

## Secretary John Lewger

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*Your Secretary....is quick as I am slow in writing, and therefore in that part a very fit subject for the place he bears, and if he proves not to stiff a maintainer of his own opinions, and somewhat too forward in suggesting new businesses for his own employment, he may perhaps do God and your Lordship good service here.*

***Thomas Cornwaleys to Lord Baltemore, 16 April 1638.*** <sup>(1)</sup>

John Lewger came to Maryland to do God, Lord Baltemore, and himself good service. A decade later he retreated to England. The event that defeated him – the English civil War – was one over which he had no control, but prior to its outbreak, Lewger's Maryland performance was flawed. He did much good service, but experience and personality poorly equipped him to further his own interests or those of Lord Baltemore. Until his arrival in Maryland, he had spent most of his adult years in the halls and cloisters of Oxford. Three degrees had prepared him to be a judge, a scribe, and an accountant; and three years as a village rector had given him some exposure to farming. Neither had prepared him to be a merchant, a councilor, or a legislative lobbyist. Part of his inadequacy was due to inexperience, but part was due to personality. Seemingly, Lewger lacked both charisma and the perception to see how his words and actions were affecting others.

John Lewger was born in late 1601 or early 1602 of "genteel parents in London."<sup>(2)</sup> Nothing else is known of his background. In 1616, he was admitted as a commoner to Trinity College, Oxford. Lewger proceeded to the degree of Bachelor of Arts in 1619, and then to that of Master of Arts in 1622. In 1627, after admission to orders, he became rector of Laverton, Somerset, and about that time he married. He continued his studies and proceeded to the degree of Bachelor of Divinity in 1632, when he was ordained priest.<sup>(3)</sup> Lewger's school experience and friends shaped his life. In particular, his training as a clergyman seems to have reinforced a pre-existing sensitivity to principle rather than to people.

At Trinity Lewger made two friends who exerted a profound influence on him. One was Cecil Calvert, whose father became the first Baron of Baltemore in 1625. Lewger entered Calvert's service in 1636 or 1637 and remained in it until his death. The second, more immediate, influence was William Chillingworth. Chillingworth, a brilliant student, had remained at Oxford to teach and to help formulate England's intellectual defences against the Counter-Reformation. He engaged a Jesuit, Father John Fisher, in debate and lost. Fisher convinced him "*that there must be some infallible judge in matters of faith, and that such infallibility rested, if anywhere, in the Church of Rome.*" Converted to Roman Catholicism, Chillingworth went to France and entered the Jesuit college at Douay.<sup>(4)</sup>

The defection of his friend made a deep impression on Lewger. According to Streeter, to satisfy himself, or to obtain arguments with which to draw back his friend from the maze of error into which he believed he had fallen, he began himself a thorough investigation of the subject, at the end of which he came to a similar conclusion with Chillingworth, and felt himself compelled to acknowledge the church<sup>(5)</sup> of Rome as the only true Church.

Lewger resigned his rectorship. What his hopes were is unknown, but his economic prospects were grim. His conversion eliminated a career in the ministry, teaching, or civil service. A refugee for conscience's sake as much as any Puritan emigrant to New England, Lewger left Laverton in 1634 or 1635. With his wife and son, he traveled to London, then the center of English Roman Catholicism. (Priests and chapels were attached to the Roman Catholic embassies and the household of Queen Henrietta Maria.) There he preached part-time as an Anglican to support his family. Lewger's departure from the English church was made more difficult by the reconversion of his friend Chillingworth. Lewger argued with his friend, trying to convince Chillingworth of his error, but Lewger only succeeded in embittering himself.<sup>(6)</sup>

In London, Lewger came to the attention of his former school fellow, Cecil Calvert, now the second Baron of Baltemore. Soon Lewger determined to make a new life for his family in Maryland. None of the details are known, but by September, 1635, he had helped Commissioner Jerome Hawley (returned from Maryland) author a tract promoting emigration to Maryland. The move would be expensive. A minimum of £100 was required to finance a Maryland manor.<sup>(7)</sup> Lewger turned for help to the Roman Catholic clergy. On 11 July 1635, the Papal Envoy, Gregory Panzani, reported to Rome, "*I have also recommended to Father Philips [the Queen's confessor] a very learned minister, John Lewger, one recently converted.*" Panzani promised to try to aid Lewger and advocated in his report that a fund be established for converted ministers. Three times in 1636, Panzani mentions subsequent appeals from Lewger (February 27, May 28, and August 25). Eventually, Lewger raised a sum in excess £200, probably with the help of Father William Price of the Benedictines. In 1639, Lewger was distressed that Price had not answered his letter of the previous year. "*He is one who I shall ever acknowledge myself infinitely obliged to, and I beseech God reward him for all his charity to me and mine.*"<sup>(8)</sup>

John Lewger came to Maryland as Secretary of the Province and a manorial lord. On 29 August 1636, Lord Baltemore wrote that Lewger was to have two manors and one hundred acres of townland.<sup>(9)</sup> The warrant suggests that Lewger intended to go to Maryland with the 1636 tobacco fleet. For unknown reasons, his departure was delayed a year. Lewger sailed in August or September, 1637, on the ship *Unity*. He arrived in Maryland on 28 November. He brought his wife, Ann, his nine year old son, John, three maidservants, three manservants, a boy, and enough capital to begin a substantial plantation.<sup>(10)</sup>

We never can know what Lewger's expectations were as he left England. It would seem reasonable, though, that he felt some measure of excitement on making the transition from rural parson to a principal in a New World experiment. For Lewger, the experiment would be a disappointment, first politically, and ultimately financially. In Maryland, he found himself in a situation with which he was poorly equipped to cope.

## Contention

Lewger brought to Maryland a legislative code drafted by Lord Baltimore. The code was disagreeable to most Maryland Catholics. Baltimore proposed reforms that challenged the financial interests and religious sensibilities of the original investors. The draft laws gave Baltimore a monopoly of the fur trade, revised the conditions of plantation, and elaborated on the machinery of a secular state. The latter legislation was aimed at preventing the Society of Jesus from assuming ecclesiastical privileges. Disagreement on the status of Roman Catholicism would bitterly divide Maryland Catholics until the intervention of the English Civil War. <sup>(11)</sup>

Lewger's introduction to Maryland politics came two months after his arrival. On 25 January 1637/8, Governor Leonard Calvert convened a General Assembly as directed in the new commission of government from Lord Baltimore. The Assembly was to consider the draft code of legislation brought by Lewger. On the third day, the Assembly rejected the code almost unanimously. Only Governor Calvert, Secretary Lewger, and their proxies voted for it. Thereafter, Lord Baltimore's two representatives had an uphill battle to save his legislative program, but by the end of the Assembly, they were remarkably successful. About fourteen acts seem to have been salvaged intact (the total number sent by Lord Baltimore is not known) and another twenty, locally-written substitutes were enacted. Leonard Calvert wrote his older brother:

*The body of laws you sent over by Mr. Lewger I endeavored to have had passed . . . , but could not effect it, there was so many things unsuitable to the people's good and no way conducing to your profit . . . The particular exceptions which were made against them Mr. Lewger hath given you an account of in his dispatches to you. Others have been passed in the same assembly . . . which I am persuaded will appear unto you to provide both for your honor and profit as much as those you sent us did.* <sup>(12)</sup>

Calvert and Lewger achieved their success by persuading many of the freemen to vote with them, but the cost was substantial. The manorial lords were embittered, and Lewger gained instant unpopularity. <sup>(13)</sup>

Lord Baltimore was convinced that the man/land ratios established by the original conditions of plantation were too low. Huge, thinly settled tracts impeded settlement and increased the danger of Indian attack. Baltimore proposed that the manorial lords surrender their old land rights and take out new patents under conditions requiring them to maintain twenty persons—fifteen of them armed—on every manor. When these changes were passed, most of the manorial lords felt cheated. Lord Baltimore had lured them to the province with a generous contract and then repudiated it. While Governor Calvert was most responsible for the passage of the legislation, it was the newcomer, Lewger, who was the lightning rod for the manorial lords' resentment. The Superior of the Jesuit mission, Father Philip Fisher (Mr. Thomas Copley), complained <sup>(14)</sup>

*Either we must lose all our buildings, all our clearings, all our enclosures, and all our tenants, or else be forced to sit free-holders,. . . I am told that Mr. Lewger defends publically in the Colony, that an assembly may dispose here of any man's lands or goods as it please.*

It is to Lord Baltimore's credit that, after reading his Maryland partners' protests, he dropped his attempt to revise retroactively the conditions of plantation.<sup>(15)</sup>

The other major group of laws was designed to correct a second problem: confusion or disagreement on the status of Roman Catholicism in Maryland. Baltimore's charter gave him the patronage of all churches and chapels. Now, with the 1638 code of laws, he limited church jurisdiction—whether Church of England or Roman Catholic—to exclusively spiritual matters. Baltimore's concern was to separate religion and citizenship and by so doing to make possible Catholic participation in Maryland's government. In England, a majority of the Catholic gentry had been frustrated by Protestant prejudices that were being reinforced continually by the actions of Catholic missionaries and terrorists. In Maryland, the Calverts had more opportunity to achieve separation of church and state, but one of the same problems: a missionary order imbued with the goal of resurrecting the prerogatives of the Roman Catholic Church. By excluding religious bodies from temporal concerns and by denying them temporal privileges (except glebes (farms) of Church of England ministers), Baltimore touched off a bitter struggle with the Society of Jesus and their Maryland supporters. During the struggle, both sides would accuse the other of betrayal.<sup>(16)</sup>

Initial responsibility for the conflict is unclear. Baltimore clearly assumed that the relationship between Proprietor and the Maryland missionaries would follow lines similar to those between the English Catholic gentry and Jesuit missionaries in England, while the Maryland Jesuits wanted to assume many of the privileges of a religious order in a Catholic country. Whether the misunderstanding was accidental or contrived is unknown. It was almost inevitable due to rapidly diverging social conditions on opposite sides of the Atlantic Ocean.

In England most Jesuit missionaries were chaplains to the wealthy gentry—dependent upon them for political protection, financial support, and aid in their struggles against the other factions of English Catholicism. Those missionaries not in the households of the powerful led lives of deprivation and periodic danger.<sup>(17)</sup>

In Maryland, the Jesuit missionaries were in a vastly different environment. Here there were no hostile police or rival ecclesiastics. Nor were the missionaries financially dependent upon the Calverts. The Society of Jesus was the largest landowner in the province and the Proprietor's most important partner. Maryland was a Jesuit as well as a Calvert project. Every major investor had ties to the order, of which the Calvert's may have been representative.<sup>(18)</sup> The first Lord Baltimore had educated some of his sons in a Jesuit school, had collaborated with them in defeating the secular clergy's attempt to place a bishop at the head of the English Roman Catholic Church, and had solicited their help in the colonization of Maryland.<sup>(19)</sup> While the missionaries realized that they had to be discrete, it is neither surprising that their notion of discretion should diverge from that of the Proprietor nor surprising that their relationship to him would become less subservient. Hence, the missionaries began aspiring to a Maryland role comparable to that to which Bishop Smith had aspired during his short term at the head of the English Catholic Church.<sup>(20)</sup> Progressively, the Second Lord Baltimore would be into opposition to the Jesuits for the same reasons his father had once opposed the pretensions of the English secular clergy.

In 1633, Lord Baltimore had instructed that Maryland Catholics practice their religion in private. Two years later, he was politically embarrassed when the Virginia interest proved that mass was being said publicly in Maryland. Shortly thereafter, he was alarmed to learn that the missionaries were claiming some of the privileges of ecclesiastics in Catholic countries and had become through gift and purchase the largest landholders in the province. Baltimore may have learned also that the Jesuits were claiming to have obtained some of their land by gift from the Indians, an encroachment on his proprietary rights.<sup>(21)</sup> IN 1637, Baltimore dispatched Lewger with draft legislation to end the temporal pretensions of the missionaries and to prove to the outside world that Maryland was not a Roman Catholic state.

The acts passed in 1638 provided glebes for future Anglican ministers, but otherwise recognized no ecclesiastical privileges. In Maryland, lay jurisdiction was established over matters administered by ecclesiastical courts in Europe: the issuing of marriage licenses, the recording of wills, the probating of estates, and the punishment of immorality. Economic regulations were passed and taxes levied without exemptions for clerics or religious property. Only the Proprietor could acquire land from the Indians, and no religious corporation could receive gifts of land except by the consent of the Proprietor.

The legislation placed Maryland Catholics in a dilemma. The new laws required Catholic magistrates to exercise jurisdiction illegal by Papal decrees, actions that could lead to their excommunication. After the Assembly adjourned, Councilor Thomas Cornwaleys wrote Lord Baltimore that

*My security of conscience was the first condition that I expected from this Government. . . . I will rather sacrifice myself and all I have in the defense of God's honor and his Church's right, than willingly consent to anything that may not stand with the good conscience of a real Catholic. . . . Therefore, I beseech your lordship, . . . that you will not permit the least laws to pass that shall not first be thoroughly scanned and resolved by wise, learned, and religious divines.*<sup>(22)</sup>

Toward the end of his letter, Cornwaleys apologized for not including general news, noting

*I doubt not but your Secretary will supply [it] who is as quick as I am slow in writing, and therefore, in that part a very fit subject for the place he bears, and if he proves not too stiff a maintainer of his own opinions, and somewhat too forward in suggesting new businesses for his own employment, he may perhaps do God and your Lordship good service here.*<sup>(23)</sup>

Father Philip Fisher was scandalized. He complained to Lord Baltimore that *"Mr. Lewger seems to defend opinions here, that she [the Church] has no privileges by divine law. . . ."*<sup>(24)</sup> Father Fisher requested, *"while the government is Catholic,"* that the Jesuits enjoy partial exemption from taxation and Indian trade restrictions, agreement that the civil magistrates exercise jurisdiction over the clerics only as temporary surrogates for ecclesiastical courts, and that the Jesuits be allowed to have as many privileges as they, the Jesuits, thought could be employed without notice being taken in England. While Father Fisher declared that he would *"take no land but under your Lordship's title,"* he defended the missionaries' right to accept land from the Indians, and he tactlessly suggested that anyone who interfered risked excommunication.<sup>(25)</sup>

Lewger may well have been a stiff "maintainer of his own opinions," especially when he knew that they coincided with Lord Baltimore's, but he was hardly the ignorant radical that the Jesuits took him to be.

After the 1638 Assembly, Lewger carefully outlined to Lord Baltimore the Catholic objections to the legislation. The objections were put in the form of “Twenty Cases,” or questions to the Proprietor. The “Twenty Cases” were elaborations of three main questions. Did the temporal responsibilities and privileges of the Roman Catholic Church originate by gift from God or by grants from princes? Did Roman Catholic Church law automatically extend to Catholics everywhere, or only where recognized by the State? Did Maryland Catholics sin in abridging the traditional privileges of the Church? Several of the cases referred to Lewger’s own position as Commissary of Causes Testamentary. Was the discharge of his duties a sin? What should he do about a will that

*Giveth legacies for masses to be said for the soul of the deceased, and contains in it the profession of a testator to die a member of the Roman Catholic Church, out of which there is no salvation, with other passages contrary to the religion of England?*

*Should he refuse to record such a will, or was he bound to prove it, “though the Lord Proprietor may incur danger for such a record?”* <sup>(26)</sup>

Baltimore’s response to the 1638 correspondence was to attempt to gain a concordat from the Society of Jesus, and he instructed Governor Calvert not to patent any Jesuit lands until an agreement had been reached. Father Henry More, head [“Provincial”] of the English Province of the Society of Jesus, attempted to placate Baltimore—a more tactful missionary, Father John Brooke, was sent to be Superior of the Maryland mission--, but there was less agreement on principles than Baltimore may have thought. The next January, Secretary Lewger reported that he had acquainted the new Superior

*With what your Lordship writes touching some instructions and directions to be sent out of England for the future comportment of their part to your Lordship’s right and the government there [here?]. But he made strange at most of them, as if he had received no instructions touching any of the particulars, and they desired a note of what was written concerning them that they might conform themselves to it in all points so far as in conscience they might.* <sup>(27)</sup>

In September, 1639, Lord Baltimore’s proposals were rejected by the General of the Society. In no nation, in no part of the world, were Roman Catholic ecclesiastics to submit lay authority. The Society’s response led to an increasingly ugly quarrel between missionaries determined to reestablish the medieval status of the Papacy and an English Baron determined to attain toleration of Maryland Catholics. <sup>(28)</sup>

Baltimore had compelling reasons for insisting that Maryland Catholics violate English law as little as possible. In 1638, the position of Catholics in England was worsening. By 1641, when Baltimore made his next bid for a concordat with the Society of Jesus, English Catholicism seemed on the edge of a holocaust. The previous November, the Long Parliament had passed new measures to suppress Roman Catholicism, and mob violence against Catholics became widespread. In July, 1641, the execution of priests resumed. Shortly, the House of Commons would declare “that they would never give consent to any toleration of the popish religion in Ireland, or in any other his majesty’s dominions.” <sup>(29)</sup>

In 1641, Baltimore renewed his campaign to compel the Society to acknowledge his religious program and proprietary rights. He drafted “Four Points” for the new English Provincial to acknowledge:

1. The illegality of trade with the Indians without license.
2. The illegality of acquiring land directly from the Indians.
3. That the acts of the Maryland Assembly bound all persons, lay and clerical. Further, considering the dependency of Maryland on England, no ecclesiastical person could expect privileges other than those allowed like persons in England, nor were lay magistrates (although Catholic) compelled to recognize other privileges.
4. Lay jurisdiction over matters of morality would continue (until ecclesiastical courts were established with Lord Baltimore's assent) *"without incurring the censure of Bullae Coenae [excommunication], or committing any sin for so doing."*

To compel the Jesuits to submit, Baltimore forbade them send additional missionaries to Maryland without his specific permission, and he began negotiating for secular priests to replace them. When the English Provincial continued to deny all four points, Baltimore increased his demands on the order. In November, 1641, he added the conditions of mortmain (that corporations can not acquire bequests of land without the permission of the prince) to the conditions of plantation and attached an oath to compel acquiescence. The next year he intensified his pressure by demanding the surrender of the Jesuits' Patuxent manors (tainted by their pretended title from the Indians\_ and by sending two secular priests to Maryland and installing them in the Jesuits' chapel in St. Mary's. When the Jesuits still refused to negotiate, Baltimore's frustration became almost uncontrollable. In November, a rumor that a Jesuit secretly had taken passage for Maryland threw him into a rage. The Jesuits, he wrote Leonard Calvert, *"do design my destruction."* *"If they cannot make or maintain a party by among the English [settlers] to bring their ends about, they will endeavor to do it by the Indians within a short time by arming them."* The laws of nature, he wrote, give men the right of self defense, even against the Pope and even if the pretended end is righteous. He directed his brother to have the contraband missionary returned, or, failing in that, to expel Mr. Copley (Father Fisher, again the Jesuit Superior). Probably only Baltimore's distaste for confrontation prevented him from ordering the mission out of the province. His patience might have paid off-the Society offered concessions in 1643 and considered capitulating completely in 1644, but in 1645, time ran out for manorial Maryland. Ironically, the extension of the English Civil War to Maryland was to be more the result of Leonard Calvert's indiscretions than those of the Jesuits. <sup>(30)</sup>

Governor Calvert and Secretary Lewger found themselves caught in the middle of Lord Baltimore's dispute with the Jesuits. Their perspective was different from the Proprietor's. The Atlantic Ocean shielded them from the English tensions that drove Baltimore into conflict with the Society. Calvert and Lewger felt, more keenly than the distant Proprietor, community and personal pressures to maintain good relations with their pastors. In daily contact with the missionaries, they knew them as devout, reasonable men, if unyielding on abstractions. Though the Jesuits' requests for privileges infuriated Baltimore, the Jesuits' practice was loyal, more so than that of other investors. The Fathers were the only minor fur traders to pay tithes on the trade to the Proprietor. While they were proud of the Indian gift of Mattapany to the mission, they based their legal title to it on valid headrights. (In contrast, Giles Brent married the daughter of the Canoy tayac in hopes of gaining Indian lands.) Father Fisher helped suppress anti-Protestant prejudice. Baltimore's Governor and Secretary were to find it increasingly difficult to both follow their employers' instructions and be fair to the missionaries. <sup>(31)</sup>

Lewger did not relish his estrangement from the missionaries and worked to overcome it. In January, 1639, he reported to Lord Baltimore that *“for the present, we have no differences at all, and I hope we shall have no more, where either part can avoid them.”* While, on Baltimore’s instructions, Calvert and Lewger had not issued patents to the missionaries for their lands, Lewger had surveyed the tracts, and the Fathers were in possession. The predicament of the Proprietor’s representatives increased, however, as the tension between his Lordship and the Society mounted. In 1641, Governor Calvert allowed the superior of the mission, Father Fisher, to transfer his rights to St. Inigoe’s manor and his townland tracts to a trustee (Cornwaley’s overseer). Then Calvert patented them in the trustee’s name. Lewger also served as a straw man for the Jesuits, taking title to the mission lands at Piscataway. (In 1642, Baltimore bitterly denounced this breach of his instructions.)<sup>(32)</sup> When the new conditions of plantation arrived in early 1642, Secretary Lewger reported in his diary to Lord Baltimore:

*The Governor and I went to the good men<sup>(33)</sup> to consult diverse difficulties that we had.*

*1. One about the publishing of the conditions of plantation...wherein all grants already passed were charged with the Stature of Mortmain. To this the Governor found a solution by interpreting the Article not to comprehend grants already made . . .,but that no man should have benefit by these conditions, unless he would put all his land . . . under that condition of not alienating it, etc. And this being found . . .but a mere proposition left to man’s liberty, was resolved by the Goodmen, not to be comprehended in Bullae Coenae, nor to incur any excommunication in the publishers, etc.*

*2. Yet whether or not it incurred not mortal sin to be the active instrument of publishing . . . such a proposition or contract, as contained obligations against piety and good manners, and was a sin in both parties that proffered and that accepted the contract. And this they resolved, that it seemed so for the present, but they would take time to consider better of it, ere they resolved it pre-emptorily.*

*3. The oath upon the instructions to be tendered to all such as were to take land, etc. was resolved to be evidently against conscience, and to incur excommunication Bullae Coenae to publish it, or administer it, or record any such oath.<sup>(34)</sup>*

Lewger may not have reported that he and Calvert resolved the difficulty by not transcribing into the provincial records the full text of the new conditions. The paragraphs on mortmain and the oath were omitted.<sup>(35)</sup>

Although Lewger’s sincerity soon earned him the respect of his peers, he never became a popular figure. Temperament and training had suited him better to be a bureaucrat and judge than a politician.

### **“Mr. Secretary”**

Until 1640, John Lewger was the province’s only bureaucrat. His responsibilities extended over a multitude of poorly differentiated roles. He was the secretary to the Governor, the Council, the Provincial Court, and the Assembly. As Secretary, he was a member of the Governor’s Council and thus a member of the Provincial Court. He held separate commissions as Commissary of Causes Testamentary (judge of progate) and justice of the peace. He was also Attorney General, Surveyor, and Collector of Revenues. From 1637 to 1645, he lost only a few of these duties. In 1640, the Assembly elected their own clerk, and in 1642, the position of Surveyor General was resurrected and given to another

individual. From 1643, he also shared financial responsibility with a treasury board, and his collector's duties were delegated to others. He had unofficial functions as well- -as an employee of the Calvert family, he was their agent. But the sum of these duties only occupied Lewger part-time. <sup>(36)</sup>

It was as "keeper of the Acts and Proceedings of our Lieutenant General" (the Governor) that the Secretary gained most of his employment. The Governor granted land, presided over the Council, and was chief judge (chancellor) of the Provincial Court. (The council and Provincial Court were the same group of men, but serving separate executive and judicial functions.) The Secretary handled all the paper work involved in granting land: he recorded immigrants' heardrights and their subsequent demands for land based on these rights, wrote out the Governor's warrants to the surveyor, copied the resulting surveyors, and drew up the patents for the Governor's signature. For this work he was paid by the persons patenting the land: thirty pounds of tobacco for a freehold or sixty pounds of tobacco for a manor. <sup>(37)</sup> This was only a minor function of the Secretary. A population of 700, most of whom were tenants or servants, generated few land documents. As secretary to the Council, Lewger's responsibilities were also light: the recording of a few commissions, proclamations, and minutes and the issuing of licenses. It was as secretary (and a judge) of the Provincial Court that Lewger performed the greatest part of his official work.

The Provincial Court was the main economic arbitrator of the colony and handled all serious criminal cases. (The justices of the peace and manorial courts seem to have handled minor infractions of the law and tenant-landlord problems.) <sup>(38)</sup> Criminal cases were few. During Maryland's first decade, there were no crimes of violence among St. Mary's County's white population, and theft was rare. From August to December, 1642, the Provincial court heard less than a dozen cases of a criminal nature, most minor, and most handled as trespass (requiring restoration or reimbursement) rather than as felonies. Corporal punishment was administered only once. A freeman tried to persuade a maidservant to run away to Virginia, was caught, and whipped. (He could have been hung.) The only case that created any work for Lewger as attorney general was that of Captain Giles Brent. Brent had volunteered to lead an expedition against the Susquehannocks. He then abandoned it when most of the Kent Islanders refused to go. As the St. Mary's County troops had already mustered at Kent, the fiasco was expensive. Ultimately, Brent was absolved and restored to his offices. The civil jurisdiction of the court was infinitely more important. During the same five months in 1642, about 175 civil cases were brought before the court, most of them suits for debt. <sup>(39)</sup>

Legislation enforced by the Provincial Court was the principal method of regulating creditor-debtor relationships in a depressed tobacco economy that was solvent only once a year (after the tobacco crop had been stripped and packed) and that lacked formal banking institutions. Acts of the Assembly provided that creditors, after recording their debts in Provincial Court, could have the tobacco and corn crops of their debtors attached, a process that prevented the debtor from legally putting his crops on the market before paying his creditors. <sup>(40)</sup> Most actions were mere formalities. In 1642, they began with the August court, when most of the creditors had their debts recorded. More debts were filed with the court in October. In November, as tobacco was readied for shipment, the pace picked up, and almost every demand for payment was accompanied by an attachment on the debtor's crop. Most paid up without further difficulty. Those who did not had their crops seized in December. Over one hundred and

sixty demands for payment were recorded, but only eight attachments or summonses were issued. Only twenty-eight crops were seized in execution. There was little other litigation: a few instances of breach of contract and flight to escape debts, one wrangle over land, and an accusation of slander (a fellow mariner had made a disparaging remark about John Hallowe's wife.)

During the second half of 1642, the work of the Provincial Court kept Lewger busy for a week each in August and December and about two weeks each in October and November. By legislation, Lewger's fee was five pounds of tobacco an entry (about a shilling). In 1642, he probably earned less than 1,500 pounds of tobacco as clerk of the court. Land and testamentary fees were larger, but fewer in number. His total income from fees in 1642 hardly could have exceeded 2,500 or 3,000 pounds of tobacco. It was twice a freeman's wages, but not a great sum (approximately £20-25) and not enough to have employed a clerk, although he once tried to secure one.<sup>(41)</sup> In 1639, Lewger informed Lord Baltimore: *"For the clerk which I wrote for, I am now provided with one whom I intend to bring up under me, and instruct him in the art of surveying."* Whoever this was, he did not work for Lewger long, as almost all the surviving records are in Lewger's handwriting. (Lewger did secure a deputy surveyor, Robert Clarke, who began laying out tracts in January, 1640.) Fortunately, Lewger wrote quickly. His formal hand was a good italic script, but when he rushed he reverted to the old-fashioned secretary alphabet.<sup>(42)</sup>

Lewger's other public responsibilities were minor and were over-shadowed by his duties as agent and newsletter writer to the Calvert family. His 1643 accounts as collector fill less than a page, and probably only in Leonard Calvert's absence did Lewger need to act as a "Conservator" or justice of the peace.<sup>(43)</sup> But he and Calvert were Lord Baltimore's factotums, subjected to requests for advice, assistance, and New World curiosities. Lewger passed on to the Governor the more exotic requests—for redbirds, lions, and Indian curios- -, explaining that *"for my part, I scarce see an Indian in half a year, neither when I do see them have I language enough to ask an arrow of them."* Lewger looked out for the Proprietor's business affairs, everything from advising Baltimore on his sister-in-law's investment to providing for the secular priests sent in 1642. On Baltimore's instructions, Lewger established a plantation for the Proprietor on West St. Mary's Manor and made many of the arrangements to have the plantation constructed, staffed, and stocked. Although Governor Calvert was a good correspondent, Lewger bore the main burden of keeping their employer informed. Only three pieces of this private correspondence have survived: a complete letter from 1639 and fragments from 1638 and 1642 (the latter copied from the Jesuit archives), but it seems to have been voluminous and very detailed.<sup>(44)</sup> Fortunately, more of Lewger's public records have survived.

Two of Lewger's original record books and transcripts of three others have been preserved in the Maryland archives. From them we can reconstruct the Secretary's bound records.<sup>(45)</sup> At first, all his records were entered in chronological in one book.. About September, 1638 (corresponding perhaps to his move from the fort to St. John's), Lewger set up a more structured system. The second half of his original book was converted into a testamentary record with sections for "probate matters," administrations, inventories, and accounts. A separate court book was divided into court and council business, land records, and licenses. A third group of records was begun for the Assembly. By mid-1642, these books had been filled and three new ones were begun. By modern standards, even these records were arranged casually. Different types of records were mixed together, and when blank sections

developed in the books they were filled with material placed out of chronological order. But all the material was indexed carefully. With only half a dozen books and a few files of paper, Lewger could have found any record in a few minutes. He kept his indexes current. When he was kidnapped by Ingle in 1645, his last court book, filled a few days earlier, was indexed to the final entry.

#### Footnotes:

1. The Calvert Papers, Number One, Fund Publication No. 28 (Baltimore: Maryland Historical Society, 1889), p. 179.
2. Anthony à Wood, *Athenae Oxoniensis*, ed. Philip Blake, 4 vols. (London: 1813), 4:696-97; Joseph Foster, *Alumni Oxoniensis* (Oxford and London: Parker and Company, 1891-92; reprint ed., nendeln, Liechtenstein: Kraus, 1968), 3:905. Lewger was fourteen when he entered Oxford, 13 December 1616. In depositions taken in 1645, he gave his age as first 45 (6 August: London, England, Public Record Office, High Court of Admiralty, 13/60, section K) and then as 44 (26 September L London, England, Court of Chancery, C24 690/14); Thomas Hughes, *History of the Society of Jesus in North America*, 4 vols. (London: Longman, Green, and Co., 1907-1917), Text 1:350, states that Lewger was born about 1602.
3. Consignation Books, Somerset Record Officer, Taunton, England, Diocese of Bath and Wells, courtesy I.P. Collis, former County Archivist. David Quinn helped interpret the diocesan records. In 1637, Lewger's son was nine years old, Annapolis, Maryland, Maryland Hall of Records, PATENT LIBERS, 1L17 (hereafter cited as PATENTS).
4. Sebastian F. Streeter, *Papers Relating to the Early History of Maryland*, Chapter 5, "The First Catholic Secretary, John Lewger" (Baltimore: The Maryland Historical Society, 1876), pp. 219-20; W. K. Jordan, *The Development of Religious toleration in England*, 4 vols., (Cambridge: Harvard University Press, 1932-1940; reprint ed., Gloucester, Massachusetts: Peter Smith, 1965), 2:377-400.
5. Streeter, *Papers*, pp. 221-22.
6. Lewger's successor at Laverton was instituted 14 July 1635 [I. P. Collis to Garry Stone, 10 November 1976, Research Files, St. Mary's City Commission, St. Mary's City Maryland]; Jordan, *Development of Religious Toleration*, 2:182-97; Chillingworth, "Reasons against Popery in a Letter . . . to his Friend Mr. Lewger," *Works*, 3rd ed. (Oxford: Oxford University Press, 1838), 2:493-99; "A Conference betwixt Mr. Chillingworth and Mr. Lewger," *ibid.*, 3:278-307.
7. Jerome Hawley and John Lewger, *A Relation of Maryland: Together with a Map of the Country* (London: 1635; reprint ed., Clayton Colman Hall., ed., *Narratives of Early Maryland, 1633-1684*, New York: 1967), pp. 70-112, especially pp. 93-96. Hawley's and Lewger's authorship is established by L. Leon Bernard, "Some New Light on the Early Years of the Baltimore Plantation," *Maryland Historical Magazine*, 44 (1949) :98-100.
8. Hughes, *Society of Jesus*, Text, 1:359-60; Calvert Papers, 1:195.
9. PATENTS, 1:35-35.
10. PATENTS, 1:17.

11. Neither Baltimore's code nor the acts of the 1637/8 Assembly have survived, but the content of some of the bills can be inferred from their titles and comments in letters from Mr. Thomas Copley (Father Philip Fisher) and Lewger to Lord Baltimore: William Hand Browne, et al., eds., *Archives of Maryland*, 72 vols. (Baltimore: Maryland Historical Society, 1883- ), 1:15-22; *Calvert Papers*, 1:157-69; Hughes, *Society of Jesus, Documents*, 1:158-61; see also *ibid.*, Text, 1:383-416.
12. *Calvert Papers*, 1:189-90.
13. *Md. Arch.*, 1:1-23; 3:51.
14. The Superior's family name was Copley. Within the order, a pseudonym was used to protect his identity should English officials seize the records or mail of the Society. Generally, the Superior seems to have been known by his family name, but other priests may have used their pseudonyms extensively. In England "Father Andrew White" used this pseudonym often enough so that the Second Lord Baltimore considered "Mr. Thomas White" an alias. To conceal their function, the priests appear in the Maryland records by their family names and status titles (Mr., Esq.). How Marylanders addressed their priests is unknown. In this manuscript, I have adopted the missionaries' religious pseudonyms as the accompanying titles clarify their social functions. For Father Fisher see Hughes, *Society of Jesus, Text*, 1:365, 562; *Calvert Papers*, 1:201, 203; and *Md. Arch.*, 4:14, 45, 49, 52, 58 etc.; for Father Andrew With, see Edwin Warfield Beitzell, *The Jesuit Mission of St. Mary's County, Maryland*, 2nd ed. (Abell, Maryland: By the Author, 1976), between pp. 15 and 16; *Calvert Papers*, 1:201, 203; and *Md. Arch.*, 4:14, 45, 49, 52, 58, etc.
15. *Calvert Papers*, 1:163, 169. The new legislation was not put into force. The old conditions were the basis of the surveys begun in 1639: PATENTS, 1:31 ff.
16. Jordan, *Development of Religious Toleration*, 2:76-84, 186, 189, 505-21; Hughes, *Society of Jesus, Text*, 1:191-92, 201-11, 246-55. Baltimore's only clear statement of his intentions for Maryland is contained in his 1633 instructions: Hall, *Narratives*, pp. 16-21. The relevant section of the Charter is in *ibid.*, p. 103.
17. John Bossy, *The English Catholic Community, 1570-1850* (London: Darton, Longman, & Todd, 1975), pp. 49-59; J. C. H. Aveling, *The Handle and the Axe* (London: Blond & Briggs, 1976), pp. 111-63.
18. John Bossy, "Reluctant Colonists: The English Catholics Confront the Atlantic," in *Early Maryland in a Wider World*, ed. By David Quinn (Detroit: Wayne State University, 1982), pp. 162-64.
19. Aveling, *Handle and Axe*, p. 137.
20. Bossy, *English Catholic Community*, p. 57.
21. Hall, *Narratives*, pp. 16-23, 102-03; Hughes, *Society of Jesus, Text*, 1:374-75; and see below.
22. *Calvert Papers*, 1:171-72.
23. *Calvert Papers*, 1:179.
24. *Calvert Papers*, 1:162.
25. *Calvert Papers*, 1:164-68.
26. Hughes, *Society of Jesus, Documents*, 1:158-61; *Md. Arch.*, 3:60-61; Aveling, *Handle and Axe*, p. 157.
27. *Calvert Papers*, 1:194.
28. Hughes, *Society of Jesus, Text*, 1:389, 421-24, 458-59.
29. Jordan, *Religious Toleration*, 2:197-98; 3:18-20. 31-33.

30. Hughes, Society of Jesus, Documents, 1:166-68; Text, 1:490-564; Calvert Papers, 1:216-19
31. Calvert Papers, 1:200; Hall, Narratives, p. 124; PATENTS, 1:19-20, 37-38; Deposition of John Lewger, 6 August 1645, in Copley et al. vs. Ingle, London, England, High Court of Admiralty, 13/60, section K [Brent's marriage to Mary Kittamagun c. Michaelmas, 1644]; Md. Arch., 3:35-39.
32. Calvert Papers, 1:194, 219-21; PATENTS, 1:38-41, 115-18.
33. I.e., the missionaries. As English persecution intensified, Governor Calvert and Lewger stopped referring to them by name. "Those of the Hill," i.e., St. Mary's Hill, was another means of referring to them.
34. Hughes, Society of Jesus, Documents, 1:164-65.
35. Md. Arch., 3:99-101; Hughes, Society of Jesus, Documents, 1:162-63.
36. Md. Arch., 1:16, 90; 3:53-54, 60, 101-02, 114-16, 140, 147, 157-59.
37. Md. Arch., 1:58, 163.
38. An Act for Judges, Md. Arch., 1:182-84. My assumption that manorial lords dispensed justice is based on the absence of intra-manor disputes among the records of the Provincial Court. The first conspicuous exception, a suit for backrent by Leonard Calvert's overseer, is subsequent to Leonard Calvert's departure for England in 1643. Md. Arch., 4:208. See also, Md. Arch., 4:480.
39. Md. Arch., 4:113-66.
40. Md. Arch., 1:153-54.
41. Md. Arch., 1:162-63; Russell R. Menard, "Economy and Society in Early Colonial Maryland," (Ph.D. dissertation, The University of Iowa, 1975), p. 272.
42. Calvert Papers, 1:179; PATENTS, 1:46, 74 ff.
43. Md. Arch., 1:52-53, 147, 182-84; 3:50, 60-61, 115, 131, 159; 4:475.
44. Md. Arch., 4:275-79; Calvert Papers, 1:182-201; Hughes, Society of Jesus, Documents, 1:158-61, 164-65; See footnote 43
45. Some material seems to have been maintained as bundles of loose papers. These included some testamentary papers, most notably Jerome Hawley's inventory (S. E. Hillier and Garry Wheeler Stone, eds., "James Hawley contra Thomas Cornwaleys," Research Files, St. Mary's City Commission, St. Mary's City, Maryland) and the apparently disallowed acts of the 1638 Assembly.