sup>Katherine Hebden, "Receipt for Payment from Dutch Custom for Services" (Aug. 30, 1651), *Md. Arch.*, vol. 10, p. 375; "Katherine Hebden," "Career Files," box 29.

<sup>21</sup>"Margaret Brent," "Career Files," box 27; Julia Spruill, "Mister M. Brent, Spinster," *MHM*, 29 (1934), 29; "Brent Remonstrance" (1649), *Md. Arch.*, vol. 1, pp. 262-272.

<sup>22</sup>Carl Everstine, *The General Assembly of Maryland from 1634 to 1776* (Charlottesville: Michie, 1980), p. 78.

<sup>23</sup>"Margaret Brent," "Career Files," box 28.

<sup>24</sup>Seventh Assembly, "Proceedings" (Sept. 5, 1642), *Md. Arch.*, vol. 1, p. 170; John L. Bozman, *The History of Maryland* (Spartenberg: Reprint Co., [1837], 1968), vol. 2, pp. 317, 322; Russell Menard, *Economy and Society in Early Colonial Maryland* (New York: Garland Pub., [1975], 1985), p. 313.

village assemblies in England and New England, they included women.<sup>25</sup> Margaret Brent was an official member of the tenth assembly in 1648 and led it in one of its most significant decisions.<sup>26</sup> As executor of Governor Leonard Calvert's estate, who had died in June 1647, she had authorized the sale of his property to pay the Virginia army with which he had retaken Maryland in December 1646. The proprietor objected to this. As Leonard Calvert's heir, he claimed the proceeds of the estate should go to himself. He wanted the planters to pay for the army out of the Maryland treasury.<sup>27</sup> Acting in behalf of the proprietor, who was angry with Brent, the new governor denied Brent the right to vote in the assembly. Nevertheless, she led the assembly in refusing to pay for the Virginia army.<sup>28</sup> In 1649 the 11th assembly defended her in the following terms:

We do verily believe and in conscience report that it [the confiscation] was better to the colony's safety. . . We are desirous justly to give your lordship all just and honorable satisfaction. . . There is no just cause of your indignation.<sup>29</sup>

Brent and the other women seem to have been able to make their political interests known within the assembly and also less formally to their neighbors and relatives. Women shared the same economic circumstances as their spouses, and

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<sup>25</sup>Keith Thomas, "Women and the Civil War Sects," *PP*, 13 (1958), 46-47, describes the participation of women in local government including debating, voting, and preaching during the Civil War. See also, Frederick Emmison, *Early Essex Town Meetings of Braintree [Eng.], 1619-1636* (Chichester, Eng.: Philmore Press, 1970), p. xi; Mary Dunn, "Saints and Sisters: Congregational and Quaker Women in the Early Colonial Period," *American Quarterly*, 30 (1978), 585-586, 588-589. According to Robert Hubberthorne, as quoted in Elizabeth Brockbank, *Richard Hubberthorne of Yealand, Yeoman, Soldier, Quaker* (London: Friends Book Center, 1929), p. 91, it was not unusual to hear Independent women during the Civil War speak of themselves as being "above the apostles." George Fox, *The Women Learning in Silence* (London: Thomas Simonds, 1656), p. 1, used an antinomian argument to make the same point, "If you be led of the spirit, then you are not under the law." George Fox, *A Collection of Many Select and Christian Epistles*, (London: T. Sowle, 1698), vol. 2, p. 323, believed men and women were supposed to help each other. Men were not to rule over women. See also the note on women in this monograph's discussion of politics in Chapter 2.

<sup>26</sup>Papenfuse, *Dictionary*, p. 19.

<sup>27</sup>Cecil Calvert, "Letter to Assembly" (Aug. 26, 1649), *Md. Arch.*, vol. 1, p. 268; "Court Business" (June 19, 1647), *ibid.*, vol. 4, p. 314.

<sup>28</sup>Edward Channing, *A History of the United States* (New York: Macmillan, 1912), p. 267.

<sup>29</sup>Eleventh Assembly, "Letter to Cecil Calvert" (Apr. 21, 1649), *Md. Arch.*, vol. 1, pp. 239-240, 242.

had an identity of interest on issues such as corn and other regulations and on not permitting the Royalists, Parliament and others to interfere with Maryland's trade. In Europe it was customary for women to play the leading role in revolts against bread prices.<sup>30</sup>

Women's political and economic influence can be seen in several types of assembly legislation. Assembly codes from the beginning enforced the right of women to contract as illustrated in their indentures of servitude.<sup>31</sup> The code, indenture contracts, and customs gave them rights, such as the payment of their Atlantic passage, initial maintenance, and the granting of head rights and freedom dues equal to those of men. Freedom dues included the grant of 50 to 100 acres depending on the period, at least 5 of which had to be cleared and plantable. Assembly legislated freedom dues also required the giving of a new petty coat, a pair of new stockings, waist coat, a new smock, a pair of new shoes, as well as a hilling hoe, weeding hoe, falling ax, new cloth suit, new monmouth cap, and a years provision of corn, that is 3 barrels.<sup>32</sup> Additional tracts were granted for children. Indenture contracts gave women the right to an education, as in the case of Mary Howell, daughter of Blanch and Humphrey Howell. Her parents contracted on August 8, 1648 for her to serve Thomas Copley, S.J. for 10 years in exchange for an education, as well as for food, clothing, and other customary benefits.<sup>33</sup> During their service women sometimes had a right of having their own parcel of ground which they could work for their own account, as well as their own pig or heifer, which they kept at the end of service.<sup>34</sup>

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<sup>30</sup>Pierre G0ubert, *French Peasantry in the Seventeenth Century* (Cambridge: Cambridge University Press, 1986), p. 209.

<sup>31</sup>Third Assembly, "Proposed Act Limiting the Time of Service" (Mar. 19, 1639), *ibid.*, vol. 1, p. 80; 4th Assembly, "An Act Touching Servants Clothes" (Oct. 30, 1640), *ibid.*, vol. 1, p. 97; 14th Assembly, "An Act for all Servants coming into the Province with Indentures" (Oct. 20, 1654), *ibid.*, vol. 1, p. 352; Cecil Calvert, "Conditions of Plantation" (August 8, 1636), *ibid.*, vol. 3, pp. 47-48; Cecil Calvert, "Conditions of Plantation" (Nov. 10, 1641), *ibid.*, vol. 3, pp. 99-100; Cecil Calvert, "Conditions of Plantation" (Aug. 20, 1648), *ibid.*, vol. 3, pp. 223-229; Cecil Calvert, "Conditions of Plantation" (July 2, 1649), *ibid.*, vol. 3, pp. 233-237. See also, Andrew White, S.J., *An Account of the Colony of the Lord Baron of Baltimore* (1633) in Hall, *Narratives*, p. 6; John Lewger and Jerome Hawley, *A Relation of Maryland* (1635), in Hall, *Narratives*, pp. 91-92, 95-96.

<sup>32</sup>*Ibid.*

<sup>33</sup>"Indenture of Mary Harris" (Aug. 8, 1648), *Md. Arch.*, vol. 10, p. 305-306.

<sup>34</sup>John Hammond, *Leah and Rachel, or, The Two Fruitful Sisters, Virginia and*

The marriage vow was another contract which the assembly code recognized and enforced. Prior to the Civil War the ecclesiastical courts had had jurisdiction over marriage cases in England. These courts were, as indicated in the pamphlet literature, expensive and served more the needs of the clergy than of the family. The Civil War Parliament enacted the Civil Marriage Act to establish a less expensive common law system.<sup>35</sup> The Maryland assembly anticipated the parliamentary reforms by enacting its own civil marriage act in 1640, which put marriage cases under common law jurisdiction.<sup>36</sup> The Maryland law gave women the right to share their spouse's food, clothing, and shelter during his life and to a life estate in one-third his real property upon his death. It also gave them the right to bargain for marriage with anyone they chose. Interracial marriage between Africans, Europeans, and Indians were equally recognized. The names of at least some interracial couples are known.<sup>37</sup>

The civil marriage act and the Maryland judiciary seem to have given children considerably greater rights in choosing spouses than was the custom in England.<sup>38</sup> However, it was a common complaint of English parents during the war period that "Children asked not the blessing of their parents... The young women conversed without any circumspection or modesty. Parents have no manner of authority over their children."<sup>39</sup> In one Maryland case Elizabeth Gary promised Robert Harwood that she would marry him. Gary's parents objected and she apparently gave into their wishes. But Harwood went to court and obtained an order that she should stay at the house of a third party for six weeks, during which

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*Maryland* (1656), in Force, *Tracts*, vol. 3, no. 14, pp. 14-15. In "Elizabeth Frame versus Thomas Davis" (Nov. 1, 1656), *Md. Arch.*, vol. 41, p. 67, the maid servant Elizabeth Frame won a court decision upholding a covenant for a cow from her master. In addition she was granted her customary dues and court fees.

<sup>35</sup>Thomas, "Women and the Civil War Sects," p. 55.

<sup>36</sup>Fourth Assembly, "Marriage Bill" (Oct. 23, 1640), *Md. Arch.*, vol. 1, p. 95.

<sup>37</sup>A Conoy, Mary Kittamaquand married Giles Brent. See Giles Brent, "Career Files." In the post-Civil War period interracial marriages were not outlawed, but children born to a union between a slave and a free woman became a slave and the free woman became in effect a slave during the life of her husband. See "An Act Concerning Negroes and Other Slaves" (Sept. 6, 1664), *Md. Arch.*, vol. 1, pp. 533-534.

<sup>38</sup>Carr and Walsh, "Planter's Wife," p. 543.

<sup>39</sup>Edward Hyde, *The Life of Edward, Earl of Clarendon, in which is included a continuation of his History of the Great Rebellion* (3 vols., Oxford: Clarendon Press, 1827), vol. 1, pp. 358-359.

Harwood could court her, always in the presence of a third person. If he could convince her to go forward, the court would back the marriage.<sup>40</sup>

One of the advantages which the civil marriage act had for Catholics was that Maryland did not recognize canon law and the various doctrines which impeded family life. For example, marriage between Catholics and Protestants was outlawed in canon law and at the Council of Trent.<sup>41</sup> Mixed marriages between Catholics and Protestants were common in Maryland. The Catholic partners would have been excommunicated from church services and the offspring from the marriages would have been illegitimate from the perspective of church law. Special dispensations from canon law could be obtained for those who could afford it.<sup>42</sup> But Rome generally discouraged mixed marriages. It taught, as mentioned in the introductory chapter, that Protestants were excommunicated and could not be saved. Catholics were supposedly not allowed to even speak with them, much less marry them. Under the Maryland act, mixed couples such as Thomas Gerard and Susan Snow Gerard were able to bring into provincial court clergy who threatened excommunication or otherwise disturbed family relations.<sup>43</sup>

The positive regard for women was also reflected in assembly legislation that gave women the rights and duties of militia membership. It was required that every woman between age 14 and 40 be provided with arms, ammunition, monthly militia training and drill, and a regular inspection of household arms by the local captain of the trained band.<sup>44</sup> They apparently attended the periodic

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<sup>40</sup>"Article of Courtship" (Sept. 24, 1657), *Md. Arch.*, vol. 10, p. 532.

<sup>41</sup>Anthony F. Allison, "A Question of Jurisdiction: Richard Smith, Bishop of Chalcedon and the Catholic Laity, 1625-1631," *RH*, 16 (1982), 113, 136.

<sup>42</sup>*ibid.*, p. 117.

<sup>43</sup>Edwin Beitzell, *The Jesuit Missions of St. Mary's Co., Md.* (Abell, Md.: n.p., 1976), p. 28.

<sup>44</sup>Third Assembly, "Proposed Act for Military Discipline," (Mar. 19, 1639) *ibid.*, vol. 1, pp. 77-78, provided that every person able to bear arms had to be provided arms by the head of household; 6th Assembly, "Act to Pay Wages of Sergeant," (Aug. 1, 1642), *ibid.*, vol. 1, p. 140; 7th Assembly, "An Act Appointing a Fee for Sergeants of the Trained Band" (Sept. 13, 1642), *ibid.*, vol. 3, pp. 153-154; 8th Assembly, "An Act for the Defense of the Province" (Feb. 13, 1645), *ibid.*, vol. 1, p. 205; 11th Assembly, "An Act for Militia" (Apr. 21, 1649), *ibid.*, vol. 1, pp. 254-255, imposed a penalty of 100 pounds of tobacco for neglecting to furnish arms for servants; Leonard Calvert, "Orders in Case of Attack by Indians" (Aug. 25, 1642), *ibid.*, vol. 3, pp. 107-108. See also, Louis Scisco, "Evolution of Colonial Militia in Maryland," *MHM*, 35 (1940), 166-

musters. Equally with men they also had the right and duty to pay taxes. Mary Tranton of unknown religion was one of the largest tax payers in 1642 at 30 pounds of tobacco. Most Catholics paid 2 pounds.<sup>45</sup>

In addition to assembly legislation, the records from the provincial court are a source for giving information about beliefs concerning the family. Women had the right to bring suit against their masters, debtors, and tortfeasors. This included summoning witnesses, cross examination, and jury trial. For example, the Catholic Susan Frizell ran away from her master because of harsh usage toward the end of the Civil War period. After a trial, the jury freed her from servitude on condition she pay her master 500 pounds of tobacco to reimburse his cost.<sup>46</sup> When the Catholic Elena Stephenson (Brainthwaite) ran away in 1645 from her Catholic master, Edmund Plowden in Virginia, the Maryland court refused to extradite her back to Virginia.<sup>47</sup> Court cases also prevented step-fathers such as Thomas Denton from exploiting their step-children. Denton had tried to make an orphan, Margaret O'Daniell, do adult field work as hard "as any servant."<sup>48</sup> The court was used by servant women to prevent masters from sexually abusing them. Masters were infrequently accused of this, but when they were, the court punished them. As Lois Green Carr and Lorena Walsh comment, "County mores did not sanction their misconduct."<sup>49</sup> In cases dealing with the administration of decedents' estates the probate courts automatically made women the administrator of their spouses' estate.<sup>50</sup> This was not the practice in England.

Mary Beth Norton has remarked on how their often successful court cases in defamation suits was associated with a recognition of women's value. The Catholic Elinor Spinke, for example, obtained a jury verdict in a defamation

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167, 177.

<sup>45</sup>"Tax List" (Nov. 1, 1642), *Md. Arch.*, vol. 3, pp. 120-126.

<sup>46</sup>"Susan Frizell," "Career File," box 29.

<sup>47</sup>"Deposition of John Greenway" (Feb. 14, 1650), *Md. Arch.*, vol. 4, p. 524; "Attachment" (Jan. 15, 1644), *ibid.*, vol. 4, p. 215; "Requisition to High Constable" (Aug. 23, 1643), *ibid.*, vol. 4, p. 210.

<sup>48</sup>Walsh, "Charles County, Md., 1658-1705," p. 117.

<sup>49</sup>Carr and Walsh, "Planter's Wife," p. 548.

<sup>50</sup>*Ibid.* p. 556. This meant they paid the spouses debts and preserved the part due to the children.

case.<sup>51</sup> In another case, the court ruled in 1654 that Peter Godson, of unknown religion, was guilty of defamation. He had accused a neighbor woman, Mrs. Manship, of being a witch. Mrs. Manship had apparently been making fun of Godson. The record states that "in a jesting way" she had laid down two pieces of straw and told Godson, "I am a witch" and that he could not skip over the two straws.<sup>52</sup> The next day Godson became lame and from this arose the charge of witchcraft. Godson was ordered by the court to apologize and to pay the court charges.

In at least one case involving women an all-woman jury was impaneled to make a determination. Judith Catchpole of unknown religion, a servant to William Dorrington during the 1650s, was accused of infanticide. A jury of 12 women, which included one or more Catholics, determined that the man who had made the charges was not of sound mind and that Catchpole had not had a child.<sup>53</sup>

Customs, in addition to legislation and court records give information about Catholic beliefs concerning gender roles and the family. Dying men, both Protestant and Catholic, in 90 percent of the cases during the seventeenth century made their spouses executors.<sup>54</sup> In about 65 to 70 percent of the cases, dying men left all their estates to their spouses or at least more than the minimum intestate (dower) amount, rather than to their children.<sup>55</sup> Carr and Walsh see in this the trust in which women were generally held and a recognition of their contribution to the estate.<sup>56</sup> They conclude, "in the politics of family life women enjoyed great respect."<sup>57</sup>

There was a second type of custom concerning property rights besides

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<sup>51</sup>Mary Beth Norton, "Gender and Defamation in Seventeenth-Century Maryland," *WMQ*, 44 (1987), 5.

<sup>52</sup>"Case of Peter Godson" (Oct. 16, 1654), *Md. Arch.*, vol. 10, p. 399.

<sup>53</sup>"Case of Judith Catchpole" (Sept. 22, 1656), *ibid.*, vol. 10, pp. 456-458.

<sup>54</sup>Carr and Walsh, "Planter's Wife," p. 556; Walsh, "Charles County, Md., 1658-1705," p. 147.

<sup>55</sup>Carr and Walsh, "Planter's Wife," p. 555, citing Wills I-XIV, Hall of Records, Annapolis, Md. In the eight bequests of husbands to wives in the 1640s, 34 percent left the minimum dower or less to their wives. In the 31 bequests during the 1650s, 29 percent left the minimum dower amount or less.

<sup>56</sup>*Ibid.*, pp. 557-558, 561.

<sup>57</sup>*Ibid.*, p. 557.

decedents estates that illustrate a positive belief about the role of women. In England the law provided that upon marriage or remarriage, the woman lost ownership and control of her property. In Maryland this was avoided by an agreement with the husband to relinquish his rights or he deeded to his wife the property, which she could dispose of at her pleasure. In England a wife could not make a valid contract with her husband. But in Maryland these contracts as well as pre-nuptial contracts were not challenged by the provincial court.<sup>58</sup> These contracts were useful when woman with property remarried and wished to make sure children from previous marriages received full portions.

A practice among some of the indentured women that seems to indicate their beliefs about the family was that 20 percent of them had children outside of marriage.<sup>59</sup> The woman and their partners, who were also generally servants, were too capital-poor to buy themselves out of servitude. They had children despite the opposition of masters, for whom childbearing meant less economic production. When a servant had a child her time of service was extended from 12 to 24 months and she could be whipped. Nevertheless, many opted for children rather than for obedience to a master.<sup>60</sup>

The ability and willingness of Maryland women to exercise their right to have children despite the interests of their masters points up the generally strong economic position and family beliefs of Maryland women. This can be seen by contrasting Maryland with developments that were taking place among the slave- and servant-European, African, and Indian women in the Caribbean and Latin America in the 1640s. In these areas women commonly used abortion, infanticide, and contraception rather than have children.<sup>61</sup>

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<sup>58</sup>"Pre-nuptial contract of Jane Moryson" (Mar. 5, 1659), *Md. Arch.*, vol. 41, p. 261. See also, Carr and Walsh, "Planter's Wife," p. 561; Richard Morris, *Studies in the History of American Law with Special Reference to the Seventeenth and Eighteenth Century* (New York: Columbia University Press, 1930), pp. 128, 173-174.

<sup>59</sup>Carr and Walsh, "Planter's Wife," p. 548.

<sup>60</sup>Sometimes when her spouse was free but without the resources to buy her indenture, the woman servant ran off from the master to join her spouse. This happened in the case of the Irish Catholic Ellen, who moved into the Irish Catholic Nicholas Keiting's cottage without permission of Richard Wells, who owned her indenture. See "Court and Testamentary Business" (July 16, 1654), *Md. Arch.*, vol. 10, p. 396.

<sup>61</sup>Beckles, *Afro-Caribbean Women and Resistance to Slavery*, p. 41. Hilary Beckles in *White Servitude and Black Slavery in Barbados, 1627-1715* (Knoxville: The University of

Barbara Bush in her study of Caribbean women discusses the relation of family limitation to beliefs based in the labor theory of value. Sugar cane and babies were commodities produced by African and European labor which went to the enrichment of the landlord. Servant and slave labor had no incentive to increase their numbers:

Slave women in addition to laboring in the fields were expected to produce children to add to the value of their master's estate. . . Reports from the Caribbean, Latin America, and the Southern United States accuse slave women of secretly destroying their unborn children, frequently out of malice to spite their masters.<sup>62</sup>

It took 10 to 20 replacements each year to maintain a gang of 200 African slaves in Barbados.<sup>63</sup> Not until emancipation in the nineteenth century did the African population in much of Caribbean begin to grow as a result of natural increase.

Along with beliefs about protecting labor from confiscation was a concern for self-preservation among slave women. The confiscation of surplus value was so complete that labor was chronically overworked and underfed.<sup>64</sup> In these circumstances having children was a lethal burden for many women. Men and women stopped having children or had small families. Richard Dunn writes of one well-documented plantation:

A great many of the women had no living children at all. The Mesopotamia women were certainly overworked, but they seem also to have been underfed, and because of semi-starvation some of them appear to have been infertile, incapable of ovulation, or menstruation. The males in the estate were generally in poorer health than the females, and this too must have limited

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Tennessee Press, 1989), finds that in Barbados the treatment of servants as well as slaves by planters was equally harsh: servants and slaves shared the same poor accommodations, ate equally poor food, wore identical clothing, and were punished by the same barbarous methods. Servants as well as slaves ran away, resisted, and staged uprisings.

<sup>62</sup>Barbara Bush, *Slave Women in Caribbean Society, 1650-1838* (Indianapolis: Indiana University Press, 1990), pp. 137, 140, see also, p. 150.

<sup>63</sup>Richard Dunn, "Masters, Servants, and Slaves in the Colonial Chesapeake and the Caribbean," *Early Maryland in a Wider World* (Detroit: Wayne State University Press, 1982), ed. David Quinn, pp. 251-252, 258; B. W. Higman, *Slave Populations of the British Caribbean, 1670-1834* (Baltimore: The Johns Hopkins University Press, 1984).

<sup>64</sup>Beckles, *Afro-Caribbean Women and Resistance*, pp. 25, 28, states that vitamin A and C deficiencies were common, as were diseases such as anemia, sore eyes, dropsy, yaws, scabies, beriberi, and dysentery.

procreation.<sup>65</sup>

Common plants used to induce abortions were manioc, yam, papaya, mango, lime, and frangipani. Mechanical means were less popular and relied on the insertion of sharp sticks or stalks into the vaginal canal.<sup>66</sup>

A measure of the Caribbean Indian and African success at limiting family growth and in inhibiting the confiscation of their labor can be seen in the complaints from the landlords who were unhappy with the results. The magnate Edward Long linked family limitation to promiscuity, arguing that slave women were no better than "common prostitutes" who frequently took "specifics" to cause abortion in order that they could resume their immoral activities "without loss or hindrance to business."<sup>67</sup> The Catholic priest Fray Juan de la Concepcion, while testifying to the effectiveness of family limitation was more accurate in linking it to labor value and self-defense than to promiscuity, "The women promised themselves not to bear further children and instead aborted themselves by means of well-known plant poisons. . . The women of the Marianas Indians made themselves deliberately sterile and threw their own infants into the water. . . which saved them from being overworked and from grief."<sup>68</sup>

Not only African, Indian, and European women in the Caribbean but also Catholic laboring women in seventeenth-century Europe, when driven by harsh market conditions, turned in self-defense to family limitation, including infanticide. For example, the new-born infants of women silk-weavers in Lyon,

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<sup>65</sup>Dunn, "Masters, Servants, and Slaves in the Colonial Chesapeake," p. 258.

<sup>66</sup>Bush, *Slave Women in Caribbean Society*, p. 140. Maria Cutrufelli, *Women of Africa: Roots of Oppression* (London: Zed Press, 1983), as quoted in Bush, *ibid.*, p. 141, argues that abortion allowed women the only real choice where female reproduction was subject to strict patriarchal control. Wide birth spacing was sometimes obtained through long lactation, ritual abstinence, and elaborate forms of contraception that were common in traditional African societies. But abortion was the method of birth control most in demand in traditional cultures as it was technically simpler than chemical or mechanical contraception. Unlike coitus interruptus, it did not require the cooperation of the couple and it could be carried out at any time during gestation.

<sup>67</sup>Edward Long, quoted in Bush, *Slave Women in Caribbean Society*, p. 139.

<sup>68</sup>Fray Juan de la Concepcion, quoted in Bush, *Slave Women in Caribbean Society*, p. 138. Because of an increased market value for slaves in the eighteenth century, slave owners tended to find it as profitable for women to reproduce themselves as for the crops they could produce. In these circumstances, maternity leave and other pre- and post-natal care were provided. Fertility improved but never reached the point where the slave population naturally sustained itself. See Beckles, *Afro-Caribbean Women and Resistance*, pp. 24.

and the foundlings discovered on church steps there were regularly sent by the mothers and clergy to wetnurses in the countryside. The wetnurse was in reality a rag soaked in cows milk. Three-fourths of the infants died within one year of birth.<sup>69</sup>

The ability and willingness of Maryland women to exercise their right to have children despite the interests of their masters seems to point up their stronger economic position and resulting family beliefs, as compared with developments elsewhere. Their right to take a lengthy maternity leave in the process also points up their stronger position. The extension of the indenture for from 12 to 24 months seems to indicate that they would take this much time from their master. In the Caribbean a woman received as little as two weeks maternity leave.

There was another practice besides having children out of wedlock and taking lengthy maternity leaves that indicates a positive Catholic view about the family and gender roles. It was common for both servant and free women to be pregnant at the time of marriage. One-third of the women in one study were pregnant.<sup>70</sup> In England there were court presentments and punishment for bridal pregnancy, but in Maryland the courts did not take notice of the practice. When the husband died before the marriage, the court ordered that the decedent's estate pay for the maintenance of the mother and child.<sup>71</sup> The English Catholic gentry, as will be seen shortly, made an ideal of virginity. Among Maryland laboring people bridal pregnancy was part of starting a family and was seen in a more positive light.

The last part of the discussion about the relation of the Catholics' beliefs to gender will contrast their thinking with that of the English Catholic gentry. The contrast will help show that the Maryland Catholics' beliefs were not merely derivative but were considerably more positive than the gentry's approach.

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<sup>69</sup>Pierre Goubert, *The French Peasantry in the Seventeenth Century* (New York: Cambridge University Press, [1982] 1986), p. 104. The French system of family limitation was not dissimilar from that of the Roman system of infant exposure. See Emily Coleman, "Infanticide in the Early Middle Ages," *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: University of Pennsylvania Press, 1976), pp. 47-70; John Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York: Vintage: 1988).

<sup>70</sup>Carr and Walsh, "Planter's Wife," p. 551.

<sup>71</sup>Susan Warren, "Testimony" (Oct. 20, 1649), *Md. Arch.*, vol. 10, p. 80.

Several aspects of the English system tended to undermine the family. For example, the gentry system required primogeniture and entail in order to maintain itself. Primogeniture mandated the succession of the eldest son to the entire real property of the father. Entailed land stayed in the family and could not be given away, willed by testament, sold by deed, or seized by creditors.

Originally the primogeniture system was used only by large landowners but by the seventeenth century it had spread to smaller landowners. Nevertheless, it was the crown and large landowners who mainly supported and benefited from it, not the small landowners.<sup>72</sup> The crown and lords held an indefeasible hereditary right in government as well as land.<sup>73</sup> The Civil War Royalists used Aristotle and the bible to teach the primogeniture approach to the family. The king was said to have inherited the original patriarchal power from God and Adam.<sup>74</sup>

Younger gentry sons and daughters were primogeniture's victims, not to mention the tenants whose rent supported it. Primogeniture denigrated part of the family to keep wealth concentrated. There was often evasion of it and a literature of protest against it, not the least of which was written by the gentry's younger sons and daughters. Catholics like John ap Robert in *Apology for a Younger Brother* (1634) used the bible to show primogeniture was wrong.<sup>75</sup> Roberts'

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<sup>72</sup>Joan Thirsk, "The European Debate on Customs of Inheritance, 1500-1700," *Family Inheritance: Rural Society in Western Europe, 1200-1800*, ed. Jack Goody (Cambridge: Cambridge University Press, 1972), pp. 178, 185.

<sup>73</sup>William Stubbs, *Constitutional History of England and its Origins and Development* (3 vols., Chicago: University of Chicago Press, [1879], 1978), vol. 1, sect. 94; John Figgis, *Divine Right of Kings* (Gloucester, Mass.: P. Smith, 1914, 1970), pp. 22-23.

<sup>74</sup>Thomas, "Women and the Civil War Sects," p. 42.

<sup>75</sup>John ap Robert, *Apology for a Younger Brother* ([1634] 1972), *ERL*, vol. 103. The civil lawyers who worked in the church courts, like John Page, a former master of chancery and doctor of civil law, wrote against primogeniture. They apparently wanted land to pass by testament, rather than by the rules of common law. Testaments fell under civil jurisdiction and the probate of land would have expanded their income. See John Page, *Jus Fratrum: The Law of Brethren Touching the Power of Parents to Dispose of their Estates to their Children or to others; the Prerogative of the Eldest and the Rights and Privileges of the Younger Brothers* (London: H. Fletcher, 1657).

Robert Persons, S.J., *The Jesuit memorial for the Intended Reformation of England*, ed. E. Gee (London: R. Chiswel, [1580] 1690), pp. 227-230, attacked primogeniture, first, because it deprived younger sons and daughters of economic security. Second, according to J. P. Cooper, "Inheritance and Settlement by Great Landlords," *Family and Inheritance: Rural Society in Western Europe, 1200-1800*, ed. Jack Goody (Cambridge: Cambridge University Press, 1976), p.

thinking was similar to that of the better known Independent, Hugh Peter (1598-1660). Peter followed the labor theory of value in advocating that daughters who worked should have an equal portion with sons.<sup>76</sup> During the war the Independents like Peter in the barebones Parliament made an unsuccessful effort to outlaw primogeniture.<sup>77</sup>

In Maryland as in Virginia primogeniture had little or no role.<sup>78</sup> The assembly incorporated English common law which included primogeniture into Maryland law. This meant the creation of primogeniture by deed or will and the descent of land by primogeniture was legally possible.<sup>79</sup> But land was essentially free and there was no hereditary gentry class seeking to perpetuate a monopoly on wealth and political power.<sup>80</sup> The concern of the Catholic planters over land

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222, Persons objected to primogeniture because it deprived many younger sons and daughters of a dowry large enough to allow them to enter religious orders and convents. Thirdly, Persons, like Cardinal William Allen (d. 1594), *An Admonition to the Nobility* (1588), in *ERL*, vol. 74, resented the English landed magnates for rejecting Rome. He wanted an end to primogeniture in order to weaken them. He expected that with the restoration of Catholicism, the monastic lands confiscated by the magnates in the sixteenth century would be restored to the clergy. This would require a reduction of the magnates.

<sup>76</sup>Hugh Peter, *A Word for the Armie and two Words to the Kingdom* (London: M. Simmons for G. Calvert, 1647), p. 12. Peter was an Independent clergyman in New England from 1635 to 1641 before he was elected to represent Massachusetts Bay Colony in England. He served as chaplain with the Parliamentary army from 1642 to 1649, helped in the execution of Charles I, sought to contain the London merchants' war policy against the Dutch, and was executed for his role against Charles I when the Royalists regained power.

<sup>77</sup>Christopher Hill, *God's Englishman: Oliver Cromwell and the English Revolution* (New York: Dial Publishers, 1970), p. 140.

<sup>78</sup>R. Ray Keim, "Primogeniture and Entail in Colonial Virginia," *WMQ*, 25 (1968), 546, 558, finds that of 72 wills probated in Westmoreland county between 1653 and 1672, only one had an entail provision. One could initiate a simple judicial proceeding to dock or terminate such provisions. Even in the eighteenth century, two-thirds of the Virginia wills had no entail or primogeniture provisions.

<sup>79</sup>The proprietor starting in 1636 in his "Conditions of Settlement" established a manor form of property ownership. This would have included primogeniture. The manor system was probably explicitly enacted in a "Bill against Alienating Manors" (Mar. 16, 1638), *Md. Arch.*, vol. 1, p. 20. The record only gives the bill's title, not its content. As explained in Chapter 2, the direction of most planters was toward being owner-operators, not toward the landlord system.

<sup>80</sup>Keim, "Primogeniture and Entail," p. 585, writes of similar developments in Virginia, "The abundance of land and the relatively free atmosphere in social, political, and religious terms, soon led to the standard custom of dividing a holder's lands among all the sons, this, of course, breaking down any rigid practice of primogeniture." Keim, *ibid.*, p. 562, notes that the custom of fee tail, when it was used, was at times turned upon its head to empower women rather than limit their rights. Daughters received bequests of land in fee tail, which gave them financial security against spend-thrift spouses and creditors.

descent, as indicated in their legislation on the topic, was not primogeniture but how to give clear title to a local heir as opposed to a foreign one. This was a problem when the decedent left no will and a closer heir such as a wife or child was in England. The solution was to allow the local heir the use of the property. If the foreign heir did not take steps to claim it within a certain period, then the local heir gained clear title.<sup>81</sup>

There is a second example of the English landlord system which generated negative beliefs and practices about the family that contrasted with those in Maryland. This example also concerns concentrated landholdings. Part of the gentry "solution" to the economic problems arising from primogeniture involved younger sons and daughters entering monasteries, convents, and the celebration of perpetual celibacy. As noted earlier, the religious life was not generally for the children of laboring people. Convents required dowries. Ordination required travel to the continent and education that was beyond the means of most laboring families. The use of religious life as a way of obtaining economic security had been more popular with the gentry prior to the Council of Trent and the establishment of the seminary system.<sup>82</sup> The barely literate younger sons of the gentry were commonly ordained and given life-time incomes for which they did little in return.<sup>83</sup> It will be recalled that institutions which were less than positive about the family such as perpetual celibacy, convents, and the existence of clergy who refused to serve as pastors were rejected by the Maryland assembly in some of its first recorded enactments. The clergy's desire to establish a convent or to not serve as pastors was not acceptable.<sup>84</sup>

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<sup>81</sup>"Proposed Act for the Descending of Land" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 60; "An Act Touching Succession to Land" (Aug. 1, 1642), *ibid.*, vol. 1, p. 157; "An Act Touching Succession to Land" (Sept. 13, 1642), *ibid.*, vol. 1, pp. 190-191.

<sup>82</sup>It was publicized in England, not least by the married Anglican clergy, that prior to the Norman invasion in 1066 the English had had a native, not a foreign hierarchy, and its clergy was married and relatively close to the people. Rome did not endorse celibacy generally until 1139. See Frank Barlow, *The English Church, 1066-1154: A History of the Anglo-Norman Church* (London: Longman, 1979), p. 316.

<sup>83</sup>Richard Trexler, *Synodal Law in Florence and Fiesole, 1306-1580* (Vatican City: Biblioteca Apostolica Vaticana, 1971), p. 78, n. 1; Leonard Boyle, "Aspects of Clerical Education in Fourteenth-Century England," *Pastoral Care, Clerical Education, and Canon Law, 1200-1400* (London: Variorum Reprints, 1981), p. 30.

<sup>84</sup>Thomas Hughes, S.J., *Society of Jesus*, text, vol. 1, p. 412, a defender of the celibacy ideal is critical of the Maryland Catholics because they worked to keep "ladies perfectly worldly"

Some of the gentry's pamphlets which celebrated celibacy and monastic-convent life were Hieronymous Platus, *The Happiness of a Religious State* (1632), translated by Henry More, S.J., Leonardus Lessius (d. 1627), *The Treasure of Vowed Chastity in Secular Persons* (1621), Lawrence Anderton, *The English Nunne, being a Treatise wherein by way of Dialogue the author endeavors to draw Young and Unmarried Catholic Gentlewomen to embrace a votary and religious life* (1642), anonymous, *The Catholic Younger Brother* (1642), and books about nuns such as Clara of Assisi (d. 1253), Teresa of Avila (d. 1582), and Catherine of Sienna. English Catholics who authored these works included Luke Wadding and Tobie Mathew.<sup>85</sup> Works about the virgin Mary were also favored by the gentry: Sister Joane, *The historie of the Blessed Virgin* (1625), Alessio Segalia (d. 1628), *An Admirable Method to Love, Serve, and Honor the B. Virgin Mary* (1639), Sabine Chambers (d. 1633), *The Garden of our B. Lady*, Henry Gamet, *Society of the Rosary, together with the Life of the Virgin Marie* (1624), and anonymous, *The Primer: or, Office of the Blessed Virgin Marie in Latin and English* (1599).<sup>86</sup>

Illustrative of the gentry's monastic literature which to a greater or lesser degree minimized the family and egalitarian gender roles was the biography of

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and "secularize them, lest piety and the clerical peril take too deep a root in the Catholic colony."

<sup>85</sup>Hieronymous Platus, S.J., *The Happiness of a Religious State*, trans. Henry More, S.J., (1632), in *ERL*, vol. 270; Leonardus Lessius, S.J., *The Treasure of Vowed Chastity in Secular Persons* (1621) in *ERL*, vol. 214; Lawrence Anderton, *The English Nunne* (St. Omer, English College Press, 1642); Anonymous, *The Catholic Younger Brother* (St. Omer, n.p., 1642); Saint Clara of Assisi, *The Rule of the Holy Virgin S. Clare* (1621), in *ERL*, vol. 274; Luke Wadding, *The History of S. Clare* (1635), in *ERL*, vol. 144; Teresa of Avila (Theresa de Cepeda, d. 1582), *The Life of the Mother Teresa of Jesus* (1611), in *ERL*, vol. 212; Teresa of Avila, *The Flaming Heart or the Life of the glorious S. Teresa. . . written by the saint herself*, trans. Tobie Mathew (Antwerp: Johannes Meuroius, 1642); Raymond of Capua's (d. 1399), *The Life of Saint Catherine of Siena* (1609), in *ERL*, vol. 373; John Falconer, *The Life of S. Catherine* (1634), in *ERL*, vol. 141; Rene Ceriziers, S.J. (d. 1622), *Innocence Acknowledged in Life and Death of St. Genovea, Countess Palatin of Trevers*, trans. John Tasborough (Gaunt: n.p., 1645); and Vincenzo Puccini, *The Life of Suor Maria Maddalena de Patsi* (1619), in *ERL*, vol. 33. Catherine of Sienna (d. 1380) was liked by Rome because she became a defender of the true (Hapsburg) pope against the Avignon (French) pope.

<sup>86</sup>Sister Joane, *The historie of the Blessed Virgin* (1625), in *ERL*, vol. 335; Alessio Segalia, *An Admirable Method to Love, Serve, and Honor the B. Virgin Mary* (1639), in *ERL*, vol. 178; Sabine Chambers, *The Garden of our B. Lady* (1619), in *ERL*, vol. 381; Henry Gamet, *Society of the Rosary, together with the Life of the Virgin Marie* (1624), in *ERL*, vol. 112; and Anonymous, *The Primer: or, Office of the Blessed Virgin Marie in Latin and English* (1599), in *ERL*, vol. 262.

the sixteenth-century Italian gentleman, Aloysius Gonzaga. He was described as so modest that he would not look at his own body, not even his toes.<sup>87</sup> When circumstances forced him to go out in public, he fixed his eyes on the ground so that he would not view women, for whom he had a "noted antipathy."<sup>88</sup> He spoke to his mother through a door half shut, so that he did not have to look at her. When he had to be in the same room with her, he had witnesses present.<sup>89</sup>

Similar beliefs were taught in the *Spiritual Exercises* of Ignatius Loyola. These were popular in the manorhouse type ministry promoted by the gentry. The Maryland clergy reported the *Spiritual Exercises* were also part of their ministry among the prominent Maryland migrants, including probably the governor, Leonard Calvert. The *Spiritual Exercises* in its guidelines for discernment compared the devil to a woman.<sup>90</sup> Leonard Calvert died at age 41 in 1647, never having married. As a younger son he apparently never was able to gain enough money to support a wife in the manner to which the gentry were accustomed. However, he did father several children on his visit to England in the mid-1640s.<sup>91</sup>

The gentry's dramatic literature as well as its monastic literature had a bias for the institution of celibacy. The Catholic dramatists William Davenant and Walter Montague were fashionable at court. Their patron Queen Henrietta Maria liked them because they stressed Platonic love as the heavenly ideal along with stoic self-discipline.<sup>92</sup> The heroine in Montague's *The Shepherds Paradise* (1632) was Fidamira, queen of the shepherdesses. She was vowed to chastity and was the symbol for Queen Henrietta Maria.<sup>93</sup> Fidamira remarked in one passage, "Sensual

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<sup>87</sup>Virgilio Cepari, *The Life of B. Aloysius Gonzaga* (1627), *ERL*, vol. 201, p. 34.

<sup>88</sup>*Ibid.*, p. 29.

<sup>89</sup>*Ibid.*

<sup>90</sup>Ignatius Loyola, *The Spiritual Exercises of St. Ignatius*, ed. Louis Puhl, S.J. (Chicago: Loyola University Press, 1951), p. 145, paragraph 325.

<sup>91</sup>"Ann Calvert Brook Brent" (1644-1700), "Career Files," box 28, lists Leonard Calvert as the father and Anne Brent as the mother.

<sup>92</sup>William Davenant, *The Temple of Love* (London: n.p., 1635); Kevin Sharpe, *Criticism and Complement: The Politics of Literature in the England of Charles I* (New York: Cambridge University Press, 1987), p. 244.

<sup>93</sup>Walter Montague, *The Shepherds' Paradise: A Comedy Privately Acted Before the Late King Charles by the Queen's Majesty and Ladies of Honor* (London: For John Starkey, 1659).

appetite does not suit with the divine image."<sup>94</sup>

Besides primogeniture and celibacy, a third aspect of the English landlord system which generated negative beliefs about the family and gender roles grew out of the ideal of living idle and without labor. In Roman law the intermarriage of the patrician order with the plebeian order, not to mention with slaves, was outlawed. Similar to the patrician woman, the goal of the English gentry woman was to marry "well," be obedient to her domestic role, and bear a male heir.<sup>95</sup> Political, economic, and other rights and duties were not a large part of the ideal. Among the arguments which the gentry literature offered for women's subordination was the biblical passage about eating the forbidden fruit in the garden of Eden and the special curse upon Eve for inducing her husband to sin.<sup>96</sup>

Some of the proprietor's promotional literature in seeking to attract women, pictured Maryland as a place where women could obtain the gentry ideal or at least the customary division of labor. John Hammond, for example, wrote in *Leah and Rachel* in 1655, "The women are not, as is reported, put into the ground to work, but occupy such domestic employments and housewifery as in England, that is dressing victuals, righting up the houses, milking, employed about dairies, washing, sewing. Yet," he said, "some wenches that are nasty, beastly, and not fit to be so employed are put into the ground."<sup>97</sup> As noted earlier, despite Hammond's statement, most women did field work, and to work at the hoe, in the gentry's view, meant one was nasty and beastly.

However, it was probably more than a coincidence that in Maryland, where women often worked equally with men, they also shared relatively equal rights. Lois Green Carr, Lorena Walsh, and James Henretta maintain that many of

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<sup>94</sup>*Ibid.*, p. 39; see also, Sharpe, *Criticism and Complement*, p. 43.

<sup>95</sup>Eva Cantarella, *Pandora's Daughters: The Role and Status of Women in Greek and Roman Antiquity*, trans. Maureen Fant (Baltimore: Johns Hopkins University Press, 1987), pp. 130-131, 150-151.

<sup>96</sup>T. E., *The Laws Resolutions of Women's Rights or the Laws Provision for women: a Methodical Collection of such statutes and customs with the Cases, Opinions, Arguments and points of learning in the Law, as do properly concern Women* (New York: Garland, [1632], 1978), p. 6. The independent Catholic dramatist, Philip Massinger in *The King and the Subject* (1636), a play which Charles I called "insolent" and banned, mocked the gentry's family ideal as an imitation of that of ancient Roman senators, whose "wives and daughters bowed to their wills as deities." See Doris Adler, *Philip Massinger* (Boston: Twayne Publishers, 1987), p. 115.

<sup>97</sup>Hammond, *Leah and Rachel*, vol. 3, p. 12.

the rights obtained by Maryland women were a recognition of their economic contribution.<sup>98</sup> In contrast to the Maryland pattern, English and Jamaican gentry women were less equally integrated into the economic system. Several scholars maintain that this lack of equal economic integration was associated with women gaining fewer rights and the family having less respect.<sup>99</sup> Jamaica's sugar agriculture was based on class divisions, gang labor, and large plantations, not on family production. The discrimination against women in England, as Vivien Brodsky notes, was also associated with their secondary role in the economic system.<sup>100</sup>

To sum up, the first half of the chapter has looked at the Catholics' views of the family and of gender roles. It was seen that the labor of women and of the family as a productive unit were basic to survival. Not unexpectedly, the Catholics manifested a positive view toward the family and gender roles in their assembly legislation, court cases, and local customs. The views of the English Catholic gentry concerning the family were contrasted with those of the Maryland Catholics. It was seen that the migrants' beliefs were not derivative from the gentry's views, but were more sympathetic to the family and equal gender roles.

#### Beliefs in Relation to Race

The second half of the chapter takes up the Catholics' beliefs in relation to race. The argument is that the Catholics were not generally racists, unlike the English Catholic gentry. Catholic Indians, Catholic Africans, and Catholic Europeans lived in relative harmony. As in the case of gender, their harmony was related to a unity of interests concerning labor, politics, religion, and the market.

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<sup>98</sup>Henretta, "Mentalité in Pre-Industrial America," pp. 3-32; Carr and Walsh, "Planter's Wife," p. 561.

<sup>99</sup>Trevor Burnard, "Inheritance and Independence: Women's Status in Early Colonial Jamaica," *WMQ*, 48 (1991), 112, 114; Salmon, *Women and the Law of Property*, pp. 3-5, 9, 156-157. Salmon holds that South Carolina and Jamaica followed England closely in limiting women's rights in property and contract law, such as conveyancing, dower, and the right to have a separate estate. New England and the Chesapeake were more expansive toward women's rights.

<sup>100</sup>Vivien Brodsky, "Widows in Late Elizabethan London: Remarriage, Economic Opportunity, and Family Orientations," *The World We Have Gained: Histories of Population and Social Structure*, ed. Lloyd Bonfield, et al (Oxford: Blackwell, 1986), p. 145. Brodsky's studies the wealthy widows of London craftsmen. T. E., *The Laws Resolutions of Women's Rights*, pp. 125, 141, describes the constitutional and other legal disabilities of married women.

The three nationalities were all laboring people. The rest of the chapter will compare the beliefs of the African and Indian Catholics with those of the Europeans and illustrate how these gave rise to racial harmony.

As in the first half of the chapter, the second is divided into several parts. Demography will be discussed before the beliefs are taken up. By 1642 there were several hundred Indian Catholics out of a total Maryland Indian population of between 5,000 and 7,000.<sup>101</sup> The total figure included about 1,665 Conoy (Piscataway, Yeocomico), 300 Patuxent, and 1,000 Accomac.<sup>102</sup> The Maryland Indians were part of the Algonquian language group, who had been cultivators, that is, farming people in the Chesapeake region since at least 800 A.D.<sup>103</sup> They traded their tobacco, corn, bean, pumpkin, and deer skin surplus for beaver pelts and other products throughout northeast America with tribes such as the Iroquois-speaking Susquehannock, as well as with tribes to the west and south.

In addition to the Catholic Indians, there were perhaps 10 Catholic Africans in Maryland during the Civil War period. Some and perhaps all were Portuguese-Congo freemen. At least the one African whose origin is known for certain, Mathew de Sousa, was a Portuguese-Congo mulatto (mestiço) yeomen. The others had names that seem to have been Portuguese, not African or English: John Baptista, Francisco, and Antonio (Tony).<sup>104</sup> Sousa, who come to Maryland

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<sup>101</sup>James Axtell, "White Legend: The Jesuit Mission in Maryland," *MHM*, 81 (1986), 5; Frederick Fausz, "Merging and Emerging Worlds, Anglo-Indian Interest Groups and their Development in the Seventeenth-Century Chesapeake," *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip Morgan, and Jean Russo (Chapel Hill, N.C.: University of North Carolina Press, 1989), p. 69; Christian Feest, "Nanticoke and Neighboring Tribes," *Handbook of North American Indians, Northeast*, ed. William Sturtevant and Bruce Trigger (Washington, D.C.: Smithsonian Institution, 1978), vol. 15, p. 242. Raphael Semmes, "Aboriginal Maryland, 1608-1689," *MHM*, 24 (1929), 195-209.

<sup>102</sup>"Annual Letters of the English Province of the Society of Jesus" (1642) in Hall, *Narratives*, p. 136, stated that there were 130 Patuxent Catholics. "Conoy" was the Iroquoian language name for the Indian tribes of southern Maryland. Algonquian dialects were spoken from the Gulf of St. Lawrence to the Pamlico River in present-day North Carolina by tribes such as the Eastern and Western Abnaki (also known as Penobscot), Micmac, Massachusetts (also known as Natick), Narragansett, Mohegan-Pequot-Montauk, Connecticut-Unguachog-Shinnecock, Loup, Mahican, Delaware, Powhatan (also known as Chickahominy) and Carolina. See Ives Goddard, *Delaware Verbal Morphology: A Description and Comparative Study* (New York: Garland Publishers, 1979), p. 2.

<sup>103</sup>Fausz, "Present at the `Creation,'" p. 13. The ancestors of the Algonquian had migrated to North America from Asia at least 12,000 years ago.

<sup>104</sup>John Baptista was said to be a moor of Barbara. See *Md. Arch.*, vol. 41, p. 499;

in 1633, in petitioning for naturalization in 1671 mentioned his home country was Portugal. He may have been related to Pedro de Sousa, who was the Congo ambassador to Portugal under King Afonso I (ruled 1506-1543).<sup>105</sup>

It will be seen in comparing the African and Indian Catholics with the Europeans, that they dealt with each other as equals. Adrian van Oss in his study of the sixteenth-century Catholic Indians of Guatemala makes several observations that are relevant to Maryland.<sup>106</sup> Oss finds that the highland Guatemalan Indians like the Maryland Indians were not a conquered people who were forced to adopt Catholicism as part of being subjected to a foreign ruler. Unlike in some parts of Mexico and Peru, the Guatemalans did not have enough wealth to make them a target of conquest. They retained their traditional political, economic, and religious structure. Between the traditional Quiché religion of Guatemala and Catholicism, just as between the Conoy religion and Catholicism there was a continuity, which explains why there was little resistance to Catholic missionaries. For example, in Guatemala the cult of Catholic saints were paired with the the Quiché pantheon. The traditional Quiché religious leaders became sacristans, acolytes, and catechists in the Catholic church. Oss remarks, "Roman Catholicism was a syncretic religion before it even reached America's shores --one of the reasons it was difficult to explain or understand `correctly'--and it should have surprised no one that the highland Guatemalan church rapidly acquired its own character."<sup>107</sup>

The Maryland Indians like those in Guatemala had their own political, economic, and religious reasons for helping promote the settlement at St. Mary's and for converting to Catholicism. As James Merrell remarks, when the Maryland Indians such as the Piscataway made accommodations with the English, it was on

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Hughes, *Society of Jesus*, text, vol. 1, p. 281.

<sup>105</sup>John Thornton, "The Development of an African Catholic Church in the Kingdom of the Kongo, 1491-1750," *Journal of African History*, 25 (1984), 148. Besides Pedro, many other African Sousas were prominent in the Congo. See John Thornton, *The Kingdom of Kongo: Civil War and Transition, 1641-1718* (Madison: University of Wisconsin Press, 1983), pp. 55, 90; Anne Wilson, "The Kongo Kingdom to the Mid-Seventeenth Century," unpublished Ph.D. dissertation, University of London School of Oriental and African Studies, 1977, p. 160.

<sup>106</sup>Adrian van Oss, *Catholic Colonialism: A Parish History of Guatemala: 1524-1821* (New York: Cambridge University Press, 1986), p. 21.

<sup>107</sup>*Ibid.*

their own terms in their own time.<sup>108</sup>

In comparing the three nationalities it also needs to be mentioned that the Catholic Africans in Maryland were for the most part not a conquered people. They were Portuguese-Congo yeomen, who were fifth-generation Catholics. The African kingdom of Congo, which was located in what is now Angola, had been officially Catholic since King Nzinga Nkuwu had himself baptized under the name João in 1491.<sup>109</sup> With their capital at São Salvador, the Catholic Congolese had a fairly extensive system of parishes, schools, pamphlets in their own kikongo (Bantu) language, and a fluency in Portuguese among those who were merchants.<sup>110</sup> According to John Thornton the Congolese were proud of their Catholic heritage, "which they believed made them a distinctive people."<sup>111</sup>

Traditional studies of Congolese Catholicism maintain that it served only the interests of the Europeans, that is, it was a light syncretism confined to a westernized strata at court, or that it was a façade to enhance the Congo's diplomatic relations to Europe, or that its strength was proportional to the number of European clergy in the country, which in certain periods was not great. Thornton disputes the accuracy of these conclusions. Since the Congo converted to Catholicism of its own free will, "the shape and structure of the church and its doctrines were determined as much by the Congolese as by Europeans. Because Congo controlled the church, attempts to use the church for political leverage by outsiders were not successful, although the Portuguese tried regularly to do so."<sup>112</sup>

The Congo government maintained control over foreign clerical interference by favoring native secular clergy for church offices and by cutting off

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<sup>108</sup>James Merrell, "Cultural Continuity Among the Piscataway," *WMQ*, 36 (1979), 548-570.

<sup>109</sup>Thornton, "The Development of an African Catholic Church," pp. 147-149; Anne Hilton, *The Kingdom of Kongo* (Oxford: Clarendon Press, 1985), pp. 79-83, 205, 217, discusses Congo literacy. See also, John Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1680* (New York: Cambridge University Press, 1992), p. 53.

<sup>110</sup>François Bontinck and D. Ndembe Nsasi, *Le Catéchisme Kikongo de 1624: Réédition critique* (Brussels: Academie royale des Sciences d'outre-mer, [1624, 1650] 1978), pp. 5, 17-23.

<sup>111</sup>John Thornton, "African Dimensions of the Stono Rebellion," *AHR*, 96 (Oct. 1991), 1103.

<sup>112</sup>Thornton, "The Development of the African Catholic Church," p. 148.

the income of the foreign clergy when necessary. For example King Diogo I (ruled 1545-1561) allowed the Jesuit clergy to minister in the Congo starting in the 1540s. The Jesuits as in Maryland came desiring that the entire religious life of the country would be put in their hands.<sup>113</sup> Diogo, while respecting them, favored the Catholics' control of the church and the Congo clergy. The Congo Catholics abused the Jesuits and refused to obey both them and the bishop of São Tomé who supposedly had jurisdiction over them. When the Jesuits continued to interfere they had their tithe income cut off by the government in the early 1550s. This resulted in 1555 in their withdrawing from the country until 1619.<sup>114</sup>

In Maryland as in the Congo, Catholicism was "inclusive" as opposed to exclusive. All aspects of the traditional Indian or African culture not directly contrary to fundamental doctrine was considered acceptable.<sup>115</sup> The Jesuit missionary Mateus Cordoso wrote in 1624 that "the Congo knew of the existence of the true God but had not had the opportunity to know, prior to their contact with Europe, of Jesus Christ."<sup>116</sup> As will be seen the same was said by Andrew

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<sup>113</sup>*Ibid.*, p. 149.

<sup>114</sup>*Ibid.*, pp. 161-162, 164. King Afonso I (ruled 1506-1543) had instituted the tithe in the 1510s. The government collected the tithe and paid the clergy from it. Similarly the Congo King Alvaro III (1614-1622) cut off the income of the Portuguese-appointed bishop of São Salvador, Manuel Bautista in 1619 and King Garcia II (ruled 1641-1661) cut off the Capuchin clergy in the mid-1650s. See *ibid.*, p. 150. Because they had no income Manuel Bautista was forced to go back to Portugal and the Capuchins to adjust themselves to being ruled by the local church. John Thornton writes of Manuel Bautista, "Whenever Bp. Manuel Bautista excommunicated the king, which was often, the king would reply with this local 'excommunication' in which the bishop would get no income, no wood, food or water until he was forced to give in. In fact Manuel Bautista received no income at all for his entire turbulent stay." See *ibid.*, p. 162.

The traditional studies are accurate in stating that the Congo used Catholicism for diplomatic leverage in Europe, but that made them no less Catholic than the Europeans who used it for leverage. An illustration of where Catholicism was used against rather than for Portuguese political purposes occurred in 1622. The Congo secured the papal denunciation of the Portuguese invasion of southern Congo. See *ibid.*, p. 155. The traditional studies are also accurate in stating that Congo Catholicism was syncretic, but the European clergy who ministered in Congo and their superiors in Rome both accepted it as orthodox. Because Catholicism was part of the indigenous religion, the cult can be documented to the present day. Its apparent disappearance in the nineteenth century was caused, in Thornton's view, by "a changing definition among European clergy (including Rome) as to what constituted Christianity, coupled with more chauvinistic attitudes toward non-western (and especially colonial) peoples that arose after 1850." See *ibid.*, p. 148.

<sup>115</sup>*Ibid.*, p. 152.

<sup>116</sup>Antonio Brasio (ed.), *História de Reino de Congo: ms. 8080 da Biblioteca Nacional*

White, S.J. about the Maryland Indians. Maryland Catholic cosmological doctrine like Congo Catholic cosmological doctrine involved only a simple declaration of faith, such as might be found in the Apostle's Creed, in which one confessed belief in the existence of a single God, God's relationship to Jesus Christ, and belief in the mission and resurrection of Jesus.<sup>117</sup>

The inclusive approach contrasted with the exclusive, which was applied in Mexico, Peru, Virginia in the 1610s and 1620s, and perhaps in the New England Congregational Indian ministry of John Eliot (1604-1690).<sup>118</sup> In the exclusive approach, an effort was made for example to ensure that there was no identification between Indian cosmology and the Christian cosmology. This

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*de Lisboa* (Lisbon: Centro de Estudos Historicos Ultramarinos, [1624], 1969), p. 20; Thornton, "The Development of the African Catholic Church," p. 152.

<sup>117</sup>Bontinck and Nsasi, *Le Catéchisme Kikongo de 1624*, pp. 5-6.

<sup>118</sup>John Parker, "Religion and the Virginia Colony, 1609-1610," *The Westward Enterprise: English Activities in Ireland, the Atlantic and America, 1480-1650*, ed. K. R. Andrews, N. P. Canny and P. E. Hair (Liverpool: Liverpool University Press, 1978), pp. 245-270; J. Frederick Fausz, "The Invasion of Virginia: Indians, Colonialism, and the Conquest of Cant-a Review Essay on Anglo-Indian Relations in the Chesapeake," *VMHB*, 95 (1987), 133-156; Fausz, "The Powhatan Uprising of 1622: A Historical Study of Ethnocentrism and Cultural Conflict," unpublished Ph.D. dissertation, College of William and Mary, 1977, pp. 228-250; Fausz, "Patterns of Anglo-Indian Aggression and Accommodation Along the Mid-Atlantic Coast, 1584-1634," *Cultures in Contact: The Impact of European Contacts on Native American Cultural Institutions, A.D. 1000-1800*, ed. William Fitzhugh, (Washington, D.C.: Smithsonian Institution, 1985), pp. 225-268; Fausz, "Opechancanough: Indian Resistance Leader," *Struggle and Survival in Colonial America*, ed. David Sweet and Gary Nash (Berkeley: University of California Press, 1981), pp. 21-37; Kenneth M. Morrison, *The Embattled Northeast: The Elusive Ideal of Alliance in Abenaki-Euroamerican Relations* (Berkeley: University of California Press, 1984); Karen Kupperman, *Settling with the Indians: The Meeting of English and Indian Cultures in America, 1580-1640* (Totowa, N.J.: Rowman and Littlefield, 1980).

J. Frederick Fausz, "Merging and Emerging Worlds," pp. 50-51, writes that the Europeans' missionary policy of forced conversion in Virginia was directed by the Virginia Company in London. The First Anglo-Powhatan War (1609-1614), for example, involved taking the Indians' land and produce, eliminating their religious leadership, and imposing an Anglicanism that would apologize for the new order. The forced conversion policy did not originate with the laboring Europeans in Virginia. Neal Salisbury, "Prospero," *Papers of the Sixth Algonquian Conference, 1974*, ed. William Cowan (Ottawa: National Museum of Canada, 1975), p. 260, writes of the New England ministry:

John Eliot demanded that the Indians totally renounce not only their own pasts. . . but their entire ethnic and cultural heritage. . . His method, then, was to attempt to break down the converts' personalities and mold them according to his simplistic but rigid ideals. [His purpose] was to exercise personal domination over them, creating as complete a dependency relationship as possible.

required that key cosmological words be rendered in Spanish or English.<sup>119</sup> In the Congo and in Guatemala as in Maryland the key cosmological terms such as God, holy, and spirit were rendered in the traditional Kikongo, Quiché, and Algonquian terms.<sup>120</sup>

In terms of cosmology, the Maryland missionaries came with the same spirit of concession and willingness to syncretize as occurred in the sixth-century mission to Europe or the sixteenth-century mission to China and India. There was a mixing of cosmologies and an adaptation to the local conception of religion. In China and India this meant a blend of Catholicism and Confucianism (the China rites) or Catholicism and Hinduism (the Malabar rites), which was comfortable to many Chinese and Indians.<sup>121</sup>

The Maryland Catholic Indians, Africans, and Europeans had similar cosmological beliefs and perhaps not unrelated to this, they had similar beliefs

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<sup>119</sup>Robert Ricard, *The Spiritual Conquest of Mexico* (Berkeley and Los Angeles: University of California Press, 1966), pp. 55-60, discusses, among others, Francis Xavier, S.J. in Japan. Xavier used only the Portuguese word for God, *Deos*, because he wished to avoid equivocal expression in use among the Japanese sects. According to Ricard, the sixteenth-century Mexican hierarchy and gentry attempted to outlaw the translation of the bible into Nahuatl. Just as the gentry in Portugal and Spain feared that the laboring people would learn "Protestant" doctrines from vernacular translations of scripture, so it was feared the Indians would find Protestant doctrines if permitted to read scripture. John Ingham, *Mary, Michael, and Lucifer: Folk Catholicism in Central Mexico* (Austin: University of Texas Press, 1986), pp. 9-10, disputes those who maintain that Catholicism, at least in central Mexico, was simply the religion of the conquerors. He finds that the laboring Nahuatl Indians used Catholicism and the conquest to drive a wedge between themselves and their enemies, the Indian nobility:

One noteworthy feature of this (Nahuatl) syncretism was the identification of the supernatural patrons of the indigenous elite with the forces of evil, and the supernatural advocates of commoners with adamic and Holy figures in the Christian pantheon. Thus religious syncretism in the sixteenth century implied moral criticism of secular wealth and power and expressed the aspirations of the common people.

<sup>120</sup>Thornton, "The Development of the African Catholic Church," p. 152. What Thornton, *Ibid.*, p. 153, says of the differences between the inclusive and exclusive Catholicisms applies equally to Maryland:

In Kongo the missionaries came to a country as the invited guests of a powerful and unconquered king. It behooved them to make their religion as acceptable to him as possible, while in Mexico and Peru the Spanish brought in their religion as conquerors. The acceptance of Christianity by the American population constituted an act of submission to the conquerors, and a barrier to their participation in the new state of post-conquest America.

<sup>121</sup>François Bontinck, *La Lutte autour de la liturgie chinoise aux XVIIe et XVIIIe siècles* (Louvain: Nauwelaerts, 1962), pp. 27-66.

about labor, politics, the role of the clergy, and about the market. Gary Nash and T. H. Breen have shown that the Indians and Africans as well as the Europeans often shared or assimilated each others political, economic, and religious achievements.<sup>122</sup> This was the result not of conquest, but, it is argued here, because each nationality were laboring people. In discussing the beliefs of the English Catholics in Maryland it was seen that they valued labor. This was also a characteristic of the Indian and African Catholics. What the French Jesuit missionary Jean de Brébeuf said about the Hurons' respect for the best laborers, rather than for birth or wealth, applied with similar force to most Conoy, "All the fine qualities which might make you loved and respected in France are like pearls trampled under the feet of swine, or rather of mules, which utterly despise you when they see that you are not as good pack animals as they are."<sup>123</sup> The Conoy leaders, most of whom were Catholic, including the werowance (king), wisoos (councilors), and caweawaassough (advisors and, in time of war, captains), all supported themselves from their own labor. John Lewger and Jerome Hawley wrote in 1635, "The werowance himself plants corn, makes his own bow and

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<sup>122</sup>T. H. Breen, "Creative Adaptations: Peoples and Cultures," *Colonial British America: Essays in the New History of the Early Modern Era*, ed. Jack Greene and J. R. Pole (Baltimore: Johns Hopkins University Press, 1984), pp. 195, 197-198; Gary B. Nash, *Red, White, and Black* (Englewood Cliffs, N.J.: 1974), pp. 2-3.

<sup>123</sup>Vincent Lapomarda, S.J., "The Jesuit Missions of Colonial New England," *Essex Institute Historical Collections*, 126 (April 1990), 109; Reuben G. Thwaites (ed.), *The Jesuit Relations and Allied Documents* (73 vols., Cleveland: Burrows Brothers, Co., 1896-1901), vol. 13, p. 123; James T. Moore, *Indian and Jesuit: A Seventeenth-Century Encounter* (Chicago: Loyola University Press, 1982). The French Jesuit missionaries such as Paul LeJeune, S.J., "Hardships We Must be Ready to Endure when Wintering with the Savages," *An Autobiography of Martyrdom: Spiritual Writings of the Jesuits in New France*, ed. François Roustang, S.J. (St. Louis: B. Herder Co., 1964), p. 45, quoting Thwaites, *Jesuit Relations and Allied Documents*, vol. 7, pp. 34-64, chapter 12, reported on the miserable lives which they led among the Indians. They experienced cold, hunger, cramped conditions, sickness, smoke, poor water, and contempt from the Indians. But, as LeJeune described it in 1634, the Indians loved their lives. The men hunted, trapped, fished, built and repaired their lodgings; the women cooked, took care of the children, cured beaver and other pelts, and made clothing. They lived a cooperative existence with a shared morality. It was LeJeune who was miserable. He chose not to labor with the men, and was not allowed to play a religious role, since the people had their own religious leader with whom they were satisfied. The misery was in not being able to labor either as hunter or as pastor. One of the Algonquians, who learned French, was baptized, and studied in Europe, was called a "poor miserable renegade" and "apostate" by LeJeune because he returned to live with his people. LeJeune, *ibid.*, p. 63, could not accept that the Algonquian preferred labor and the nomadic life of his relatives and friends to the life he had led in Europe.

arrows, his canoe, his mantle, shoes, and whatever else belongs unto him, as any other common Indian."<sup>124</sup> Similarly the Conoy "queen" did the normal labor of a woman, which included field work, preparing meals, dressing meat, baking bread, and weaving baskets and mats from rushes. The mats were used as beds and to cover the houses.<sup>125</sup> The Conoy took nothing for free, as Andrew White, S.J. put it, "You can do them no favor, but they will return it."<sup>126</sup>

The work life of the Conoy and Africans was similar to that of the European migrants described in Chapter 2. The Portuguese-Congo yeomen in Maryland like the English came from class divided societies, in which the gentry promoted negative views of labor. Both Portugal and the Congo had a ruling class which employed slave labor and engaged in international credit-based market relations.<sup>127</sup> Whatever the class background of Sousa and the other Africans, they

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<sup>124</sup>John Lewger and Jerome Hawley, *A Relation of Maryland* (1635) in Hall, *Narratives*, p. 84.

<sup>125</sup>*Ibid.*, p. 85; "Annual Letters of the English Province of the Society of Jesus" (1639), in Hall, *Narratives*, p. 125.

<sup>126</sup>Andrew White, S.J., *A Brief Relation of the Voyage unto Maryland* (1634), in Hall, *Narratives*, p. 44.

<sup>127</sup>Thornton, *Kingdom of Kongo*, pp. 18, 22, 24, 41, 70, 85; J. F. Ajayi and Michael Crowder (eds.), *History of West Africa* (2nd ed., London: Longman, 1976); John Blake, *West Africa: Quest for God and Gold, 1454-1578: A Survey of the First Century of White Enterprise in West Africa, with particular Reference to the Achievement of the Portuguese and their Rivalries with other European Powers* (Totowa, N.J.: Rowman and Littlefield, 1977); Gomes Eanes de Zurara (1410-1473), *The Chronicle of Discovery and Conquest of Guinea written by Gomes Eanes de Azurara: Now First Done into English by Charles Raymond Beagley* (2 vols., London: 1899); J. D. Fage, "African Societies and the Atlantic Slave Trade," *PP*, no. 125 (Nov. 1989), 110; Roy Arthur Glasgow, *Nzinga: resistencia africana a investida do colonialismo portugues en Angola, 1582-1663* (Sao Paulo, Brazil: Editora Perspectiva, 1982); Beatrix Heintze, "Luso-African Feudalism in Angola? The Vassal Treaties of the Sixteenth to Eighteenth Centuries," *Revista Portuguesa de Historia*, 18 (1980), 111-131; Anthony G. Hopkins, *An Economic History of West Africa* (London: Longman, 1973); Robin Law, *The Slave Coast of West Africa, 1550-1750: The Impact of the Atlantic Slave Trade on an African Society* (Oxford: Clarendon Press, 1991); Wyatt MacGaffey, "The Economic and Social Dimensions of Kongo Slavery (Zaire)," *Slavery in Africa: Historical and Anthropological Perspectives*, ed. Suzanne Meiers and Igor Kopytoff (Madison: University of Wisconsin Press, 1977); Wyatt MacGaffey, *Custom and Government in the Lower Congo* (Berkeley, Calif.: University of California Press, 1970); Patrick Manning, *Slavery and African Life: Occidental, Oriental, and African Slave Trades* (New York: Cambridge University Press, 1990); Phyllis Martin, *The External Trade of the Loango Coast, 1576-1870: The Effects of Changing Commercial Relations on the Vili Kingdom of Loango* (Oxford: Clarendon Press, 1972); Joseph Miller, *Kings and Kinsmen: Early Mbundu States in Angola* (Oxford: Clarendon Press, 1976).

Like the European gentry, the Congo *kitome* (gentry) taught that God put the ability to

lived off their own labor in Maryland. Sousa was a boatman, Indian trader, and planter.<sup>128</sup> Conoy youth were sometimes apprenticed to Catholic planters, such as Luke Gardiner.<sup>129</sup> Some worked as wage laborers and artisans among the Europeans, just as some Europeans lived and worked in the Indian villages.<sup>130</sup> For the most part, however, the Conoy were and had been prior to the European arrival, sedentary agrarians, which did not exclude them from foraging like the Europeans for berries, fruits such as persimmon, and nuts such as hickory, walnuts, chestnuts, chinquapin, and beech. Both Europeans and Indians also foraged for fiber for cordage, for roots and plants such as arrow drum and its tuckahoe root and for wild greens in the meadows.<sup>131</sup> They raised their crops, assimilated iron technology, and sold their surplus, not unlike the European owner-operators. Between 1632 and 1638 the Indian village on Kent Island sold to their London trading partners some 2,843 bushels of maize worth £568 at 4s per bushel, 6,348 pounds of tobacco worth £106 at 4d per pound, and 7,488 pounds of beaver pelts worth £4,493 at 12s per pound.<sup>132</sup> Because of the warmer climate, the Maryland beaver pelts were not of high quality. It was the Susquehannocks to the North and their Iroquois trading partners on the Great

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rule in their blood, which they passed to their descendants. Along with rule went ownership of land, the appropriation of agricultural and manufacturing surplus, and a contempt for labor. The Congo king, Garcia II and his fellow Catholic magnates in the 1640s traded slaves (including Catholics) for luxury goods with the Dutch governor and merchants in Brazil. See Georges Balandier, *Daily Life in the Kingdom of the Kongo from the Sixteenth to the Eighteenth Centuries* (New York: World Publishing Co., 1968), p. 181; Hilton, *Kingdom of the Kongo*, pp. 25, 122-123, 270; Garcia II, "Letter to Dutch Governor in Brazil, Brunte" (Feb. 23, 1643), *Monumenta Missionaria Africana: Africa Occidental* ed. Antonio Brásio (15 vols., Lisbon: Agencia General do Ultramar, 1952-1988), IX, 14.

<sup>128</sup>Fausz, "Present at the `Creation," p. 16.

<sup>129</sup>"Court Business" (Jan. 8, 1650), *Md. Arch.*, vol. 10, p. 52.

<sup>130</sup>The practice of European servants running away from their masters was frequent enough that the landlords in the Maryland assembly in 1639 unsuccessfully proposed an act to make it unlawful for Europeans to reside with Indians who were not "christened." The masters believed that christened Indians would be unwilling to allow runaways to live with them. See "Proposed Act for Authority of Justice of the Peace" (Mar. 19, 1639), *Md. Arch.*, vol. 1, p. 53.

<sup>131</sup>Rountree, *Pocahontas's People*, p. 5.

<sup>132</sup>Fausz, "Present at the `Creation," p. 13; Frederick Fausz, "'To Draw Thither the Trade of Beavers': The Strategic Significance of the English Fur Trade in the Chesapeake, 1620-1660," *"Le Castor Fair Tout": Selected Papers of the Fifth North American Fur Trade Conference, 1985*, ed. Bruce Trigger, Toby Morantz, and Louise Dechene (Montreal: Lake St. Louis Historical Society, 1987), pp. 42-71.

Lakes who excelled in this. But the Conoy learned to cure deer skins which they traded to the Europeans.<sup>133</sup>

Because there was a division of labor with the Conoy men doing most of the hunting and fishing and the women doing much of the agricultural work, Europeans often assumed the men were lazy and did not have positive views about labor. But as Helen Rountree notes, "the men had their hands full being hunters and fishers; yet the English persisted for centuries in viewing them as lazy."<sup>134</sup> Besides white-tailed deer, which were hunted by individual men year-round and by whole villages in communal hunts in the late fall, they also trapped raccoons, opossums, muskrats, wild turkeys, and brown bears.<sup>135</sup> At night they hunted with fire in a canoe to attract fish.<sup>136</sup> The Conoy were a riverine people and the construction of weirs for fishing and of dugout canoes was a big job.<sup>137</sup>

An aspect of the Conoy's belief in labor can be seen in their theory of land ownership. This theory was based on labor (usufruct), not on land speculation or profit from buying and selling land.<sup>138</sup> Deserted fields could be used by anyone who wanted to use them. As one authority puts it, "Indian title was originally one of aboriginal use and occupancy."<sup>139</sup> The Indian system of holding land collectively was not unlike the institution of common land among the English laboring people.<sup>140</sup> John Lewger and Jerome Hawley stated in 1635 that the

<sup>133</sup>Fausz, "Merging and Emerging Worlds," p. 70. See also, Helen Rountree (ed.), *Powhatan Foreign Relations, 1500-1722* (Charlottesville: University of Virginia Press, 1993).

<sup>134</sup>Rountree, *Pocahontas's People*, p. 5.

<sup>135</sup>*Ibid.*; Charles Hudson, "Why the Southeastern Indians Slaughtered Deer," *Indians, Animals, and the Fur Trades: A Criticism of Keepers of the Game*, ed. Shephard Krech (Athens: University of Georgia Press, 1981), pp. 155-176.

<sup>136</sup>Rountree, *Pocahontas's People*, p. 145.

<sup>137</sup>*Ibid.*, p. 131; Accomac County, "Wills, Deeds, and Orders, 1678-1682," p. 284, describes Robert Atkinson, an Indian, who owned a weir.

<sup>138</sup>Rountree, *Pocahontas's People*, p. 6.

<sup>139</sup>Kirke Kickingbird and Karen Ducheneaux, *One Hundred Million Acres* (New York: Macmillan, 1973), p. 1; Harold Fey and D'Arcy McNickle, *Indians and Other Americans: Two Ways of Life Meet* (rev. ed., New York: Harper and Row, 1970), p. 27, write that each nation knew their territorial bounds but nothing required that land be divided up and parceled out under a system of land titles. Tribal leaders and the people themselves negotiated rights of occupation and use.

<sup>140</sup>Thomas E. Scrutton, *Commons and Common Fields or, The History and Policy of the Laws Relating to Commons and Enclosures in England* (New York: Burt Franklin, [1887], 1970), pp. 18-23, discusses the history of the thousand year custom among the English laboring people in

Conoy "show no great desire of heaping wealth. If they were Christians and would live so free from covetousness, and many other vices which abound in Christendom, they would be a brave people."<sup>141</sup> The Conoy had no objection to wealth but, as Andrew White, S.J. observed, they found collective rather than individual wealth to be in their interests.<sup>142</sup> Wealth such as tobacco and corn was held in common warehouses and storage pits.

A second of the European Catholics' beliefs was that politics should serve their needs. This similarly characterized Conoy-Catholic thinking. The Conoy promoted the European settlement at St. Mary's because they perceived it to be in their political interest. In the first part of the seventeenth century the Conoy had been under encroachment from the Powhatans and Europeans in Virginia to the southwest and from the Iroquois-speaking Susquehannocks who lived at the head of the Delmarva Peninsula in present-day Pennsylvania and Delaware.<sup>143</sup> For the Powhatans warfare had been endemic prior to the European arrival.<sup>144</sup> They had an empire until 1646 to which most of the Algonquian villages in Eastern Virginia were forced to pay an annual tribute.<sup>145</sup> The Powhatan emperor in the 1610s, whose name happened to be Powhatan, appointed his brothers and sons to rule the subject tribes. He had slaves or servants, as well as whole villages that raised food for him and his 100 wives. A few groups such as the Chickahominies persisted in governing by a council of elders and the Conoy maintained their independence, but were subjected to Powhatan raids. The European Virginians had likewise made war against the Maryland Piscataways and Natotchtanks in 1624 and

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protecting the institution of common land from landlord aggression. It was to prevent aggression of land speculators that the Conoy eventually took out patents on their land and employed the European legal system. See Rountree, *Pocahontas's People*, pp. 134-136.

<sup>141</sup>Lewger and Hawley, *Relation of Maryland*, p. 90.

<sup>142</sup>White, *Brief Relation*, p. 41.

<sup>143</sup>Floyd Lounsbury, "Iroquoian Languages," *Handbook of North American Indians, Northeast*, ed. William Sturtevant and Bruce Trigger (Washington, D.C.: Smithsonian Institution, 1978), vol. 15, pp. 335-336.

<sup>144</sup>Rountree, *Pocahontas's People*, pp. 10-11, 40. The Powhatans may have established their empire in the 1580s because they were under pressure from the Siouan-speaking Monacans and Pocoughtaonacks in Western Virginia and the marauding Iroquoians to the north.

<sup>145</sup>*Ibid.*, p. 13; Stephen R. Potter, "European Effects on Virginia Algonquian Exchange and Tribute Systems in the Seventeenth Century: An Example from the Tidewater Potomac," *Powhatan's Mantle: Indians in the Colonial Southwest*, ed. Peter Wood, Gregory Waselkov and Thomas Hatley (Lincoln: University of Nebraska Press, 1989), pp. 151-172.

William Claiborne, the Virginia land speculator, had made an alliance with their Susquehannock enemies in the late 1620s. He led a party that leveled an Indian town at Cantanuck on the north side of the York River in March 1629 and then patented the town for himself in 1640.<sup>146</sup> The Susquehannock were in turn allied to the Iroquois and Hurons in the Great Lakes and to New Sweden on the Delaware Bay between 1638 and 1655.<sup>147</sup> Conoy women and children were sometimes kidnapped and their goods were stolen by Susquehannock raiding parties.<sup>148</sup> In addition to the outside encroachments, the Conoy had been reduced in number in the century prior to the European arrival because of disease.<sup>149</sup>

The alliance with the Europeans and European arms helped the Conoy even the balance between themselves and the Virginians and the Susquehannock. The proprietor was generally willing to wage war against the Susquehannock in defense of Maryland.<sup>150</sup> The Maryland assembly, which had to pay for the wars and do the fighting was less enthusiastic for war.<sup>151</sup> Nevertheless, the assembly when attacked did fight back in a limited way, as in 1642.<sup>152</sup> This was an advantage to the Conoy, as the Europeans served as a buffer between them and the Virginians and Susquehannocks.

The Conoy who had been living at what became St. Mary's in 1634 were called the Yeocomicos, after the Algonquian name for the river on which they lived. Some continued to live there with the English but most moved across the

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<sup>146</sup>Fausz, "Merging and Emerging Worlds," pp. 57, 59; Rountree, *Pocahontas's People*, p. 81; H. R. McIlwaine (comp.), *Minutes of the Council and General Court of Virginia, 1622-1632, 1670-1676* (2nd ed., Richmond, Va.: State Library, [1924], 1979), p. 482.

<sup>147</sup>Francis Jennings, "Indians and Frontiers in Seventeenth-Century Maryland," *Early Maryland in a Wider World*, ed. David Quinn (Detroit: Wayne State University Press, 1982), pp. 220-222.

<sup>148</sup>Axtell, "White Legend: The Jesuit Mission in Maryland," p. 2.

<sup>149</sup>Rountree, *Pocahontas's People*, p. 5.

<sup>150</sup>Cecil Calvert, "Commission to Make War against northern Indians" (June 11, 1639), *Md. Arch.*, vol. 3, pp. 87-88; Leonard Calvert, "Proclamation to Kill Susquehannock and Wkomases" (Jan. 26, 1642), *ibid.*, vol. 3, p. 129; Fausz, "Merging and Emerging Worlds," pp. 65, 69; Feest, "Nanticoke and Neighboring Tribes," p. 240.

<sup>151</sup>"Act for an Expedition against the Indians" (Sept. 13, 1642), *Md. Arch.*, vol. 1, pp. 196-198.

<sup>152</sup>"Court Proceedings against Giles Brent" (Oct. 10 and 17, Dec. 1 and 3, 1642), *Md. Arch.*, vol. 4, pp. 126, 128-134, 155-156, 159-161.

nearby Potomac River to live with their relatives there.<sup>153</sup> This move had been decided upon prior to the English arrival in Maryland. In exchange for being allowed to settle at St. Mary's, the Europeans made payment to the Conoy in the form of trade goods.<sup>154</sup>

Acknowledgement that the Conoy Catholics believed politics should serve their interests does not deny that the Europeans, especially the proprietor and crown, sought to use Catholicism more to serve their own political interests than the interests of the Conoy. The crown wanted to undermine Conoy sovereignty as part of a larger colonial relationship between Europe and North America. Andrew White, S.J. reflected the proprietor's wish to use Catholicism to pacify and keep the Indians obedient:

We came to teach divine doctrine whereby to lead the Indians to heaven, and to enrich them with such ornaments of civil life as our community abounds withall, not doubting but this emperor being satisfied, the other kings would be more peaceable.<sup>155</sup>

Despite the wishes of the proprietor and crown, the Conoy followed their own independent course. Their Catholicism was not characterized by servility. They had their own Indian government system and leaders. Later in the century the proprietor sought to gain a veto over the election of the Conoy's top leader, but this was never given.<sup>156</sup> Typical of their independence was an alliance of friendship in 1644 with the Susquehannock who were then at war with the Maryland Europeans. The Conoy felt the migrants had not been adequately serving as a buffer.<sup>157</sup> In the Civil War period the threat to the Conoy sovereignty

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<sup>153</sup>The Conoy who had lived on the Yeocomico River joined the Onawmanients, who were known to the English as the Machodoc in the mid-seventeenth century. The name Machodoc resulted because the first English patents given by the Indians in their territory were taken on a creek of that name. By the 1660s the Machodocs were listed as the Appomatux and later as the Nanzaticos. See Rountree, *Pocahontas's People*, p. 122; Fausz, "Patterns of Anglo-Indian Aggression and Accommodation," pp. 225-226.

<sup>154</sup>Lewger and Hawley, *A Relation of Maryland, 1635*, in Hall, *Narratives*, pp. 73-74.

<sup>155</sup>White, *Brief Relation*, pp. 40-41.

<sup>156</sup>W. Stitt Robinson, "Conflicting Views on Landholding: Lord Baltimore and the Experiences of Colonial Maryland with Native Americans," *MHM*, 83 (1988), 92.

<sup>157</sup>Fausz, "Merging and Emerging Worlds," p. 78. John Lewger wished to keep the Conoy, that is, the Piscataways, from leaguings with the common enemy. See *Md. Arch.*, vol. 3, pp. 116-121, 148-151, *ibid.*, vol. 4, pp. 128-129, 136, 248; Plowden, *Description of New Albion in Force, Tracts*, vol. 2, no. 7, pp. 19, 24.

was mainly from the Susquehannock not from the crown. Both the crown and proprietor were on the defensive and in no position to undermine Conoy sovereignty.

The early relation between the Conoy and the Europeans was more positive than that between the Europeans and the Powhatans in Virginia. The difference in part was that the Maryland Europeans from the start planted corn and were self-sufficient in food production. The Virginians from their landing in 1607 until well into the 1630s were dependent on the Virginia company, the Dutch, and the Powhatans for food.<sup>158</sup> Helen Rountree remarks that the early Virginia gentlemen were "adverse to labor."<sup>159</sup> The first corn crop planted was in 1611, five years after settlement. It was put in by Indian captives, not by Europeans.<sup>160</sup> In 1618 the Europeans started planting tobacco because it brought a substantial financial return. But in emphasizing tobacco, the Virginians neglected to plant food crops. This resulted in frequent raids against their neighboring Powhatans to steal grain supplies, especially in years of poor harvest.<sup>161</sup>

A third of the Conoy beliefs that was similar to those of the Europeans was that religion should serve their interests. The Catholic Conoy wanted and used the services of the clergy. They respected the clergy's learning, spirituality, and songs. The presence of the clergy at their marriages, funerals, feasts, and dances added to the occasion.<sup>162</sup> They seem to have appreciated the clergy's baroque religious art: the silver and gold altar equipment, the vestments, liturgy, incense, and songs.<sup>163</sup>

Besides the Conoy who joined the Catholics because of the missionary work of the clergy within the Indian villages, others joined because they lived in

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<sup>158</sup>Rountree, *Pocahontas's People*, pp. 50, 81.

<sup>159</sup>*Ibid.*, pp. 34-35.

<sup>160</sup>*Ibid.*, p. 57.

<sup>161</sup>*Ibid.*, pp. 50, 54, 56.

<sup>162</sup>Lewger and Hawley, *Relation of Maryland*, p. 87; Axtell, "White Legend: The Jesuit Mission in Maryland," p. 3; "Annual Letters of the English Province of the Society of Jesus" (1640), in Hall, *Narratives*, pp. 131-132.

<sup>163</sup>Lapomarda, "The Jesuit Missions of Colonial New England," p. 104, discusses the similar attraction of the New England Indians to baroque art.

close proximity to or worked for Catholics. Some number of Conoy youth were indentured to European Catholic artisans and agrarians. Adult Conoy hired themselves as wage laborers to Catholics in order to earn enough to buy iron tools or European clothing. They learned English and it would have been natural for many of these to attend Catholic services and be baptized.<sup>164</sup>

It might be argued that the Conoy were seduced to Catholicism and took on a religion that was perpetually foreign to them.<sup>165</sup> If an exclusive Catholicism had been imposed as was attempted in Mexico and Quito (or as some Protestants attempted for their religion in New England and Virginia) then this argument would be more compelling.<sup>166</sup> But the Conoy took Catholicism on their own terms. When Andrew White, S.J. translated the Apostle's Creed into Eastern Algonquian it was the traditional Conoy nature force or god, *manet* in whom belief was expressed: *nauzamo manet* (I believe in God). The "Catholic church" was translated as *poqwatz-akkawan manet*, that is, *manet's house*.<sup>167</sup> In contrast, as noted earlier, the Spanish in Mexico attempted without success to make the Indians learn the Spanish religious vocabulary for essential words. Part of the conquest was the destruction of the Indian gods.<sup>168</sup>

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<sup>164</sup>Rountree, *Pocahontas's People*, pp. 67, 137, discusses the assimilation of the Virginia Indians to Anglicanism in the 1640s and 1650s.

<sup>165</sup>James Axtell, *The Invasion Within: The Contest of Cultures in Colonial North America* (New York: Oxford University Press, 1985), p. 113; Axtell, "White Legend: The Jesuit Mission in Maryland," p. 1; Henry Bowden, *American Indians and the Christian Mission: Studies in Cultural Conflict* (Chicago: University of Chicago Press, 1981).

<sup>166</sup>Thornton, "The Development of the African Catholic Church," p. 153; Ricard, *Spiritual Conquest of Mexico*, pp. 55-60.

<sup>167</sup>Andrew White's Algonquian translation of the Apostle's Creed, ten commandments, the "Hail Mary," and other prayers were written on the front cover of a 1616 sacramentary that came into the ownership of Henry Harrison, S.J. (1652-1700). The sacramentary is now at the Georgetown University archives. A linguistic discussion of the Algonquian prayers is contained in an unpublished (November 1974) paper by Ives Goddard in the Georgetown University archives. Nils G. Holmes, *John Companius' Lutheran Catechism in the Delaware Language* (Upsala: A. B. Lundequistska Bokhandeln, 1946), pp. 7, 32, discusses Algonquian cosmology. The Maryland clergy throughout the period like the Lutheran clergy in Delaware lacked an understanding of Algonquian grammar and possessed only a limited vocabulary. The language was complex and unrelated to European languages. This necessitated lengthy and awkward constructions. For example, the Europeans could not decline verbs, they used only the infinitive. The clergy's doctrinal teachings in Algonquian therefore would not have been understood in the normal Indian language. But there was a 40-year-old customary trade jargon or *lingua franca*. This was the language used by the clergy.

<sup>168</sup>Oss, *Catholic Colonialism*, pp. 126-127, 143, writes that the Spanish crown decreed

The clergy reported in 1639 that the Conoy beliefs were similar to those of the Catholics, "they acknowledge one God of heaven. . . They are readily swayed by reason, nor do they withhold their assent obstinately from the truth set forth in a credible manner."<sup>169</sup> The Conoy had a different language and so different names for the beliefs, but the substance was similar.<sup>170</sup> The crosses, pictures, rings, and rosaries distributed by the clergy supplemented and served the same purposes, such as protecting fields, crops, and health, as did the Conoy's traditional charms, herbs, stones, and other amulets and fetishes.<sup>171</sup>

The ten commandments which Andrew White translated into Algonquian and the catechism which Roger Rigby, S.J. (d. 1647) translated were not an innovation for the Conoy but in large measure a morality which was part of their tradition as laboring people.<sup>172</sup> Most, for example, were faithful to their spouses and did not abuse alcohol.<sup>173</sup> John Lewger and Jerome Hawley wrote:

These people acknowledge a God, . . . wherewith their life is maintained. To him they sacrifice of the first fruits of their corn, and of that which they get by hunting and fishing. . . They hold the immortality of the soul, and there is a place of joy and another of torment after death. Those who kill, steal or lie shall go to the place of torment, but those which do no harm to the good place.<sup>174</sup>

The Conoy traditions, like those in the Hebrew scriptures, allowed for

in 1550, 1605, 1634, and 1636 that the clergy establish schools and teach the Indians Spanish and conduct religious services in Spanish.

<sup>169</sup>"Annual Letters of the English Province of the Society of Jesus" (1639), in Hall, *Narratives*, p. 130.

<sup>170</sup>Rountree, *Pocahontas's People*, pp. 153.

<sup>171</sup>"Annual Letters of the English Province of the Society of Jesus" (1639), in Hall, *Narratives*, pp. 127-128. Vincent Lapomarda, S.J., "The Jesuit Missions of Colonial New England," pp. 100, 104, discusses similar Catholic fetishes given to the New England Indians by the French Jesuits.

<sup>172</sup>White, *Brief Relation*, pp. 41, 44. "Annual Letters of the English Province of the Society of Jesus" (1642), in Hall, *Narratives*, p. 137, mentions Roger Rigby's Conoy catechism. The Conoy, including their Catholic leader Kittamaquund, violated their laws, such as those against murder. But this does not mean such laws did not exist. Kittamaquund had murdered his older brother to obtain office. See *ibid.*, pp. 125-127.

<sup>173</sup>Rountree, *Pocahontas's People*, p. 151, finds that it was only in the 1680s that the Conoy's neighbors in Virginia, the Powhatans, acquired a "new passtime - getting drunk on rum." She maintains that even then, it was "normally a carefully controlled escapism, a fine point that Europeans rarely appreciated."

<sup>174</sup>Lewger and Hawley, *Relation of Maryland*, p. 88.

more than one wife.<sup>175</sup> This does not seem to have been an obstacle to those who wished to become Catholics. Most only had one wife to begin with.<sup>176</sup> The Conoy, unlike their Powhatan neighbors in Virginia were not a class-stratified society. Only the king and a few others could afford more than one wife. The king, when he became a Catholic, restricted himself to his chief wife.<sup>177</sup> Even if some continued to keep more than one wife, this would not have been a major obstacle. In Europe and the Congo, polygamy was "solved" by the male merely marrying his head wife and keeping the others as concubines. John Thornton writes of Congo polygamy:

Marriage as a social institution was not subject to much theological baggage, and in the world of the sixteenth and seventeenth centuries, in Europe as in Africa, it was enough to differentiate between types of sexual unions and to label one as marriage to overcome the problem raised by polygamy in Kongo. . . . The question of polygamy was solved quite early by transforming it into concubinage. Since in Kongo society the multiple wives of a polygamous husband did not have equal status, the Kongo nobility simply married their head wife following Christian rites, and kept the others as concubines. Such wives were normally called *mancebas* (concubines) and the word became a regular part of clerical vocabulary.<sup>178</sup>

The practice of extra-marital relations was well enough established among the European gentry that a body of law and social practice had grown up around it. This included laws for the legitimization of children born in this way.<sup>179</sup>

A fourth of the Conoy's beliefs that was similar to those of the Europeans was that the market should serve their needs. The Conoy promoted the settlement at St. Mary's in part because they needed an ally against the Susquehannock. But another consideration was that they believed the settlement would serve their

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<sup>175</sup>Axtell, "White Legend," p. 3; "Annual Letters of the English Province of the Society of Jesus" (1639), in Hall, *Narratives*, pp. 127-128.

<sup>176</sup>Lewger and Hawley, *Relation of Maryland*, p. 85.

<sup>177</sup>"Annual Letters of the English Province of the Society of Jesus" (1639), in Hall, *Narratives*, p. 127.

<sup>178</sup>Thornton, "The Development of the African Catholic Church," pp. 158-159.

<sup>179</sup>*Ibid.*, 159. In addition to polygamy, there seems to have been a married priesthood in the Congo. King Afonso I (1506-1543) wrote the pope for an official dispensation since celibacy was "impossible" in the Congo. See *ibid.*, p. 158.

market interests. It gave them both a closer source for European technology and a trade outlet for their surplus corn, tobacco, fish, oysters, fowl, and deer skins.<sup>180</sup> James Axtell remarks, "having been introduced to the cloth and metal trade goods of the Virginia traders, the Indians welcomed the Marylanders as future and more reliable sources of the same."<sup>181</sup> The Patuxents had been trading with the Virginians since the 1620s.<sup>182</sup> The new technology, such as iron axes, knives, hatchets, hoes, needles, thread, and fish-hooks was an improvement on their traditional farming technology.<sup>183</sup> Cloth was warmer and lighter than animal skins. Andrew White observed that the Conoy "exceedingly desired Christian apparel."<sup>184</sup> They continued to favor traditional clothing style, but they used English fabrics when they could. Women's aprons and men's breechclouts were made of blue or red cotton, with a matchcoat of Duffields for cold weather.<sup>185</sup> Leggings continued to be worn, but were made of cotton. When they wore English-style coats, the preference was for diverse colors.

The nature of the market goods which the Conoy desired can be seen in the cargo of a typical supply ship such as one that landed at St. Mary's in 1634. It carried 1,000 yards of cloth, 35 dozen wooden combs, 17 dozen horn, 300 pounds of brass kettles, 600 axes, 30 dozen hoes, 40 dozen hawks' bells, 45 gross of sheffield knives.<sup>186</sup> European housing technology was also an area which at least some of the Conoy wished to assimilate.<sup>187</sup> A few preferred English timber frame cottages to the rectangular barrel-roofed Conoy construction. Most however maintained the traditional *yi-hakans* (later called wigwams or cabins) construction until well into the eighteenth century. However, their iron technology allowed

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<sup>180</sup>Rountree, *Pocahontas's People*, pp. 131, 132, 145, discusses Indian manufactured goods which appear in the European inventories: baskets, mats, ceramic pots and pipes, weirs, and dugout canoes.

<sup>181</sup>Axtell, "White Legend," p. 2.

<sup>182</sup>Fausz, "Present at the `Creation,'" p. 10.

<sup>183</sup>"Annual Letters of the English Province of the Society of Jesus" (1642), in Hall, *Narratives*, p. 137.

<sup>184</sup>White, *Brief Relation*, pp. 40, 42, 44; see also, Lewger and Hawley, *Relation of Maryland*, pp. 74, 88.

<sup>185</sup>Rountree, *Pocahontas's People*, p. 147.

<sup>186</sup>Fausz, "Present at the `Creation,'" p. 16.

<sup>187</sup>Lewger and Hawley, *Relation of Maryland*, p. 88.

them to improve upon it. Helen Rountree writes of the Conoy neighbors across the river in Virginia.<sup>188</sup> Bark coverings became standard on most of their houses where before this had been available only to a few. The change was possible because everyone possessed iron hatchets, tools that reduced the time needed to cut through enough bark to cover a house. Because of the bark addition, houses were able to have windows left between slabs of bark, "Their windows are little holes left open for the passage of light, which in bad weather they stop with sheaths of the same bark, opening the leeward windows for air and light."<sup>189</sup>

Several different arguments based in the the nature of market relations might be made that the Conoy were not "real" Catholics. For example Thomas James argued in 1643 that Catholicism among the Conoy was superficial. James was a New England visitor to Maryland. In his view all the Conoy wanted were European goods, not religion. James' observations were recorded by John Cotton:

When Thomas James landed in 1643, he saw 40 Indians baptized in new shirts, which the Catholics had given them for the encouragement in baptism. James tarried there for a fair wind. Before his departure, he saw the Indians, when their shirts were foul, and they knew not how to wash them, come again to make a new motion. Either the English must give them new shirts, or else they would renounce their baptism.<sup>190</sup>

In response it has been seen that Catholic laboring people studied here did not generally counterpoise material and spiritual considerations. They viewed as superficial a religion that did not take material considerations seriously. That the Conoy were concerned about adequate trade goods points up their belief that religion should serve their market interests. They were not a conquered people. They took from the Europeans what they wanted. They were not sectarian or against assimilation when it served their needs. The question of adequate clothing was probably also not a superficial question for most New England Congregationalists.

If James had tarried longer, he would have observed that part of the

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<sup>188</sup>Rountree, *Pocahontas's People*, pp. 146-147.

<sup>189</sup>Robert Beverley, *The History and Present State of Virginia*, ed. Louis Wright (Chapel Hill, N.C.: University of North Carolina Press, [1705], 1947), p. 174.

<sup>190</sup>John Cotton, *John Cotton on the Churches of New England*, ed. Larzer Ziff (Cambridge, Mass.: Belknap Press, 1968), p. 276.

technology which the Conoy adopted was how to wash textiles.<sup>191</sup> In time they also took up weaving wool clothing for themselves. The Conoy who so desired took regular religious instruction both before and after Baptism. In 1642 the clergy would spend about seven weeks in a village teaching the Apostles Creed, prayers, and catechism prior to baptism.<sup>192</sup> From the 1630s to the present, Catholicism has had a continuous existence among the Conoy. Some 7,000 Catholic descendants of the Conoy presently live in St. Mary's and Charles County, Md.<sup>193</sup>

A second argument can be made about the strength of Conoy Catholicism from the perspective of market relations. Just as it might be argued that all the Conoy wanted was trade goods, so it could be maintained, as was noted in the discussion of politics, that the proprietor used the mission mainly to make the Conoy obedient to his market interests. He wanted a monopoly on their deer skin, corn, and land. What they were taught was not religion but an ideology of servitude.

From the proprietor's perspective this was no doubt one of the purposes of the mission, but that does not mean that his Catholicism of obedience was adopted any more by the Conoy than by the European laboring people. Despite his claims and efforts, the proprietor was not given a monopoly on Conoy trade. They traded with those licensed by the proprietor, such as Thomas Cornwallis and Mathew de Sousa. But they also traded with other Maryland and Virginia Europeans who offered better prices.<sup>194</sup>

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<sup>191</sup>Rountree, *Pocahontas's People*, pp. 147, 328, states that some Indians such as the Rappahannocks and Portobaccos in Virginia never washed their clothes and kept them until they wore out. But this does not seem to have been universal.

<sup>192</sup>"Annual Letters of the English Province of the Society of Jesus" (1642), in Hall, *Narratives*, p. 135; see also, "Annual Letter" (1639, 1640) *ibid.*, pp. 127-129, 131-132. Some Jesuit missionaries in Quebec in 1637 reported that after 3 years they had made only one baptism. This was because the Hurons with whom they were in contact did not stay for any length of time near where the clergy lived. It may also have been because the clergy wished to indoctrinate in some depth. Language problems made this difficult, if not impossible. See Roustang, *An Autobiography of Martyrdom*, p. 13; Thwaites, *The Jesuit Relations and Allied Documents*, vol. 3, pp. 140-155; vol. 11, pp. 138-141; vol. 14, p. 77; vol. 39, pp. 142-145.

<sup>193</sup>Feest, "Nanticoke and Neighboring Tribes," p. 247.

<sup>194</sup>Andrew White, S.J., "Letter to Cecil Calvert" (Feb. 20, 1639), *Calv. Pap.*, p. 204; Papenfuse, *Dictionary*, p. 235. As noted earlier, beaver pelts were obtained mainly from the Susquehannock and were used to make felt hats. The Conoy specialized in deer skins.

Similarly the Conoy made grants of land to the proprietor but they also made grants to individual planters, including the Jesuits in 1639, the Maryland levelers in the 1640s, and the Virginians who migrated to the Providence area of Maryland starting in 1648.— When they initially made the St. Mary's grant to the proprietor, it was not from obedience but because it served their market, religious, and defensive interests. As James Axtell puts it, the Yeocomicos "made out like bandits. For a trove of valuable trade goods, they gave up an old village that the previous year they had decided to abandon to escape the raids of the Susquehannocks."— Like the proprietor, one of the Maryland Catholic landlords, Giles Brent, sought to take advantage of the Conoy to enrich himself. The Conoy tradition was for offices of leadership to pass matrilineally. Brent secured an agreement with the Piscataway king to designate his (the king's) daughter to be his successor. Brent married the king's daughter, Mary Kittamaquund, believing this would make his children heir to political office and gain for himself a land monopoly.— But when the king died, the Piscataway rejected the king's designation. They did not allow tradition to subvert their land interests. Brent and his Piscataway wife ended up raising their family in Virginia.

To sum up the Catholic Conoys and Africans had beliefs about labor, politics, religion, and the market that were similar to those of the Europeans. These beliefs were not so much an innovation for them as a continuation and development of their earlier traditions. They were not against progress and assimilation any more so than the seventeenth-century English Catholics who migrated to Maryland and those who stayed in England such as Kenelm Digby, who was described as believing in the idea of "progress then sweeping across Europe, the revolutionary disorganizing horizontal force that was gradually

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<sup>195</sup>"Annual Letters of the English Province of the Society of Jesus" (1639, 1640), in Foley, *Records*, vol. 3, p. 372. Thomas Hughes, S.J., *Society of Jesus*, text, vol. 2, p. 627, describes the Patuxent direct grant of a farm at Mattapany to the clergy. The Maryland assembly in "An Act Concerning Purchasing Land from the Indians" (Apr. 21, 1649), *Md. Arch.*, vol. 1, p. 248, apparently aimed at preventing the Virginia magnates from obtaining direct grants and speculating in Maryland land.

<sup>196</sup>Axtell, "White Legend," p. 2.

<sup>197</sup>*Ibid.*, p. 5; Hughes, *Society of Jesus*, text, vol. 1, pp. 551-553; Robinson, "Conflicting Views on Landholding," p. 92.

weakening and replacing the order of things called `the great chain of being.'"<sup>198</sup>

Racism and sexism were fundamental to the existence of the class system in Europe. To the extent the Catholic and Protestant magnates, land speculators, and London-based creditors were able, they used political power, debtor-creditor laws, land laws, and restriction of the franchise to advance themselves at the expense of the majority. This included enslavement and aggression against Africans and Indians, political, economic, and religious marginalization of the European male and female laboring people, and the teaching of race hatred. Typical was the gentry writer Gervase Markham who wrote in 1600 that the American Indians and the Irish had the same origins and both served the devil.<sup>199</sup> The Chesapeake magnates included some Indians, Africans, and women who owned slaves. But the argument in this study has been that during the Civil War period, the laboring people, not the class system, dominated in Maryland. Gender and nationality harmony, not racism and sexism were characteristic.

Illustration 4: Seventeenth-century Algonquian boatmakers (Virginia State Library)

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<sup>198</sup>Robert Petersson, *Sir Kenelm Digby: The Ornament of England, 1603-1665* (Cambridge: Harvard University Press, 1965), p. 185.

<sup>199</sup>Gervase Markham, *The New Metamorphosis* (1600), as quoted in Nicholas Canny, *Kingdom and Colony: Ireland in the Atlantic World, 1560-1800* (Baltimore: Johns Hopkins University Press, 1988), p. 43. Helen Rountree, *Pocahontas's People*, pp. 121-122, 138-142, discusses the aggression of major Virginia landlords such as Gervase Dodson against the Machodocs and Giles Brent against the Patawomecks. See also Hening, *Virginia Statutes* (1809), vol. 2, pp. 149-152; H. R. McIlwaine (comp.), *Journal of the House of Burgesses* (13 vols., Richmond, Va.: State Library, 1915), vol. 2, pp. 14-15.

## Conclusion

The conclusion will summarize the Catholics' beliefs, outline what became of their beliefs during the rest of the colonial period, and then discuss an aspect of the significance of their beliefs. This study has argued that the Catholics' beliefs were characterized by what the classical political economists called the labor theory of value. Catholic thinking also manifested what the seventeenth-century established order called antinomianism. That is, labor was a center of their lives and a source from which their beliefs were drawn. Their beliefs were often independent of and at various points in opposition to the crown, parliament, proprietor, London merchants, English gentry, local magnates and clergy, and Roman establishment. Opposition came when one or the other of these interfered unduly with the Catholics' self-interests. The Catholics' beliefs were not unusual. Similar beliefs existed in England. What was unique was that the Catholics had a dominant role in the legislature and judiciary. They left documentation about their beliefs that is not usual for laboring people.<sup>1</sup>

In the post-Civil War and throughout the colonial period the Maryland Catholics continued to be mainly laboring people.<sup>2</sup> Their beliefs were characterized by the habit of thinking of value in terms of producers' cost, which included views on politics, religion, and the market which sometimes set them apart from landlords, London merchants, and the proprietor. In 1675 Catholics

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<sup>1</sup>It has gone without saying in this study: intellectual history which ignores working class intellectualism impoverishes itself. The thinking class is not only the college educated. See Darren Staloff, "Intellectual History Naturalized: Materialism and the 'Thinking Class,'" *WMQ*, 50 (1993), 406.

<sup>2</sup>Beatriz Betancourt Hardy, "Papists in a Protestant Age: The Catholic Gentry and Community in Colonial Maryland, 1689-1776," unpublished Ph.D. dissertation, University of Maryland, 1993, describes St. Inigoes parish in St. Mary's County. Typically, it had 270 European members (81 families). Less than half the men in the parish owned land. Nine of the parishioners were tenants of the Jesuit clergy, who were land and slave owners. The 34 Catholic men who did own land owned an average of 261 acres. Of the landowners, 13 owned slaves (19 slaves in all).

were about 8 percent of the Maryland population or 1,700 out of 20,000.<sup>3</sup> In the 1708 census they were 9 percent of the population or 2,974 in a total population of 34,000.<sup>4</sup> In 1759 they were estimated to be 7,700 out of 100,000 in the province.<sup>5</sup>

About half of the Catholics lived in St. Mary's and Charles Counties throughout the colonial period. The congregations established in these counties during the Civil War period continued to function throughout the colonial period. Many of the offspring of the following generations dispersed throughout the state and further abroad in order to establish their own farms. Because of the scarcity of clergy, some attended the services of their Protestant spouses, relatives, and friends.<sup>6</sup> They became church Catholics or Presbyterian-Catholics or Quaker-Catholics. When the clergy were available, such as Peter Manners, S.J. (d. 1669), the people responded with enthusiasm. Besides ministering to Catholics, Manners attracted 100 converts in his two year ministry before being killed in a swollen stream.<sup>7</sup> But clergy such as Manners were exceptional. Many priests came out to Maryland, but most returned to England within a year. They preferred the type of manor house ministry among the gentry that dominated in much of England.<sup>8</sup>

Most of the Catholics had no political patronage from the proprietor. But this is not to deny the existence of a small group of Maryland Catholic landlords, many of whom had married the proprietor's relatives and converted to Catholicism, that served on the governor's council and in the assembly's upper

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<sup>3</sup>John Tracy Ellis, *Catholics in Colonial America* (Baltimore: Helicon, 1964), pp. 338-339; Evarts B. Greene and Virginia Harrington, *American Population before the Federal Census of 1790* (New York: 1932), p. 124.

<sup>4</sup>Ellis, *Catholics in Colonial America*, p. 347. In the "Career Files" for the 1660-1700 period, there are 98 Catholics, not including the 100 Catholics from the Civil War period. Of the total 4,832 male listings in the "Career Files," 3,271 date from the 1660-1700 period. They include 92 who were Protestant and 3,081 of unknown religion.

<sup>5</sup>Ellis, *Catholics in Colonial America*, p. 358.

<sup>6</sup>Edward Neill, *Founders of Maryland Portrayed in Manuscripts, Provincial Records and Early Documents* (Albany, N.Y.: J. Munsell, 1876), p. 131.

<sup>7</sup>Ellis, *Catholics in Colonial America*, p. 341. See also, J. W. McGrain, "Priest Neale, His Mass House, and His Successors," *MHM*, 62 (1967), 254-284.

<sup>8</sup>Ellis, *Catholics in Colonial America*, p. 347; Hughes, *Society of Jesus*, text, vol. 2, p. 80.

house.<sup>9</sup> For them Catholicism was a necessary stepping stone for gaining political benefits at the expense of the laboring people, including most Catholics. In England it was similarly not unusual prior to the Glorious Revolution in 1688 for those seeking the crown's patronage to convert to Catholicism. In the Revolution of 1688 and the American Revolution there were splits in the Catholic ranks.<sup>10</sup> The Catholic landlords within the proprietor's circle, like their counterparts in England, supported James II in 1688. They suffered a political defeat when the revolutionaries won out in England. William and Mary annulled the proprietor's charter on July 15, 1691.<sup>11</sup>

Just as during the Civil War, so in the later period, what are often seen as anti-Catholic enactments were mainly anti-proprietor.<sup>12</sup> For example the assembly enacted an oath of abjuration for elected officials in 1716 and for the electorate generally in 1718.<sup>13</sup> This was in response to two related developments. First, the Jacobite-Tory-Catholic landlords were plotting in England to overthrow the Hanover-Whigs, who had succeeded to the crown on the death of Queen Anne (d. 1714), the last of the Stuarts. Second, the proprietor's charter, which had been annulled in 1691 was restored in 1715 to Charles Calvert, the great grandson of the Civil War era proprietor.<sup>14</sup> This pleased no one but the proprietor's relatives and patrons who stood to profit at the public's expense. The assembly measures were directed at these court Catholics.

As in the Civil War period, Catholics took the oaths and served in the Maryland government. The Catholics Henry Darnall III was Maryland's attorney general and John Darnall was judge of the provincial court.<sup>15</sup> The Calverts took

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<sup>9</sup>Robert Brugger, *Maryland: A Middle Temperament, 1634-1980* (Baltimore: The Johns Hopkins University Press, 1988), pp. 37-38.

<sup>10</sup>Timothy O'Brien Hanely, *The American Revolution and Religion: Maryland, 1775-1800* (Washington, D.C.: Catholic University of America Press, 1971); Michael Clark, "Jonathan Boucher and Toleration of Roman Catholics in Maryland," *MHM*, 71 (1976), 197-203.

<sup>11</sup>Ellis, *Catholics in Colonial America*, p. 339.

<sup>12</sup>Timothy W. Bosworth, "Anti-Catholicism as a Political Tool in Eighteenth-Century Maryland," *CHR*, 61 (1975), 539-563.

<sup>13</sup>Ellis, *Catholics in Colonial America*, p. 346.

<sup>14</sup>*Ibid.*, p. 348.

<sup>15</sup>Beatriz Betancourt Hardy, "To Prevent the Growth of Popery: The Government of Maryland and the Catholics, 1689-1776," paper read at annual meeting of the Organization of

oaths of abjuration to retain their patent after 1715, but their families and probably themselves remained Catholic. The crown and the papacy made an alliance in the 1760s and a Catholic bishop was appointed in British Canada. Following the example of their 1638 praemunire legislation, some 256 Maryland Catholics petitioned against any appointment of a bishop in Maryland.<sup>16</sup> The Anglicans were fighting against the appointment of a bishop for their church. Both Catholics and Anglicans wanted the pulpit to preach their interests, not those of the crown.<sup>17</sup>

The beliefs of the Civil War Catholics and of those who came later were not unusual. But this does not mean they were not significant. "Official" Catholicism is more willing now than in the past to acknowledge that Catholic beliefs and customs along with the hierarchy and papacy, are a source for Catholic doctrine. The Catholics took the world seriously in their labor, politics, religion, and market affairs. Taking the world seriously is now accepted by official theologians as a starting point for Catholic belief. Those in the past who emphasized the next world and minimized the present were an aberration.

Themes central to the gentry's beliefs like "praising, reverencing, and serving" God, as found in sources such as Ignatius Loyola's *Spiritual Exercises*, were as the present-day theologian Juan Luis Segundo, S.J. puts it, "devoid of christological influence."<sup>18</sup> "Praising" and "reverencing" were not human responses to a concrete love but the first prehuman consequence of the creature's discovery of its condition as a creature, wherein human freedom played no positive role.

The "service" in gentry belief, as pointed out by theologians who are inclined to take the world seriously, was considered a means to an ahistorical end. Service was not seen as a vocation to build a just society, as set forth by Jesus, but

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American Historians, Mar. 1, 1991, Louisville, Ky., p. 14.

<sup>16</sup>Ellis, *Catholics in Colonial America*, p. 384.

<sup>17</sup>Edward Terrar, "Episcopal-Roman Catholic Ecumenism and Church Democracy During North America's Revolutionary Era," *Anglican and Episcopal History* 56 (June 1987), pp. 163, 185.

<sup>18</sup>Juan Luis Segundo, *The Christ of the Ignatian Exercises* in the series, *Jesus of Nazareth, Yesterday and Today* (New York: Orbis, 1987), vol. 4, p. 42.

a goal or test envisioned to save one's soul.<sup>19</sup> The conception of life-as-test, which had circulated at least since the book of Wisdom, made the only important moment in life to be the moment of death. That is, the point when the test ended and one either passed or failed.<sup>20</sup> "Service" and its equation with life-as-test made the avoidance of sin and the attainment of heaven of supreme importance. The concept of sin became individual.<sup>21</sup> This was not the case for the historical Jesus, for whom sin was social. Sin involved every fault that posed an obstacle to the reign of God on earth.

What avoidance of sin meant for the gentry and groups like the Jesuit clergy, as Segundo notes of his own religious order, was a lack of corporate commitment to contribute creatively to establishing God's reign on earth. Segundo writes, "Jesus took an interest in concrete human affairs. . . This sin of omission by the Jesuits is crucial, especially as society depends on complex mechanisms that operate (and even kill) by themselves."<sup>22</sup>

Maryland's Catholics resisted ahistorical doctrines and made complex mechanisms such as the market and politics serve their needs. They did not accept the "hardship" associated with the established order and which the gentry mystified by doctrines such as the cross, the passion, poverty, insults, hunger, thirst, cold, death, and abuses. Segundo's comments about Ignatius Loyola also applies to the landlords who shared his beliefs:

Loyola lost sight of the fact that nowhere in the Gospels does Jesus appear to go out looking for poverty, abuses, or death. He accepts them because his mission confronts him with the alternative of enduring them or giving up that mission. . . This preference of God's for the poor does not lead Jesus to make himself even poorer but rather to introduce a terrible conflict into Israel by shouldering the cause of the poor.<sup>23</sup>

In substituting hardship for the historical message, Jesus was made a monk. The one book Loyola recommended by name to the exercitant was the *Imitation of*

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<sup>19</sup>*Ibid.*, pp. 44, 46.

<sup>20</sup>*Ibid.*, p. 49.

<sup>21</sup>*Ibid.*, p. 98.

<sup>22</sup>*Ibid.*, pp. 70, 98.

<sup>23</sup>*Ibid.*, pp. 74, 92.

*Christ and Despising of the World* by Thomas a Kempis.<sup>24</sup>

The comment of the theologian Karl Rahner about labor does not ring true in the case of Maryland Catholics, "The first thing that theology has to say about work is simply that it is and will continue to be tiresome and monotonous."<sup>25</sup> Eric Jones' studies in agrarian history come closer to the Maryland reality. Jones finds that most farmers have a "passion" for their work.<sup>26</sup> It is probably not an exaggeration to say the Maryland Catholics generally had a passion for their labors and the world. Their beliefs and the beliefs of similar laboring people are significant as a source for "official" Catholicism.

Illustration 5: Seventeenth-century trades, including weaving, candle making, fishing with line and net, carpentry, spinning, potting, iron smithing, furniture making, tailoring, printing, plowing and porter.<sup>27</sup>

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<sup>24</sup>*Ibid.*, p. 105.

<sup>25</sup>Karl Rahner, *Everyday Things* (London: Sheed and Ward, 1965), p. 6. Rahner, *ibid.*, p. 7, calls work a "sign of the fallen state of mankind, a sign of disharmony."

<sup>26</sup>Eric Jones, *Seasons and Prices: The Role of Weather in English Agricultural History* (London: Allen and Unwin, 1964), p. 7.

<sup>27</sup>Randle Holme, *Academy of Armory, 1688, or, A Storehouse of Armory and Blazon* (Menston, Scolar Press, [1688], 1972).

Appendix 1:  
Biographical Information on the Documented and  
Some Undocumented Catholics in Maryland During  
the Civil War Period<sup>1</sup>

There were 100 documented Catholics during the Civil War period. All were men. They were:

1. Henry Adams (d. 1686, arrived 1639, transported at the charge of viscountess Falkland, planter, box 1).
2. Thomas Allen (arrived 1633, the last record for him was 1642 or 1649, box 1).
3. John Althome, S.J. (d. 1640, arrived 1633, a Jesuit brother, also known as John Gravner, box 1).
4. John Askins (1643-1680, arrived 1658, planter, box 1).
5. Peter Bathe (d. 1661, arrived 1658, clerk, box 2).
6. William Boreman, Sr. (1630-1709, the first record of him was 1645, mariner.).
7. William Boreman, Jr. (1654-1720, planter, box 3).
8. James Bowling (1636-1693, arrived 1655, sharecropper and overseer in 1658 for John Anderton, box 3).
9. Fulke Brent (arrived 1638, brother of Giles Brent, returned to England in 1642).
10. Giles Brent (1600-1672, arrived 1638, box 3).
11. William Bretton (d. 1672, arrived 1638, merchant, planter, box 3).
12. Baker Brooke (1628-1679, arrived 1650, married Leonard Calvert's daughter).
13. Charles Brooke (1636-1671, arrived 1650, box 3).
14. Thomas Brooke (1632-1676, arrived 1650, does well, box 3).
15. Leonard Calvert (1610-1647, box 4).
16. Phillip Calvert (1626-1682, arrived 1656, box 4).
17. Nicholas Causine (1608-1656, arrived 1640 from France, box 5).
18. John Cissell (d. 1698, arrived 1658, gunsmith and planter, box 5).
19. Robert Clark (1611-1664, arrived 1637, surveyor, box 5).
20. Robert Cole (1628-1663, first record of him was 1652, came with wife, two servants, from Heston in Middlesex, died with an estate worth £220).
21. Garrett Comberford (arrived 1653, the last record for him was 1697, planter).
22. Robert Cooper (the first record for him was 1659, his last record was 1687, planter, box 6).
23. Thomas Copley, S.J. (d. 1652, the first record of him was 1637, priest, planter, also known as Philip Fisher, box 6).
24. Thomas Cornwallis (1605-1675, planter, arrived 1634, box 6).
25. Edward Cottram (also spelled Cotton, d. 1653, arrived 1637, carpenter, box 6).

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<sup>1</sup>"Box" citations are to "Career Files".

26. Thomas Courtney (1641-1706, the first record for him was 1658, planter.
27. Ralph Crouch (b. 1618, free, first record of him was 1647, Jesuit brother by 1659, planter, box 7).
28. John Dandy (the first record of him was 1637, the last 1659, migrated as servant for Clobery and Co. on Kent Island, blacksmith and miller, box 7).
29. John Davis (d. 1698, arrived 1658, carpenter [non-"Career File" source].
30. Thomas Dynyard (Dinniard, d. 1659, arrived 1648, in 1653 he leased a 300 acre tract for 21 years from Thomas Gerard. See *Md. Arch.*, vol. 49, p. 459, box 8).
31. William Evans (d. 1669, arrived 1646, supported proprietor in 1645 revolution, box 9).
32. Cuthbert Fenwick, Sr. (1614-1655, arrived 1634, servant to Thomas Cornwallis, planter, box 9).
33. Cuthbert Fenwick, Jr. (1640-1676, the first record for him was 1649, planter.
34. Ignatius Fenwick (the first record for him was 1649, the last record for him was 1663, box 9).
35. John Fenwick (1655-1720, the first record for him was 1655, box 9).
36. Richard Fenwick (1653-1714, the first record for him was 1655, planter.
37. Robert Fenwick (1651-1676, the first record for him was 1654, box 9).
38. Francis Fitzherbert, S.J. (1615-1674, arrived 1654, priest, also known as Francis Darby, box 9).
39. Richard Gaines (the first record for him was 1652, the last 1664, box 9).
40. Luke Gardiner (1622-1674, arrived 1637, planter, box 9).
41. Richard Gardiner (d. 1651, arrived 1637, planter, box 9).
42. Robert Gates (d. 1698, arrived 1655, carpenter, planter, box 10).
43. Thomas Gerard (1608-1673, arrived 1638, surgeon and planter, box 10).
44. Thomas Gervais, S.J. (d. 1637, arrived 1637, priest, also spelled Gervase, Gelway, box 10).
45. Benjamin Gill (d. 1656, arrived 1642, box 10).
46. Leonard Greene (d. 1688, arrived 1644, box 10).
47. Thomas Greene (d. 1651, migrated 1634, free, gentleman by 1638, box 10).
48. John Greenway (1625-1658, the first record for him was 1643, planter.
49. Walter Hall (d. 1678, arrived 1652, box 11).
50. John Harrington (d. 1676, the first record for him was 1660, planter, box 12).
51. Bernard Hartwell, S.J. (d. 1646, arrived 1642, priest, box 12).
52. William Hawley (the first record of him was 1648, the last 1711, box 12).
53. Timothy Hays (b. 1584, arrived 1636, box 12).
54. Thomas Hebden (arrived 1635, last date 1650, box 13).
55. Henry Hooper (d. 1650, arrived 1637, surgeon, box 13).
56. Barnaby Jackson (d. 1670, arrived 1638, tailor, box 13).
57. John Jarboe (1619-1674, the first record of him was 1646, the last 1676.
58. Nicholas Keiting (d. 1661, first record of him was 1641, box 14).
59. John Knolls, S.J. (d. 1637, arrived 1637, Jesuit brother, box 14).

60. Philip Land (1607-1659, arrived 1647, innkeeper, box 15).
61. James Langworth (1630-1661, arrived 1641, attorney-in-fact, planter, box 15).
62. William Langworth (d. 1694, first record for him was 1656, planter, box 15).
63. John Lewger (1602-1665, arrived 1637, box 15).
64. James Lindsey (1626-1670, the first record for him was 1642, planter).
65. John Lloyd (d. 1658, arrived 1658, no occupation, box 15).
66. Richard Lusthead (arrived 1633, the last record for him was 1650, servant for Thomas Copley, planter, box 15).
67. George Manners (d. 1651, arrived 1646, attorney-in-fact, planter, box 16).
68. William Manners (arrived 1646, last record was 1651, box 16).
69. John Mansell (1626-1660, arrived 1637, planter, box 16).
70. Thomas Matthews (also sp. Mathews, d. 1676, arr. 1637, surgeon, box 16).
71. Charles Maynard (1622-1661, arrived as servant 1637, literate, soldier).
72. John Medley (d. 1679, arrived 1637, planter, box 16).
73. Walter Morly, S.J. (1615-1684, arrived 1638, last record for his was 1642, Jesuit brother, box 17).
74. James Neale (1615-1684, the first record of him was 1638, merchant, planter).
75. Edward Packer (1614-1667, arrived 1637, schoolmaster and planter, box 19).
76. James Pattison (d. 1698, arrived 1660, planter, box 19).
77. Robert Percy (the first record of him was 1638 and the last 1649, box 19).
78. Bartholomew Phillips (d. 1665, arrived 1638, planter, box 19).
79. John Pile (d. 1676, arrived 1644, box 19).
80. Joseph Pile (d. 1692, the first record for him was 1659, planter, box 19).
81. Ferdinand Pulton, S.J (d. 1641, arrived 1638, priest, box 20).
82. Roger Rigby, S.J. (arrived 1641, d. 1647, priest, box 21).
83. John Rogers (b. 1584, arrived 1636, no occupation, box 21).
84. William Rosewell (1637-1695, arrived 1659, innkeeper, box 21).
85. Thomas Salmon (d. 1695, arrived 1659, cooper, planter, box 21).
86. Henry Sewell (d. 1665, arrived 1660, box 22).
87. William Shercliffe (1648-1707, the first record for him was 1659, box 22).
88. John Shircliffe (1613-1663, arrived 1638, tailor, planter, box 21).
89. William Smith (arrived 1633, died 1635, box 23).
90. Henry Spinke (1622-1695, arrived 1641, planter, box 23).
91. Lawrence Starkey, S.J. (1606-1657, arrived 1648, school teacher, priest).
92. William Tattersall (1637-1670, arrived 1648, box 24).
93. John Thimbleby (d. 1659, arrived 1646, planter, box 24).
94. William Thompson (1597-1649, first record for him was 1642, last record for him was 1660, box 24).
95. William Thompson (d. 1661, the first record for him was 1648, planter).
96. Thomas Thorneborough (the first record for him was 1647, the last record for him was 1652, box 24).
97. Thomas Turner (d. 1663, arrived 1653, owned land in several parishes in Essex, Eng., box 25).
98. John Wheatley (1603-1659, arrived 1641, he and his wife hired on as servants

to Cornwallis for a period of time, box 26).

99. Richard Willan (1622-1663, arrived 1638, servant of Leonard Calvert.

100. John Wiseman (d. 1704, the first record for him was 1650, box 27).

Scholars have identified at least 27 individuals of the Civil War period as Catholics who do not appear in the "Career Files" as Catholics. These identifications are based on logical deductions and/or data not included in the "Career Files" data base. They are:

1. Francis Anketill (1625-1679, migrated 1640).<sup>2</sup>
2. John Bailey (b. 1619, date of first record was 1652, date of last record was 1653, religion unknown in "Career Files").<sup>3</sup>
3. Henry Bishop (d. 1645).<sup>4</sup>
4. William Brainthwaite (d. 1645 or 1650, migrated 1638, son of Robert Brainthwaite, who was jailed in the Tower of London for a period and who had been secretary to Sir Richard Weston, and Ann, daughter of Francis Carter, chief clerk of the crown's rolls. He died with one plough, one harrow, one featherbed, one chest, and two milk pails. Leonard Calvert called him "my well-beloved cousin").<sup>5</sup>
5. William Brown (1623-1666, migrated 1634, listed as Protestant in the "Career Files").<sup>6</sup>
6. William Blount (1630-1709).<sup>7</sup>
7. Ignatius Causine (d. 1642).<sup>8</sup>
8. Thomas Chares (d. 1659, not in "Career Files").<sup>9</sup>
9. John Cockshott.<sup>10</sup>
10. Bryan Daley (also spelled Daly & Dayley, d. 1675, migrated 1639).<sup>11</sup>
11. William Eltonhead (1616-1655, Cambridge graduate in 1631, Middle Temple,

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<sup>2</sup>He is listed as a Catholic in the "Career Files," but due to a transcription error he is not listed as a Catholic in the "Career Files, D Base."

<sup>3</sup>Michael Graham, S.J., "Lord Baltimore's Pious Enterprise: Toleration and Community in Colonial Maryland," unpublished Ph.D. dissertation, University of Wisconsin, 1983, p. 136.

<sup>4</sup>Henry Newman, *The Flowering of the Maryland Palatinate* (Baltimore: Genealogical Pub. Co., 1984), p. 174.

<sup>5</sup>Papenfuse, *Dictionary*, p. 159.

<sup>6</sup>Newman, *Flowering*, p. 178.

<sup>7</sup>Papenfuse, *Dictionary*, p. 148.

<sup>8</sup>*Ibid.*, p. 204.

<sup>9</sup>Graham, "Lord Baltimore's Pious Enterprise," p. 136.

<sup>10</sup>Papenfuse, *Dictionary*, p. 204.

<sup>11</sup>Daley is listed as a Catholic in the "Career Files," but due to a transcription error he was not listed as a Catholic in the d-Base IV version of the "Career Files."

- brought 100 servants).<sup>12</sup>
12. Francisco (mulatto).<sup>13</sup>
  13. Alexander Frisell (1634-1666, date of arrival was 1657, religion unknown).<sup>14</sup>
  14. Forker Frisell (d. 1662, date of first record was 1659, religion unknown).<sup>15</sup>
  15. William Johnson.<sup>16</sup>
  16. John Langford (b. 1595, surveyor 1642-1648, alumni of Gray's Inn, wrote in 1655 a pamphlet, *A Just and Clear Refutation of a False and Slanderous Pamphlet Entitled Babylon's Fall in Maryland*).<sup>17</sup>
  17. William Lewis.<sup>18</sup>
  18. Henry Neale.<sup>19</sup>
  19. Walter Peake (Pakes).<sup>20</sup>
  20. Francis Rabinett.<sup>21</sup>
  21. George Reynolds.<sup>22</sup>
  22. Thomas Spalding (b. 1640, migrated 1658).<sup>23</sup>
  23. Francis Trafford (migrated 1642).<sup>24</sup>
  24. Robert Tuttey.<sup>25</sup>
  25. Francis Van Enden (van Rynden).<sup>26</sup>
  26. Andrew White, S.J. (1579-1656, ordained at Douay in 1605).<sup>27</sup>

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<sup>12</sup>Edwin Beitzell, *The Jesuit Missions of St. Mary's County, Maryland* (Abell, Md.: n.p., 1976), p. 24. Papenfuse, *Dictionary*, p. 304, lists Eltonhead as a Protestant, as does Frederick Fausz, "Merging and Emerging Worlds, Anglo-Indian Interest Groups and their Development in the Seventeenth-Century Chesapeake," *Colonial Chesapeake Society*, ed. Lois Green Carr, Philip Morgan, and Jean Russo (Chapel Hill, N.C.: University of North Carolina Press, 1989), p. 96.

<sup>13</sup>Newman, *The Flowering*, p. 209.

<sup>14</sup>Graham, "Lord Baltimore's Pious Enterprise," p. 136.

<sup>15</sup>*Ibid.*

<sup>16</sup>James Horn, "Adapting to a New World: A Comparative Study of Local Society in England and Maryland, 1650-1700," in Carr, et al., *Colonial Chesapeake Society*, p. 249.

<sup>17</sup>Papenfuse, *Dictionary*, p. 516.

<sup>18</sup>Beitzell, *Jesuit Missions*, p. 24; Susan Falb, *Advice and Ascent: The Development of the Maryland Assembly, 1635-1689* (New York: Garland Publishers, [1976], 1986), p. 373.

<sup>19</sup>Horn, "Adapting to a New World," p. 250.

<sup>20</sup>Beitzell, *Jesuit Missions*, p. 25.

<sup>21</sup>Falb, *Advice and Ascent*, p. 42.

<sup>22</sup>Horn, "Adapting to a New World," p. 250.

<sup>23</sup>Hughes Spalding, *The Spalding Family of Maryland* (Atlanta, Ga.: Stein Pub. Co., 1963), pp. 6-7.

<sup>24</sup>Papenfuse, *Dictionary*, p. 839.

<sup>25</sup>Beitzell, *Jesuit Missions*, p. 25.

<sup>26</sup>*Ibid.*

<sup>27</sup>*Ibid.*, p. 4.

27. Nicholas Young.<sup>28</sup>

Only a few women, such as the Brent sisters and Mary Kittamaquand Brent can be documented as Catholics. This is because religious affiliation is determined in large part from wills in which the testators stated their religion. Men often left wills but not women. This was because men greatly outnumbered women and died without a spouse or family. They needed wills to direct how their estate was to be distributed. Most women died with spouses. A widow was three times more apt to remarry than a widower, because of the many single men.<sup>29</sup> Only 3 percent, that is, 60 out of 1735 women known by name, left probate inventories.<sup>30</sup>

The surviving Maryland records are not as adequate in identifying the religion of women as they are for men, but the names of 56 women who were married to documented Catholic men are known. At least one of these, Susannah Gerard (d. 1667), was a Protestant. But many were Catholic. The women who married documented Catholic men were:

1. Mary Cockshott Adams (b. 1637, arrived 1641, married Henry Adams, box 28).
2. Jane Anketill (the first record for her was 1654, married Francis Anketill, Sr.
3. Sarah Boreman (the first record for her was 1651, married William Boreman.
4. Eleanor Stephenson Brainthwaite (the first record for her was 1645, arrived as servant, married William Brainthwaite, had offspring, box 28).
5. Margaret Brent (1601-1663, arrived 1638, attorney, never married, sister of documented Catholic Giles Brent, box 28).
6. Mary Brent (arrived 1638, never married, sister of documented Catholic Giles Brent, box 28).
7. Mary Kittamaquand Brent (native Indian, the first record for her was 1641, married Giles Brent, had offspring, box 28).
8. Temperance Jay Bretton (the first record for her was 1651, married William Bretton, box 28).
9. Ellinor Hatton Brooke (arrived 1649, married Thomas Brookes, then Henry Darnall, three of her children became priests, box 28).
10. Margaret Browne (the first record for him was 1659, married William Browne, had offspring, box 28).
11. Ann Wolsely Calvert (the first record for her was 1658, married Phillip

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<sup>28</sup>Papenfuse, *Dictionary*, p. 931.

<sup>29</sup>Lois Green Carr and Lorena Walsh, "The Planter's Wife: The Experience of Women in Seventeenth-Century Maryland," *WMQ*, 34 (1977), 560.

<sup>30</sup>*Ibid.*

- Calvert, box 28).
12. Jane Lowe Calvert (d. 1700, arrived 1660, married Henry Sewall, then Charles Calvert, had offspring, box 28).
  13. Mary Darnall Calvert (the first record for her was 1656, married Charles Calvert, box 28).
  14. Winifred Clark (arrived 1638, married [first name unknown] Seyborn, then Thomas Greene, then Robert Clark, had offspring, box 28).
  15. Jane Cockshott (arrived 1641, married John Cockshott, then Nicholas Causine, then Robert Clarke, had offspring, box 28).
  16. Jane Cockshott, the younger (b. 1641, box 28).
  17. Rebecca Cole (d. 1662, arrived 1652, married [first name unknown] Knott).
  18. Penelope Cornwallis (b. 1635, married Thomas Cornwallis, had offspring).
  19. Anne Cox (arrived 1633, married [first name unknown] Cox).
  20. Audrey Daley (the first record for her was 1657, married Nicholas Keiting).
  21. Ann Dandy (the first record for her was 1650, married John Dandy).
  22. Mary Davies (arrived 1658, married John Davis, had offspring, box 29).
  23. Ann Evans (the first record for her was 1643, married William Thompson).
  24. Jane Eltonhead Fenwick (d. 1660, the first record for her was 1649, married Robert Moryson, then Cuthbert Fenwick, had offspring, box 29).
  25. [First name not known] Cornwallis Fenwick (first record for her was 1640), married Cuthbert Fenwick, had offspring, box 29).
  26. Sarah Frisell (arrived 1657, married Alexander Frisell, had offspring, box 29).
  27. Mary Gaines (arrived 1651, married Andrew Wardner, then Richard Gaines).
  28. Elizabeth Gardiner (arrived 1637 with four children, married Richard Gardiner, box 29).
  29. Elizabeth Hatton Gardiner (arrived 1649, married Luke Gardiner, then Clement Hill, had offspring, box 29).
  30. Elizabeth Morris Gardiner (the first record for her was 1656, married Luke Gardiner, had offspring, box 29).
  31. Bridget Mary Seaborn Greenway (b. 1627, arrived as servant in 1650, married John Greenway, then Robert Sheale, had offspring, box 29).
  32. Margaret Hall (d. 1682, the first record for her was 1658, married John Lloyd).
  33. Rebecca Hall (b. 1624, arrived as a servant in 1649, married George Manners).
  34. Mary Harrington (the first record for her was 1658, married Francis Brookes).
  35. Katherine Hebden (arrived 1640, physician, married Thomas Hebden).
  36. Sarah Hooper (arrived 1651, married Henry Hooper, had offspring, box 29).
  37. Mary Tattersall Jarboe (the first record for her was 1656, married John Jarboe).
  38. Ann Land (d. 1668, arrived 1650, married Philip Land, then Mark Pheypo).
  39. Priscilla Land (d. 1649, arrived 1647, married Philip Land, box 30).
  40. Agatha Morris Langworth (the first record for her was 1656, married James Langworth, had offspring, box 30).
  41. Ann Lewger (arrived 1637, married John Lewger, had offspring, box 30).
  42. Mary Lindsey (d. 1676, married James Lindsey, then Kenelm Mackloughlin).

43. Elizabeth Gardiner Lusthead (b. 1618, arrived 1637, married Richard Lusthead, box 30).
44. Ann Pike Mansell (the first record for her was 1650, married John Mansell, arrived as servant, had offspring, box 30).
45. Ann Martin (arrived 1648, married Charles Maynard, then James Martin).
46. Hester Matthews (also spelled Mathews, arrived 1643, married Thomas Matthews, had offspring, box 30).
47. Elizabeth Medley (arrived 1641, married John Medley, had offspring, box 30).
48. Penelope Nicholls (the first record for her was 1651, married William Evans, the John Nicholls, had offspring, box 30).
49. Sarah Pile (arrived 1648, married John Pile, had offspring, box 30).
50. Emma Morris Rosewell (1630-1696, first record for her was 1656, married William Johnson, then Thomas Turner, then William Rosewell).
51. Elizabeth Sewell (d. 1710, arrived 1660, married Jesse Wharton).
52. Anne Smith (arrived 1635, married William Smith, box 30).
53. Ann Lewger Tattersall (arrived as a servant in 1658, married William Tattersall, then Henry Neal, had offspring, box 30).
54. Margaret Goodrick Thompson (the first record for her was 1657, married Barnaby Jackson, then George Thompson, box 30).
55. [First name unknown] Wheatley (arrived 1641, married John Wheatley).
56. Elizabeth Willan (arrived 1659, married Richard Willan, then Thomas Wynne).

The additional 27 men and 56 women mentioned above have not been added to the "Career Files" in the present study, since many of the additional attributions are educated guesses and lack the documentation found in the "Career Files." Furthermore, the emphasis in this study is on developing an ideal type, not on statistical accuracy. Demographer Ansley Coale notes that even modern data from large parts of the world is "usually quite untrustworthy."<sup>31</sup>

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<sup>31</sup>Ansley J. Coale, *Regional Model Life Tables and Stable Population* (Princeton: Princeton University Press, 1966), p. 29.

## Appendix 2:

### Documented Catholics Arranged According to Decade of Arrival and Status Upon Arrival

There were 39 documented Catholics who migrated to Maryland in the 1630s, 29 in the 1640s, and 32 in the 1650s. The largest group of migrants, those who arrived as free, that is, paid their own passage, comprised 47 percent (47 out of 100) of the documented Catholics. Seventeen paid their own way in the 1630s, 16 in the 1640s, and 14 in the 1650s. The 17 who came in the 1630s were:

Fulke Brent (arrived 1638)	John Lewger (arrived 1637)
Giles Brent (arrived 1638)	Thomas Matthews (arrived 1637)
William Bretton (arrived 1638)	James Neale (first record 1638)
Leonard Calvert (arrived 1634)	Edward Packer (arrived 1637)
Thomas Copley (first record 1637)	Robert Percy (first record 1638)
Thomas Cornwallis (arrived 1634)	Ferdinand Pulton (arrived 1638)
Thomas Gerard (arrived 1638)	William Smith (arrived 1633)
Thomas Greene (arrived 1634)	Richard Willan (arrived 1638).
Thomas Hebden (arrived 1635)	

The 16 Catholics who paid their own way in the 1640s were:

William Boreman, Sr. (first record 1645)	Philip Land (arrived 1647)
Nicholas Causine (arrived 1640)	George Manners (arrived 1646)
Ralph Crouch (first record 1647)	William Manners (arrived 1646)
William Evans (arrived 1646)	John Pile (arrived 1644)
Benjamin Gill (arrived 1642)	Lawrence Starkey (arrived 1648)
William Hawley (first record 1648)	William Tattersall (arrived 1648)
John Jarboe (first record 1646)	William Thompson (first record 1642)
Nicholas Keiting (first record 1646)	John Wheatley (arrived 1641).

The 14 documented Catholics who paid their own way in the 1650s were:

Peter Bathe (arrived 1658)	Robert Cole (first record 1652)
James Bowling (arrived 1655)	John Davis (arrived 1658)
Baker Brooke (arrived 1650)	Francis Fitzherbert (arrived 1654)
Charles Brooke (arrived 1650)	Walter Hall (arrived 1652)
Thomas Brooke (arrived 1650)	William Rosewell (arrived 1659)

Philip Calvert (arrived 1656)  
John Cissell (arrived 1658)

Henry Sewell (arrived 1660)  
Thomas Turner (arrived 1653).

Of the 47 free migrants, only a few probably did no field work. These were the 5 who were under the proprietor's patronage or otherwise possessed enough capital to own four or more indentured servants at any single time. The 4 Jesuit clergy also probably did little or no field labor.<sup>1</sup> Those under the proprietor's patronage were:

Giles Brent  
Leonard Calvert  
Phillip Calvert

Thomas Cornwallis  
John Lewger.

The four Jesuits who arrived free were:

Thomas Copley  
Francis Fitzherbert

Ferdinand Pulton  
Lawrence Starkey.

Among the 25 indentured Catholic servants, 13 came in the 1630s, 6 in the 1640s, and 6 in the 1650s. The 13 who came in the 1630s were:

Henry Adams (arrived 1639, planter)  
Thomas Allen (arrived 1633)  
John Althome (arrived 1633, Jesuit brother)  
Robert Clark (arrived 1637)  
Edward Cottram (arrived 1637)  
John Dandy (first record was 1637)  
Cuthbert Fenwick, Sr. (arrived 1634, planter)

Henry Hooper (arrived 1637)  
Barnaby Jackson (arrived 1638)  
Richard Lusthead (arrived 1633, planter)  
John Mansell (arrived 1637, planter)  
Charles Maynard (arrived 1637)  
John Shircliffe (arrived 1638).

The 6 indentured Catholics who came in the 1640s were:

Thomas Dynyard (arrived 1648)  
John Greenway (first record was 1643, planter)  
James Langworth (arrived 1641)

James Lindsey (first record was 1642, planter)  
Henry Spinke (arr. 1641, plntr)  
John Thimbleby (arr. 1646, plntr).

The 6 indentured Catholics who came in the 1650s were:

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<sup>1</sup>Garry Stone, "Society, Housing, and Architecture in Early Maryland: John Lewger's St. John's," unpublished Ph.D. dissertation, University of Pennsylvania, 1982, p. 40, Table 1-2; "Committee of Burgesses' Accounts (Aug. 2, 1642), *Md. Arch.*, vol. 1, pp. 142-146.

John Askins (arrived 1658, planter)	Robert Gates (arrived 1655)
Garrett Comberford (arrived 1653, planter)	John Harrington (first record was 1650, planter)
Richard Gaines (first record was 1652)	James Pattison (arrived 1660, planter).

Twelve documented Catholics were listed merely as migrants with no indication as to whether they were free or indentured, including 6 Jesuits. Eight migrated in the 1630s, 3 in the 1640s, and 1 in the 1650s. These were:

Luke Gardiner (planter)	John Medley (planter)
Leonard Greene (migrated 1640s)	Bartholomew Phillips (planter)
John Lloyd (no occupation, migrated 1650s)	John Rogers (no occupation).

The 6 Jesuits listed merely as migrants were:

Thomas Gervais (priest)	John Knolls (brother)
Bernard Hartwell (priest, migrated 1640s)	Walter Morly (brother)
Timothy Hays	Roger Rigby (priest, migrated 1640s).

No indication of arrival status exists for 16 other documented Catholics. One of these migrated in the 1630s, 4 in the 1640s, and 11 in the the 1650s. These were:

William Boreman, Jr. (planter)	Richard Gardiner (planter, migrated 1630s)
Robert Cooper (planter)	Joseph Pile (planter)
Thomas Courtney (planter)	Thomas Salmon (cooper, planter)
Ignatius Fenwick (migrated 1640s)	William Shercliffe (planter)
John Fenwick	William Thompson (planter, migrated 1640s)
Richard Fenwick (planter)	Thomas Thorneborough (migrated 1640s)
Cuthbert Fenwick, Jr. (planter, migrated 1640s)	John Wiseman.
Robert Fenwick	
William Langworth (planter)	

Among the 56 women who were married to documented Catholics, 7 came in the 1630s, 17 in the 1640s, and 32 in the 1650s. There were 5 who came as servants, 21 as free, 7 as merely "migrants," and 23 as unknown. The five who came as servants were:

Eleanor Stephenson Brainthwaite  
 Bridget Seaborn Greenway  
 Rebecca Hall

Ann Pike Mansell  
 Ann Lewger Tattersall

The 21 who came as free were:

Margaret Brent  
 Mary Brent  
 Mary Kittamaquand Brent  
 (born free)  
 Ellinor Hatton Brooke  
 Jane Lowe Calvert  
 Jane Cockshott  
 Rebecca Cole  
 Penelope Cornwallis  
 Anne Cox  
 Mary Davies

Sarah Frisell  
 Mary Gaines  
 Elizabeth Gardiner  
 Sarah Hooper  
 Priscilla Land  
 Ann Lewger  
 Elizabeth Gardiner Lusthead  
 Hester Matthews  
 Sarah Pile  
 [First name unknown] Wheatley  
 Elizabeth Willan

The 7 who came as "migrants" were:

Temperance Jay Bretton  
 Winifred Greene Clark  
 Jane Eltonhead Fenwick  
 Katherine Hebden

Ann Land  
 Ann Martin  
 Elizabeth Medley

The 23 whose arrival status is unknown were:

Mary Cockshott Adams  
 Jane Anketill  
 Sarah Boreman  
 Margaret Browne  
 Ann Wolsely Calvert  
 Mary Darnall Calvert  
 Jane Cockshott, the younger  
 Ann Dandy  
 Audrey Dayley  
 Ann Evans  
 [1st unk.] Cornwallis Fenwick  
 Elizabeth Hatton Gardiner

Elizabeth Morris Gardiner  
 Margaret Hall  
 Mary Harrington  
 Mary Tattersall Jarboe  
 Agatha Morris Langworth  
 Mary Lindsey  
 Penelope Nicholls  
 Emma Morris Rosewell  
 Elizabeth Sewell  
 Ann Smith  
 Margaret Thompson

Appendix 3:  
Documented Catholics who Followed non-Agrarian Trades

There were 21 documented Catholic migrants who followed artisan, merchant, and other non-agrarian trades or who combined these trades with being a planter. There were 12 of these out of the 47 who paid their own passage to Maryland. They were:

Peter Bathe (clerk)	George Manners (attorney-in-fact, planter)
William Boreman (mariner)	Thomas Matthews (surgeon)
William Bretton (merchant, planter)	James Neale (merchant, planter)
John Cissell (gunsmith and planter)	Edward Packer (schoolmaster and planter)
John Davis (carpenter)	William Rosewell (innkeeper).
Thomas Gerard (surgeon, merchant)	
Philip Land (innkeeper)	

Among the 25 Catholics who came as indentured servants were 9 artisans and professionals. They were:

Robert Clark (surveyor)	Barnaby Jackson (tailor)
Edward Cottram (carpenter)	James Langworth (attorney-in-fact, planter)
John Dandy (blacksmith and miller)	Charles Maynard (soldier)
Robert Gates (carpenter, planter)	John Shircliffe (tailor, planter).
Henry Hooper (surgeon)	

Of the 25 indentured servants, 9 never became freeholders. Of the 9, four were artisans and professionals. They made their living from their trade:

Edward Cottram (carpenter)	James Langworth (attorney-in-fact)
Henry Hooper (surgeon)	John Althome (Jesuit brother).

The other 5 made their livings as tenants, sharecroppers, and laborers. The five were:

Garrett Comberford (planter)	Richard Lusthead (planter)
Richard Gaines	James Pattison (planter).
John Harrington (planter)	

Among the 56 women who were either married to documented Catholics or otherwise known to be Catholics, one was an attorney, Margaret Brent, one was a physician, Katherine Hebden, and two were tailors, Audrey Daley and Elizabeth Willan.

## Appendix 4:

### Catholics in the Assembly during the Civil War Period<sup>1</sup>

The 41 Catholics whom Edward Papenfuse lists as members of the assembly during some part of the Civil War period were:

1. Henry Adams (d. 1686), migrated 1639, as servant, no parents listed (p. 98).
2. Henry Bishop (d. 1645), migrated 1634, indentured servant, free 1637, no parents mentioned (p. 134).
3. William Blount (Blunt) migrated 1642, leave Maryland 1643, literate, captain in militia, esquire on arrival, no parents mentioned (p. 138).
4. William Boreman (Boarman) (1630-1709), migrated from England 1645, free, mariner in the 1640s, planter, Indian trader, land speculator, gets patronage from proprietor for helping in the Battle of Severn (p. 148).
5. William Brainthwaite (d. 1650), migrated 1638, free, father is Robert Brainthwaite with no title but was secretary to Sir Richard Weston, gentleman by 1638 (p. 159).
6. Fulke Brent (1590-1656), migrated 1638 free, returned 1642, attended Oxford (1613), Middle Temple (1615), oldest son, father was Richard Brent of Stoke and Addington, sheriff of Gloucestershire (1614), mother was daughter of Giles Reed, Lord of Tusburne and Witten (p. 161).
7. Giles Brent (1600-1671), second son, see Fulke Brent for parents (p. 161).
8. William Bretton (d. 1672), gentleman on arrival, father not mentioned, clerk to the assembly (1637-1650) (p. 162).
9. Thomas Brooke (1632-1676), migrated 1650 with father, Robert Brooke (1602-1655), mother Mary, daughter of Thomas Baker, barrister, granddaughter of Sir Thomas Engham of Goodnerton, Kent, younger brother of Baker Brooke (1628-1679) (p. 171).
10. Leonard Calvert (1606-1647), younger son, no title, but father, George Calvert, had title (p. 190).
11. Phillip Calvert (1626-1682), migrated 1656, younger son, father was George Calvert (p. 190).
12. Nicholas Causine (1608-1658), migrated from France, 1639, son was

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<sup>1</sup>Page citations are to Papenfuse, *Dictionary*.

- Ignatius Causine, (b. 1642) (p. 204).
13. Robert Clarke (1611-1664), indentured servant in 1637, gentleman by 1638, no parents mentioned (p. 225).
  14. John Cockshott (d. 1642) (p. 204; see also Beitzell, "Mission," p. 21).
  15. Thomas Cornwallis (1605-1676), father Sir William Cornwallis, who was son of Sir Charles Cornwallis (d. 1629), who was ambassador to Spain (1605-1610), mother was daughter of Sir Philip Parker of Ewarton, Suffolk (p. 235).
  16. Edward Cotton (d. by 1653), (mentioned in Beitzell, "Mission," p. 26).
  17. William Evans (d. 1669), migrated 1646, free, parents not listed.
  18. Cuthbert Fenwick (1614-1655), arrived 1634 as servant, gentleman by 1638, father not mentioned (p. 319).
  19. Luke Gardiner (1622-1674), migrated 1637 as servant, father was Richard Gardiner, see below (p. 344).
  20. Richard Gardiner (d. 1651), migrated 1637 as servant, no father listed, is with Luke Gardiner (pp. 344-345).
  21. Thomas Gerard (1608-1673), migrated 1638, free, father was John Gerard, New Hall, England, son of Thomas Gerard and wife Jane of Garswood, England (p. 348).
  22. Thomas Greene (d. 1651), migrated 1634, free, gentleman by 1638 (p. 373).
  23. Walter Hall (d. 1678), migrated 1652, free, parents not mentioned, (p. 389).
  24. Jermome Hawley (1590-1638), migrated 1633, free, born in Middlesex, England, younger son, father James Hawley (1558-1622) of Brentwood, Middlesex (p. 426).
  25. John Jarbo (Jarboe) (1619-1674), migrated from Dijon, France to Kecoughton, Virginia, then to Maryland, free, in 1646 to help proprietor recapture colony, no parents listed, in 1655 he supported Stone's attack against Providence, naturalized by act of assembly, 1666 (p. 482).
  26. Philip Land (1607-1659), migrated 1647, free, no parents listed (p. 516).
  27. John Langford (b. 1595), migrated 1637, free, gentleman on arrival, esquire by 1642, returned to England 1648 (p. 516).
  28. James Langworth (1630-1661), migrated 1641 as servant, no parents listed, gentleman at death (p. 517).
  29. John Lewger (1602-1665), migrated 1637, free, Trinity College (1616-1619), no parents mentioned (p. 533); admitted a commoner at Oxford (Gillow, *Dictionary*, vol. 4, p. 202).
  30. Richard Lusthead (migrated 1634, indentured servant, no parents mentioned (p. 554).
  31. George Manners (b. 1651), migrated 1646, free, no father mentioned, sheriff 1648 (p. 571).

32. John Mansell (1616-1660), migrated 1638, as servant, free by 1643, no parents listed (p. 572).
33. Thomas Matthews (1622-1676), migrated 1637, free, no father listed (p. 581).
34. John Medley (1616-1662), migrated 1637, servant, no father listed (p. 592).
35. James Neale (1615-1684), migrated 1635, left 1644, returned 1660, free, father Raphael Neale of Wollaston, Northampton, mother Jane, daughter of Dr. Foreman, eldest son (p. 609).
36. John Pile (d. 1676), migrated 1643, gentleman, no parents listed (p. 647).
37. Francis Trafford, migrated 1642, free, no parents, called colonel in England (p. 839).
38. Thomas Turner (b. 1663), migrated 1657, free, no parents listed (p. 844).
39. Richard Willan (1622-1663), migrated 1638, free, servant, no parents listed (p. 890).
40. Robert Wintour (d. 1638), migrated 1637, free, father Sir Edward Winter, member of Parliament, esquire on arrival, brother knighted.
41. Nicholas Young (d. 1669), migrated 1656, free, no parents listed, gentleman by 1667 (p. 931).

Illustration 7: Old St. Paul's, London. The Catholic architect, Inigo Jones (d. 1651) built an addition to this Protestant Cathedral. Leonard Calvert during the 1640s kept a picture of it on his wall in Md.<sup>2</sup>

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<sup>2</sup>Henry Traill, *Social England* (London: Cassell & Co., 1902), vol. 4, p. 38.

## Appendix 5:

### Maryland Catholics Who Carried on Business as Usual During the 1645 Overthrow and Those Against Whom Hostility Was Directed

The 30 Catholics who carried on business as usual during the 1645-1646 overthrow, as far as available documentation is concerned, were:

Henry Adams (d. 1686, arrived 1639, planter).  
William Boreman, Sr. (1630-1709, first record was 1645, mariner).  
Edward Cottram (d. 1653, arrived 1637, carpenter).  
Robert Clark (1611-1664, arrived 1637, surveyor).  
John Dandy (first record 1637, last 1659, migrated as servant, blacksmith and miller).  
Luke Gardiner (1622-1674, arrived 1637, planter).  
Richard Gardiner (d. 1651, arrived 1637, planter).  
Benjamin Gill (d. 1656, arrived 1642).  
Leonard Greene (d. 1688, arrived 1644).  
John Greenway (1625-1658, first record 1643, planter).  
Thomas Hebden (arrived 1635, last record 1650).  
Henry Hooper (d. 1650, arrived 1637, surgeon).  
Barnaby Jackson (d. 1670, arrived 1638, tailor).  
Nicholas Keiting (d. 1661, first record 1641).  
James Langworth (1630-1661, arrived 1641, attorney-in-fact, planter).  
James Lindsey (1626-1670, first record 1642, planter).  
Richard Lusthead (arrived 1633, last 1650, servant, planter).  
John Mansell (1626-1660, arrived 1637, planter).  
Thomas Matthews (d. 1676, arrived 1637, surgeon).  
Charles Maynard (1622-1661, arrived 1637, soldier).  
John Medley (d. 1679, arrived 1637, planter).  
Edward Packer (1614-1667, arrived 1637, schoolmaster, planter).  
Robert Percy (first record 1638, the last 1649).  
Bartholomew Phillips (d. 1665, arrived 1638, planter).  
John Pile (d. 1676, arrived 1644).  
John Shircliffe (1613-1663, arrived 1638, tailor, planter).  
Henry Spinke (1622-1695, arrived 1641, planter).  
William Thompson (1597-1649, arrived 1642).  
John Wheatley (1603-1659, arrived 1641, servant).  
Richard Willan (1622-1663, arrived 1638, servant).

The 14 women who were married to Catholic men and carried on as usual during the war, as far as available documentation is concerned, were:

Mary Cockshott Adams (b. 1637, arrived 1641).  
 Eleanor Stephenson Brainthwaite (first record 1645).  
 Winifred Greene Clark (arrived 1638).  
 Jane Cockshott (arrived 1641).  
 Jane Cockshott, the younger (b. 1641).  
 Anne Cox (arrived 1633).  
 Ann Evans (arrived 1643).  
 Elizabeth Gardiner (arrived 1637).  
 Katherine Hebden (arrived 1640).  
 Elizabeth Lusthead (b. 1618, arrived 1637).  
 Hester Matthews (arrived 1643).  
 Elizabeth Medley (arrived 1641).  
 Anne Smith (first record 1635).  
 [First name unknown] Wheatley (arrived 1641).

The 6 Catholic landlords who were economically leveled during the 1645 overthrow were:

Giles Brent (1600-1672, arrived 1638).  
 Leonard Calvert (1610-1647).  
 Thomas Cornwallis (1605-1675, planter, arrived 1634).  
 Thomas Copley (d. 1652, first record 1637 priest, planter).  
 Thomas Gerard (1608-1673, arrived 1638, planter).  
 John Lewger (1602-1665, arrived 1637).

The 2 Catholic non-landlords against whom hostilities were directed were:

Nicholas Causine (1608-1656, arrived 1640).  
 Cuthbert Fenwick, Sr. (1614-1655, arrived 1634, planter).

Illustration 8: An engraving showing the leveling of Wardour Castle, which was owned by Cecil Calvert's landlord in-laws.<sup>1</sup>

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<sup>1</sup>*Mercurius Rusticus* (Royalist Newspaper), reproduced in Maurice Ashley, *The English Civil War* (New York: St. Martin's Press, 1974), p. 154.

Appendix 6:

Religion of St. Mary's Troops Involved in the Battle  
of the Severn, 1655<sup>1</sup>

Of the 27 known troops in the proprietor's army, 16 were Protestant or of unknown religion.

Luke Barber (d. 1668, Oliver  
Cromwell's doctor before migrating  
to Maryland, p. 114)  
William Barton (p. 116)  
James Berry (d. 1666, p. 131)  
William Bramhall  
Job Chandler (d. 1659, p. 209)  
Nicholas Gwither (taken prisoner and  
condemned to be shot, but escaped  
to England)

Henry Coursey  
Josias Fendall (d. 1688, p. 318)  
Thomas Hatton (d. 1655, p. 442)  
William Hawley  
Owen James  
John Price (1607-1660, p. 666)  
William Price  
Robert Taylor  
Thomas Truman (1625-1685, p. 842)  
George Thompson

Eleven were Catholic.

William Boreman  
Robert Clark  
John Dandy  
William Eltonhead (1616-1655)  
William Evans  
John Jarboe

James Langworth  
William Lewis (d. 1655)  
Thomas Matthews  
Edward Packer  
John Pile

Illustration 9: Blue and white soldier series on  
Dutch delftware tiles similar to tiles recovered from  
Civil War Maryland housing.<sup>2</sup>

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<sup>1</sup>Page citations are to Papenfuse, *Dictionary*. See also, Cecil Calvert, "Instructions to Governor" (Oct. 23, 1656), *Md. Arch.*, vol. 3, p. 326; Robert Clarke, Thomas Matthews, William Boreman, John Condy, John Pyle, "Court Testimony" (Oct. 12, 1655), *ibid.*, vol. 10, pp. 425-426, 429; Edwin Beitzell, *Jesuit Missions*, p. 22; Randall, *A Puritan Colony in Maryland*, p. 38.

<sup>2</sup>Luckenbach, *Providence 1649*, p. 14.

## Appendix 7:

### Chronology of the Civil War Period in England and Maryland

1631	English settlement of Leeward Islands began at St. Kitts.
1632	English settlers in Antigua and Montserrat. Charles I issued charter for colony of Maryland, named in honor of Queen Henrietta Maria, under control of Cecil Calvert, Lord Baltimore.
1633	Charles I revived forest eyre to raise money by fines. Trial of the Lancashire witches.
Mar. 25, 1634	English migrants landed in Maryland.
1634	Earl of Ormond was Calvert's proxy in Irish Parliament.
1638	Proprietor sought without success to get law code enacted by Maryland assembly.
1638-1644	First economic depression in English Maryland, an extension of the depression in Europe.
1639	First Bishops' War in which Charles I made war on Scotland to enforce religious uniformity. Covenanters take Edinburgh, Dumbarton, and Stirling. Charles joined army at York, dared no attack, and signed Pacification of Berwick to end war, episcopacy abolished in Scotland.
1640	Second Bishops' War. Scots crossed Tweed into England; the king left London for York, relieved Newcastle, and was defeated at Newburn-on-Tyre; agreed by Treaty of Ripon to pay Scot army £860 per day until settlement was reached.
Apr. 13 -May 5, 1640	Short Parliament.
Nov. 3, 1640 - 1660	Long Parliament.
Nov. 22, 1641	Grand Remonstrance.
Jan 1642	Charles I went North to York.
Aug. 22, 1642	Charles I made war at Nottingham on Parliament.
Oct. 23, 1642	Battle of Edgehill with indecisive outcome.
Fall 1642	Royalists took Marlborough, Parliament took Winchester.
1643	Royalists lost Bradford, were defeated by Cromwell at Grantham, and were beaten at Newbury. Parliament

	won at Leeds, Reading, Wakefield, Gainsborough, and Gloucester. Unsuccessful peace talks between crown and Parliament at Oxford. Confederacy of New England formed by Connecticut, New Haven, Plymouth, and Massachusetts Bay.
Jan. 1643	Leonard Calvert went to England.
Mar. 1643	Richard Ingle arrived in Maryland for his yearly trading activities.
Apr. 11, 1643	Brent made temporary governor in Leonard Calvert's absence.
July 1643	Bristol taken by Royalists.
Nov. 18, 1643	Proprietor wrote letter from Bristol.
Jan. 1644	Proprietor's governor got commission from crown at Oxford. Ingle arrested and released.
Jan. 22, 1644	Oxford Parliament met.
Feb. 8, 1644	Ingle traded in Maryland after his release and left without incident.
July 2, 1644	Royalists defeated at Marston Moor.
Aug. 1644	Parliament authorized Ingle to trade with Maryland.
Sept. 2, 1644	Essex's army surrendered to Charles I at Lostwithiel.
Sept. 6, 1644	Leonard Calvert returned to Maryland.
Jan. 1, 1645	Braithwaite made lieutenant-governor while Leonard Calvert goes to Virginia.
Jan 11, 1645	New Model Army created, Presbyterian leadership ousted.
Feb. 14, 1645	Ingle led in the overthrow of proprietor's rule in Maryland.
June 14, 1645	Battle of Naseby (Royalists defeated).
July 30, 1645	Fairfax stormed Bath (Royalists defeated).
Sept. 1645	Bristol surrendered to Parliament.
Feb. 24, 1646	Ordinance on land reform, ends knights holdings and dues (benefited tenantry).
Mar. 1646	Edward Hill arrived in Maryland.
May 5, 1646	Charles I surrendered to Scots.
1646	Leonard Calvert returned to Maryland from exile in Virginia.
Feb. 1, 1647	Charles I delivered to Parliament by Scots.
June 5, 1647	New Model Army took solemn oath not to disband until rights of English people secured.
June 9, 1647	Leonard Calvert died.
June 1647 -Aug. 1648	Thomas Greene governor.
Jan. 15, 1648-Aug. 20, 1648	Second Civil War began.
Aug. 17 - 19, 1648	Battle at Preston, Scots and English Royalists defeated.

Aug. 17, 1648	William Stone appointed governor.
Dec. 1, 1648	King taken into custody.
Dec. 6, 1648	Army purged Parliament of Presbyterian majority.
Jan. 31, 1649	Charles I executed.
Apr. 20, 1649	Act Concerning Religion (Toleration Act).
May 1649	Confirmation of king's execution reached New England.
Sept. 1649	Stone departed from Maryland to Virginia on business.
Oct. 10, 1649	William Berkeley, Virginia's governor, declared himself for Charles II.
Nov. 15, 1649	Acting governor Thomas Greene declared himself for Charles II.
1650 - 1655	International economic depression.
Jan. 1650	Stone returned to Maryland.
1651	Royalists defeated at Worcester.
Feb. 1652	Act of Pardon and Oblivion, allowed Royalists in Parliament.
1652	Parliamentary commissioners in Maryland overthrew proprietary regime.
Apr. 20, 1653	Rump Parliament (largely Presbyterian) dissolved, which allowed Independents more power.
July 4-Dec. 12, 1653	Short (Barebone's) Parliament introduced civil marriage, abolished tithes.
Dec. 1653-May 1659	Protectorate.
Mar. 2, 1654	Stone put all writs in proprietor's name.
July 1654	Bennett overthrew proprietor's governor for the second time.
Sept. 1654-Jan 22, 1655	First Protectorate Parliament.
Mar. 1655	Battle of the Severn.
Sept. 17, 1657	Second Protectorate Parliament commenced.
1657	Proprietary rule restored.
Sept. 3, 1658	Cromwell died.
Mar. 1659	Richard Cromwell stepped down.
May 6, 1659	Long Parliament called into session.
Oct. 1659	New Model Army disbanded Parliament.
Jan. 1660	General George Monck attacked New Model Army and called Parliament into session.
May 25, 1660	Charles II landed at Dover.

Illustration 10: Tobacco pipes from a Civil War Md. trash pit. Pipes were made by Indians and European migrants. Some were imported from Virginia, Holland (marked with fleurs-de-lis) and Bristol, Eng.

Appendix 8:  
Saints' Days and Other Festivals<sup>1</sup>

All Saints	Nov. 1
All Souls	Nov. 2
Annunciation of the Virgin (Lady Day, first day of New Year in old calendar)	Mar. 25
Ascension of the Lord	fortieth day after Easter <sup>2</sup>
Ash Wednesday	the first day of Lent
Assumption of the Virgin	Aug. 15
Bartholomew, St. (the Apostle, <i>Matt.</i> 10:3)	Aug. 24 <sup>3</sup>
Candlemas	Feb. 2
Chair of St. Peter	Jan. 18
Close of Easter	Sunday after Easter
Conception of the Virgin	Dec. 8
Corpus Christi	first Thursday after Trinity Sunday
Cuthbert, St. (841-870 A.D.)	Mar. 20
Dunstan, St.(d. 988)	May 19
Easter	first Sunday after the first full moon after the vernal equinox (Mar. 21)
Edmund King of East Anglia, St. (635-687)	Nov. 20
Edward the Confessor, St. (1002-1066)	Oct. 13
Epiphany	Jan. 6
Exaltation of the Holy Cross	Sept. 14
Faith, St.	Aug. 1
Giles, St.	Sept. 1
Gregory the Great, St.	Nov. 3
Helen, St.	Aug. 18
Hillary, St.	Jan. 13
Hokeday	second Tuesday after Easter
James the Apostle, St.	July 25

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<sup>1</sup>Francis X. Weiser, *Handbook of Christian Feasts and Customs: The Year of the Lord in Liturgy and Folklore* (New York: Harcourt, Brace and World, 1952).

<sup>2</sup>In England a parish procession or a parade and feast were held on Ascension Thursday. See Peter Burke, "Popular Culture in 17th-Century London," *Popular Culture in Seventeenth-Century England* (New York: St. Martin's, 1985), p. 36.

<sup>3</sup>In many parts of England, this was the day for paying one-half the yearly tithes.

John, St.	Dec. 27
John the Baptist, St.	June 24
Martin of Tours, St.(315-399) original thanksgiving day	Nov. 11
Matthew, St.	Sept. 21
Michael, St. (Michaelmas)	Sept. 29 <sup>4</sup>
Nativity of the Jesus (Christmas)	Dec. 25
Nativity of the Virgin	Sept. 8
Peter and Paul, Sts.	June 29
Purification of the Virgin	Feb. 2
Rogation Days	the three days before the feast of the Ascension
Shrove Tuesday	day before Ash Wednesday <sup>5</sup>
Simon and Jude, Sts.	Oct. 28
Stephen, St.	Dec. 26
Thomas the Martyr, St.	Sept. 6
Trinity, The Holy	eighth Sunday after Easter
Vincent, The Martyr, St. (d. 304, patron of wine producers)	Jan. 22
Whitsuntide (Whit Sunday, Pentecost; feast of first fruits, <i>Exodus 23:16</i> )	the seventh Sunday after Easter

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<sup>4</sup>Michaelmas was rent day in England. According to Eric L. Jones, *Seasons and Prices: The Role of Weather in English Agricultural History* (London: Allen and Unwin, 1964), pp. 22, 24, in the labor market, the payment of wages at Martinmas and Whitsun, or at Michaelmas and Lady Day, or at Candlemas and Lammas, generated demand for clothing, craft goods, and utensils.

<sup>5</sup>Laborers' holiday, on which coopers, carpenters, butchers, and other guilds had processions.

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Illustration 12:  
Fishing-nets on the Congo. The Congo-Maryland  
migrants also used nets for fishing.<sup>1</sup>

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<sup>1</sup>Mungo Park, *Africa and Its Exploration as Told by its Explorers* (London: S. Low, Marston & Co., 1891), vol. 2, p. 97.

## Illustration 13:

Catholic landlord piety: one of the gentry is quoting a passage from scripture in praising those at court, "I said you are as gods" (*Ego dixi dii estis*). Jesus is depicted as a king, receiving the crown and going the royal way (*via regia*) and as a cleric, receiving a bishop's hat.<sup>2</sup>

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<sup>2</sup>Nicholas Caussin, *The Holy Court, or the Christian Institution of Men of Quality with Examples of those who in Court have Flourished in Sanctity* [1626, 1634, 1638, 1650, 1663, 1664, 1678, 1898], 1977, trans. Basil Brooke in *ERL*, vol. 367, first page, unnumbered.

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