

**THE
PROPRIETORSHIP
OF
MARYLAND**

A Documented Account

By Vera Foster Rollo

1989
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*In loving memory
of my parents
Joseph and Hilda Prevette*

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PREFACE

It was the summer of 1974 in the Bodleian Library, Oxford University, Oxford, England. For weeks I had been on the trail of Maryland's last Proprietor, Henry Harford. I had come to England to seek information on Harford because in the United States there were only scant scraps of material and some of this data of questionable value.

Now in the Bodleian, I found a bit of the puzzle in a listing saying only: "Estate Act of 1781, Lord Baltimore Act, 21 George 3." Elated I wrote out a request slip and brought it to the librarian on duty. Unfortunately, the book could not be found that listed the Act. Later, back in the United States in the Library of Congress, Law Library, I found the book. What a disappointment to find only the same bare listing on its pages. In a last attempt to find more pieces of the puzzle of Harford's life, I wrote to the House of Lords, London, asking if a copy of the Act had been published.

Most Acts of Parliament are published and available in law libraries, but when I looked for it further in the Law Library of the Library of Congress, the Act did not appear. I then learned from the Librarian of the House of Lords, London, that some acts were not published, being private acts by which estates locked in litigation were settled. These were available on microfilm, photographed pages of the handwritten act. Immediately I ordered the microfilm of this apparently unpublished Act from the House of Lords, to be sent to my Maryland home.

When the microfilm arrived I read it, excerpting appropriate parts for use in writing my Master's thesis, University of Maryland; and for items later used in a book published with the assistance of the Bicentennial Committee of Harford County in 1976. (The title, *Henry Harford: Last Proprietor of Maryland.*)

Much information never before published was locked in this Estate Act of 1781. In the years since 1976 I have

had the document transcribed and have analyzed it.

This present book offers a full transcript of that document, making it available to scholars for further study and interpretation. It is the intent of this book to create a compilation of primary source material with enough annotation and text added to offer a chronological narrative account of the lives and proprietorships of the Calverts and Henry Harford. To that end many primary source materials have been inserted. These may well offer new insights into not only the Maryland proprietary but insights into the status of women, social mores of the time, and into business practices - 1600 - 1850. A copy of the microfilm of the Estate Act of 1781 is deposited with the Maryland Hall of Records.

The following text and illustrations then, describe the colonial proprietary of Maryland with considerable exactitude and completeness.

Acknowledgement is due to the encouragement and assistance of Dr. Edward C. Papenfuse, State Archivist, State of Maryland.

Vera Foster Rollo
Lanham, Maryland
1988

RULERS OF ENGLAND: 1509-1820

HENRY VIII	1509-1547
EDWARD VI	1547-1553
MARY I	1553-1558
ELIZABETH I	1558-1603
JAMES I	1603-1625
CHARLES I	1625-1649

From 1642-1646 civil war raged in England, followed by a second civil war. In 1653 Oliver Cromwell was made ruler of England as head of the Puritan forces. He was given the title "Protector." In 1658 Cromwell died and his son, Richard, was made Lord Protector of England, 1658-1659.

CHARLES II	(Restored)1660-1685
JAMES II	1685-1688
MARY II and	1688-1694
WILLIAM III	1688-1702
QUEEN ANNE	1702-1714
GEORGE I	1714-1727
GEORGE II	1727-1760
GEORGE III	1760-1820



Kiplin Hall, Yorkshire, England

(Author's 1974 photograph)

CHAPTER I

MARYLAND'S ENGLISH BACKGROUND

Since conditions in England had a direct influence on the founding of Maryland and on subsequent events in Maryland, a short outline is given here of the political situation in Britain in the sixteenth, seventeenth, and eighteenth centuries. Because Maryland was founded and governed by members of the Calvert family, brief biographies of the six Barons of Baltimore and of Henry Harford, sixth Proprietor, are provided.

Political and Religious Strife in England

For centuries England had one "established church," the Roman Catholic Church with the Pope in Rome at its head. According to the belief of the times, kings held their power by divine right from God. This gave the Pope and the Church tremendous influence on kings and commoners and on every aspect of the fabric of the society of Europe. The Church was immensely rich. It controlled to a great extent the administration of justice, education, and the emerging press, virtually the entire culture. When it desired, the Church could wield great political power.

Henry VIII, King of England, resented the power held by the Catholic Church, and in 1534, using the pretext that the Pope had denied his right to divorce his Spanish Queen, Catherine of Aragon, he renounced the authority of the Pope and laid the foundation for a new established church in England. He made himself the nominal head of the new Church of England, also known as the Anglican Church, and with great energy Henry confiscated the wealth held by the Roman Catholic Church in England. He took over land, buildings, and every sort of property owned

by the Church; assumed the right to appoint bishops and priests; and even prescribed articles of faith!

Henry was not alone in throwing off Catholic control. During the same time period Martin Luther was buffeting the Catholic Church in Germany and Holland; Calvin was doing the same in France and Switzerland—in other words, the Protestant Reformation was on in earnest. Only in Spain did the Crown and the Inquisition join forces effectively to crush any outbreak of revolt against the Roman Catholic Church.

Plain words can scarcely convey the effect of King Henry's actions on his people. A deep conviction, such as a peoples' long-held religion, is not easily cast off. Henry was an extremely forceful person and a powerful king. Those whom he did not "convert by reason," he converted by threat. Those who protested openly he had beheaded or burnt at the stake.

When nine-year-old Edward VII succeeded Henry VIII, the Church of England became even stronger in its influence. Catholic property continued to be confiscated and the persecution of Catholics went on. King Edward, however, was not strong, being very nearly an invalid all his life, and in 1553 he died. Thereupon, Mary I, daughter of Henry VIII and Catherine of Aragon, became Queen of England. A confirmed Catholic like her mother, Mary at once set about restoring England to the Roman Church. She began a relentless extermination of all proponents of the Church of England. During her five-year reign (1553-1558) some three hundred persons were burned at the stake for heresy, for expressing ideas contrary to those supported by the Catholic Church. So vengeful was she that historians named her "Bloody Mary."

When Mary was succeeded by Elizabeth I, a Protestant, once again the wheel of religious struggle made a complete turn. Elizabeth ruled for forty-five years and during this time firmly placed in power the Church of England as the established church. When

Elizabeth died in 1603 she was succeeded by James I. Born of a Catholic mother, Mary, Queen of Scots, who was beheaded for treason by Queen Elizabeth I, James was constantly suspected of favoring the Roman Catholic Church and its members. Yet, since England was so firmly a Protestant country, he was repeatedly forced to deny this preference for Catholicism.

A particularly militant group of Protestants known as Puritans now began to gather strength. They were impatient with the slowness with which traces of "popery" were being eradicated. They kept a watchful eye on the King, whom they suspected of favoring certain Catholics. The Puritans were enraged when James I tried to marry his son to a Spanish (Catholic) princess.

All of this religious strife and political maneuvering made life difficult for both the powerful and the weak in England. Conditions continued to worsen and a terrible four year civil war was fought in England over essentially religious matters.

Other Difficulties in England

The scarcity of land increased the pressure on certain citizens of England to find new homes in the New World. During the reign of King James I and for a hundred years to come, England had almost entirely an agricultural economy. Agriculture requires land, and the Crown, which favored nobles and the Church, owned most of the land. Most of the people in England worked the fields for these landowners and were in truth little better than slaves. They had scant hope of ever owning farms themselves.

Even in wealthy families this lack of land created a difficulty. Often land was held under an entail, and the eldest son inherited the bulk of the family real estate. This excluded younger sons and female family members in many cases. Younger sons were encouraged to join the army, the navy, or to attempt a career in the Established Church. Opportunities were

limited among younger sons and almost non-existent, save for the career of marriage among daughters. Wealthy families considered it beneath the dignity of family members to engage in trade. A growing middle class in England as yet had neither great numbers or influence. The lower classes, the laborers and the farm hands were almost entirely at the mercy of the land owners. So an ever greater portion of the English populace yearned for opportunity to better themselves and for land to develop by themselves.

Taxes imposed on English citizens were a heavy burden. England for centuries had been involved in wars against the French, the Spanish, and others, sometimes with one country as an enemy and again with that country as an ally! All these wars were costly. The English people—merchants, nobles, tradesmen, and workers—groaned under the continuous taxation.

All of these pressures inclined many men and women to yearn for a new land. Stories of a fresh, fertile country that was the New World came to England. These were alluring indeed to a people sick of the stifling, brawling homeland. America had its dangers, but it was at least relatively free of heavy taxation. There were opportunities there, and there was land—almost limitless amounts of land.

Hope for land, for less taxation, for opportunity, for gold, for adventure—all were reasons to leave England, however much one loved the green and beautiful motherland.

CHAPTER II

THE CALVERT FAMILY

As an undistinguished but respectable part of the minor gentry, the Calverts lived for generations in Yorkshire. They believed themselves descended from Flemish weavers drawn to the region by its production of wool, at an early period. The name appears in Yorkshire records as early as 1366.¹ The Calvert name is specifically associated with Kiplin, an estate located near Catterick, Yorkshire, as early as 1570 and even 1565.²

George Calvert

High office and wealth were to come to the Calvert family due to the brilliance of George Calvert. He was born around 1580 to Leonard of Kiplin, gentleman, and Alice Crosland Calvert.³ Leonard of Kiplin was a tenant of Philip, Lord Wharton.⁴ Originally, George Calvert's parents were Catholics. The persecution of Catholics in England during the sixteenth and seventeenth centuries profoundly affected young Calvert and would lead him eventually to plan the establishment of a colony in America. While George was yet young, his father yielded to the pressures exerted on him and became a Protestant and a member of the Established Church.

Religious persecution of Catholic families consisted in part of local authorities forcing young Catholics to attend Protestant schools. In this manner Leonard Calvert's two sons were taken from him and enrolled in such a school twenty miles from Kiplin at Linton. George Calvert was listed as a Protestant and remained so until later in his life, as we shall see. By 1593 persecution of the senior Calvert ceased, so it was probably at this time that he became a member of the Established Church.⁵ This religious dissension was bound to have an effect on George Calvert, yet his Protestant schooling opened many doors for him in England that would have been closed had he remained a Catholic.



(Photograph courtesy the Enoch Pratt Free Library)

George Calvert, First Lord Baltimore. Portrait by Daniel Mytens the elder, court painter to both James I and Charles I.

The Kiplin mansion, or hall, at this early time is not recorded in either picture or word, and we can only surmise that it was most probably a medieval, fortified type of house. By 1619 we know that George Calvert managed to return to Yorkshire and to buy from Philip, Lord Wharton, and his son, Thomas, both his old home and a considerable amount of land around it.⁶ The mansion built by George Calvert, and said by local lore to incorporate a part of the walls of the old Kiplin house in its fabric, still stands, remote even today. It is 30 miles from York, near the town of Catterick in Yorkshire.

Early in his life George Calvert demonstrated ability and showed a winning personality. He continued his education at All Saints College, Oxford University, entering the college in 1593 and obtaining a degree of Bachelor of Arts in 1597. Eight years later he was created Master of Arts, August 30, 1605. An excellent scholar, he exhibited particular proficiency in his mastery of ancient languages.⁷

After leaving Oxford, he traveled in Europe for several years as was the custom of young men of means. Such tours were designed to polish manners, refine social abilities, widen acquaintanceships, and allow young men to master several foreign languages. Many chose to use the time to sow their wild oats, yet George Calvert diligently applied himself to increase his knowledge of the world and soberly studied and mastered several foreign languages.

During 1602 or 1603 he returned to England at the beginning of the reign of King James I. At this time he was about twenty-six years of age, a man of handsome appearance and pleasing manners. He was to demonstrate that he was also an able man and one who could be trusted.

Calvert became secretary to Sir Robert Cecil (Earl of Shaftesbury) and held several minor governmental posts.⁸ In the course of this work he became familiar with the relations between England and Ireland and was soon regarded as something of an expert in Irish

affairs. Calvert became a member of the Privy Council of James I, and a member of Parliament. The King liked and trusted him and recognized his linguistic and diplomatic abilities, sending him on several missions to Ireland and to the Continent. Nothing, it seemed, could stem Calvert's rise. He was knighted in 1617 and became principal Secretary of State in 1619. It seemed most likely that he would continue in the good graces of the Crown indefinitely.

Yet, in 1625, Calvert gave up his chances of further preferment and advance—by openly avowing his Catholic faith and by leaving the Anglican church. King James, himself continually suspected of favoring Catholics, could only accept Calvert's resignation as Principal Secretary, yet he kept Calvert as a member of his Privy Council and gave him the title of Baron of Baltimore with estates in Ireland.

George Calvert had long been interested in colonization ventures in the New World with the idea of establishing a haven for Catholics in the lands far west of England. As early as 1620 he bought out English interests in Newfoundland, obtained a charter from the Crown, and attempted to set up a colony there. By 1629, however, he was forced to acknowledge the difficulties in making the colony successful in its frigid climate, and he asked the Crown for a grant of land near Virginia in North America. Since lands to the south of Virginia were not available, lands north of Virginia were ceded to the Calverts by the King of England. Virginians resented this, for they coveted the rich lands to the north and east of the Potomac River.

George Calvert, first Lord Baltimore, had made the granting of land for a colony in North America possible and had done a great deal of the preliminary planning for a settlement, yet he was not to sign the charter, nor was he to be the first Proprietor. Before the charter of Maryland (as the colony was to be named) was ready for signature, both King James and George Calvert were dead. James had died on March 27, 1625, and George Calvert died on April 15, 1632.

Negotiations were subsequently carried on between the sons of these two men. On June 20, 1632, King Charles I met with Cecil Calvert to sign a charter granting the palatinate of Maryland to the Calvert family. Cecil Calvert, second Lord Baltimore, became Maryland's first Proprietor. The new colony was named "Maryland" in honor of the Queen, Henrietta Maria.

The powers granted and the terms of the Charter of Maryland follow:



Charles I, King of Great Britain and Ireland

CHARTER OF MARYLAND

TRANSLATED FROM THE LATIN ORIGINAL

CHARLES, by the grace of God, of *England, Scotland, France, and Ireland*. KING, Defender of the Faith, &c. To ALL to whom these Presents shall comè, GREETING.

II. WHEREAS, our well beloved and right trusty Subject CÆCILIVS CALVERT, Baron of BALTIMORE, in our Kingdom of *Ireland*, Son and Heir of GEORGE CALVERT, Knight, late Baron of BALTIMORE in our said Kingdom of *Ireland*, treading in the Steps of his Father, being animated with a laudable, and pious Zeal for extending the *Christian Religion*, and also the Territories of our Empire, hath humbly besought leave of US, that he may transport by his own Industry, and Expense, a numerous Colony of the *English Nation*, to a certain region, hereinafter described, in a Country hitherto uncultivated, in the parts of *America*, and partly occupied by Savages, having no Knowledge of the Divine Being, and that all that Region, with some certain Privileges, and Jurisdiction, appertaining unto the wholesome Government, and State of his Colony and Region aforesaid, may by our Royal Highness be given, granted, and confirmed unto him, and his heirs.

III. KNOW YE therefore, that WE, encouraging with our Royal Favour, the pious and noble Purpose of the aforesaid Baron of Baltimore, of our special Grace, certain Knowledge, and mere Motion, have GIVEN, GRANTED, and CONFIRMED, and by this our present CHAPTER, for US, our Heirs, and Successors, do GIVE, GRANT, AND CONFIRM, unto the aforesaid CÆCILIVS, now Baron of BALTIMORE, his Heirs, and Assigns, all that Part of the Peninsula, or *Chersonese*, lying in the Parts of *America*, between the Ocean on the East, and the Bay of *Chesapeake* on the West, divided from the Residue thereof by a Right Line drawn from the Promontory, or Head-Land, called *Watkin's Point*, situate upon the Bay aforesaid, near the River of *Wighco*, on the West, unto the Main Ocean on the East; and between that Boundary on the South, unto that Part of the Bay of *Delaware* on the North, which lieth under the Fortieth Degree of North Latitude from the æquinoctial, where *New-England* is terminated: And all the Tract of that Land within the Metes underwritten (*that is to say*) passing from the said Bay, called *Delaware Bay*, in a right line, by the degree aforesaid, unto the true Meridian of the first Fountain of the River of *Pattowmack*, thence verging toward the South, unto the further Bank of the said River, and following the same on the West and South, unto a certain place called *Cinquack*, situate near the Mouth of the said River, where it disembogues into the aforesaid Bay of *Chesapeake*, and thence by the shortest line unto the aforesaid Promontory or Place called *Watkin's Point*; so that the whole Tract of Land, divided by the Line aforesaid, between the Main Ocean, and *Watkin's Point*, unto the Promontory called *Cape-Charles*, and every the Appendages thereof, may entirely remain excepted for ever to US, our Heirs and Successors.

IV. ALSO WE do GRANT, and likewise CONFIRM unto the said Baron of BALTIMORE, his Heirs, and Assigns, all Islands and Islets within the Limits aforesaid, all and singular the Islands, and Islets, from the Eastern Shore of the aforesaid Region, toward the East, which have been, or shall be formed in the Sea, situate within Ten marine Leagues from the said Shore; with all and singular the Ports, Harbors, Bays, Rivers, and Straits belonging to the Region or Islands aforesaid, and all the Soil, Plains, Woods, Mountains, Marshes, Lakes, Rivers, Bays, and Straits, situate, or being within the Metes, Bounds, and Limits aforesaid, with the Fishings of every kind of Fish, as well of Whales, Sturgeons, and other royal Fish, as of other Fish, in the Sea, Bays, Straits, or Rivers, within the Premises, and the Fish there taken: And moreover all Veins, Mines, and Quarries, as well opened as hidden, already found, or that shall be found within the Region,

Islands, or Limits aforesaid, of Gold, Silver, Gems, and precious Stones, and any other whatsoever, whether they be of Stones, or Metals, or of any other Thing, or Matter whatsoever: And furthermore the PATRONAGES, and ADVOWSONS of all churches which (with the increasing Worship and Religion of CHRIST) within the said Region, Islands, Islets, and Limits aforesaid, hereafter shall happen to be built, together with Licence and Faculty of erecting and founding Churches, Chapels, and Places of Worship, in convenient and suitable Places, within the Premises, and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of *England*, with all, and singular such, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and temporal Franchises whatsoever, as well by Sea as by Land, within the Region, Island, Islets, and Limits aforesaid, to be had, exercised, used, and enjoyed, as any Bishop of *Durham*, within the Bishoprick or County Palatine of *Durham*, in our Kingdom of *England*, ever heretofore hath had, held, used, or enjoyed, or of Right could, or ought to have, hold, use or enjoy.

V. AND WE do by these presents, for US, our Heirs and Successors, MAKE, CREATE and CONSTITUTE HIM, the now Baron of BALTIMORE, and his Heirs, the TRUE and ABSOLUTE LORDS and PROPRIETARIES of the Region aforesaid, and of all other the Premises (except the before excepted) saving always the Faith and Allegiance and Sovereign Dominion due to US, our Heirs, and Successors; to HAVE, HOLD, POSSESS, and ENJOY the aforesaid Region, Islands, Islets, and other the Premises, unto the aforesaid now Baron of BALTIMORE, and to his Heirs and Assigns, to the sole and proper Behoof and Use of him, the now Baron of BALTIMORE, his Heirs and Assigns, forever. To HOLD of US, our Heirs and Successors, Kings of *England*, as of our Castle of *Windsor*, in our County of *Berks*, in free and common SOCCAGE, by Fealty only for all Services, and not *in Capite*, nor by Knight's Service, YIELDING therefore unto US, our Heirs and Successors, TWO INDIAN ARROWS of those Parts, to be delivered at the said Castle of *Windsor*, every Year, on Tuesday in Easter-week: and also the fifth Part of all Gold and Silver Ore, which shall happen from Time to Time, to be found within the aforesaid Limits.

VI. Now, That the aforesaid Region, thus by us granted and described, may be eminently distinguished above all other Regions of that Territory, and decorated with more ample Titles, KNOW YE, that WE, of our more especial Grace, certain Knowledge, and mere Motion, have thought fit that the said Region and Islands be erected into a PROVINCE, as out of the Plenitude of our royal Power and Prerogative, WE do, for Us, our Heirs and Successors, ERECT and INCORPORATE the same into a PROVINCE, and nominate the same MARYLAND, by which name WE will that it shall from henceforth be called.

VII. AND forasmuch as WE have above made and ordained the aforesaid now Baron of BALTIMORE, the true LORD and PROPRIETARY of the whole PROVINCE aforesaid, KNOW YE therefore further, that WE, for Us, our Heirs and Successors do grant unto the said now Baron, (in whose Fidelity, Prudence, Justice, and provident Circumspection of Mind, WE repose the greatest Confidence) and to his Heirs, for the good and happy Government of the said PROVINCE, free, full, and absolute Power, by the Tenor of these Presents, to Ordain, Make, and Enact LAWS, of what kind soever, according to their sound Discretions, whether relating to the Public State of the said PROVINCE.

or the private Utility of Individuals, of and with the Advice, Assent, and Approbation of the Free-Men of the same PROVINCE, or of the great Part of them, or of their Delegates or Deputies, whom WE will shall be called together for the framing of LAWS, when, and as often as Need shall require, by the aforesaid now Baron of BALTIMORE, and his Heirs, and in the Form which shall seem best to him or them, and the same to publish under the Seal of the aforesaid now Baron of BALTIMORE, and his Heirs, and duly to execute the same upon all Persons, for the Time being, within the aforesaid PROVINCE, and the Limits thereof, or under his or their Government and Power, in Sailing toward MARYLAND, or thence Returning, Outwardbound, either to England, or elsewhere, whether to any other Part of Our, or of any foreign Dominions, wheresoever established, by the Imposition of Fines, Imprisonment, and other Punishment whatsoever; even if it be necessary, and the Quality of the Offence require it, by Privation of Member, or Life, by him the aforesaid now Baron of BALTIMORE, and his Heirs, or by his or their Deputy, Lieutenant, Judges, Justices, Magistrates, Officers, and Ministers, to be constituted and appointed according to the Tenor and true Intent of these Presents, and to constitute and ordain Judges, Justices, Magistrates and Officers, of what Kind, for what Cause, and with what Power soever, within that Land, and the Sea of those Parts, and in such Form as to the said now Baron of BALTIMORE, or his Heirs, shall seem most fitting: And also to Remit, Release, Pardon, and Abolish, all Crimes and Offences whatsoever against such Laws, whether before, or after Judgment passed; to do all and singular other Things belonging to the Completion of Justice, and to Courts, Prætorian Judicatories, and Tribunals, judicial Forms and Modes of Proceedings, although express Mention thereof in these Presents be not made; and, by Judges by them delegated, to award Process, hold Pleas, and determine in those Courts, Prætorian Judicatories, and Tribunals, in all Actions, Suits, Causes, and Matters whatsoever, as well Criminal as Personal, Real and Mixed, and Prætorian: Which said Laws, so to be published as above said, WE will, enjoin, charge, and command, to be the most absolute and firm in Law, and to be kept in those Parts by all the Subjects and Liege-Men of US, our Heirs and Successors, so far as they concern them, and to be inviolably observed under the Penalties therein expressed, or to be expressed. So NEVERTHELESS, that the Laws aforesaid be Consonant to Reason, and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the Laws, Statutes, Customs and rights of this Our Kingdom of England.

VIII. AND FORASMUCH as, in the Government of so great a PROVINCE, sudden Accidents may frequently happen, to which it will be necessary to apply a Remedy, before the Freeholders of the said PROVINCE, their Delegates, or Deputies, can be called together for the framing of LAWS; neither will it be fit that so great a number of People should immediately, on such emergent Occasion, be called together, WE THEREFORE, for the better Government of so great a PROVINCE, do Will and Ordain, and by these Presents, for US, our Heirs and Successors, do grant unto the said now Baron of BALTIMORE, and to his Heirs, that the aforesaid now Baron of BALTIMORE, and his Heirs, by themselves, or by their Magistrates and Officers, thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and wholesome Ordinances from Time to Time, to be kept and observed within the PROVINCE aforesaid, as well for the Conservation of the Peace, as for the Better Government of the People inhabiting therein, and publickly to notify the same to all Persons whom the same in anywise do or may affect. Which Ordinances WE will to be inviolably observed within the said PROVINCE, under the Pains to be expressed in the same. So that the said Ordinances be Consonant to Reason, and be not repugnant nor contrary, but (so far as conveniently may be done) agreeable to the Laws, Statutes, or Rights of our Kingdom of England: and so that the same Ordinances do not, in any Sort, extend to oblige, bind, charge, or take away the Right or Interest of any Person or Persons, of, or in Member, Life, Freehold, Goods or Chattels.

IX. FURTHERMORE, that the New Colony may more happily increase by a Multitude of People resorting thither, and at the same Time may be more firmly secured from the Incursions of Savages, or of other Enemies, Pirates, and Ravagers: WE therefore, for US, our Heirs and Successors, do by these Presents give and grant Power, Licence and Liberty, to all the Liege-Men and Subjects, present and future, of US, our Heirs and Successors, except such to whom it shall be expressly forbidden, to transport themselves and their Families to the said PROVINCE with fitting Vessels, and suitable provisions, and therein to settle, dwell, and inhabit; and to build and fortify Castles, Forts, and other Places of Strength, at the Appointment of the aforesaid now Baron of BALTIMORE, and his Heirs, for the Public and their own Defense; the Statute of Fugitives, or any other whatsoever to the contrary of the Premises in any wise notwithstanding.

X. WE will also, out of our more abundant Grace, for US, our Heirs and Successors, do firmly charge, constitute, ordain, and commend, that the said PROVINCE be of our Allegiance; and that all and singular the Subjects and Liege-men of US, our Heirs and Successors, transplanted, or hereafter to be transplanted into the PROVINCE aforesaid, and the children of them, and of others their Descendants, whether already born there, or hereafter to be born, be and shall be natives and Liege-Men of US, our Heirs and Successors, of our Kingdom of England and Ireland; and in all Things shall be held, treated, reputed, and esteemed as the faithful Liege-Men of US, and our Heirs and Successors, born within our Kingdom of England; also Lands, Tenements, Revenues, Services, and other Hereditaments whatsoever, within our Kingdom of England, and other our Dominions, to inherit, or otherwise purchase, receive, take, have, hold, buy, and possess, and the same to use and enjoy, and the same to give, sell, alien and bequeath; and likewise all Privileges, Franchises and Liberties of this our Kingdom of England, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same Manner as our Liege-Men born, or to be born within our same Kingdom of England, without Impediment, Molestation, Vexation, Impeachment, or Grievance of US, or any of our Heirs or Successors; any Statute, Act, Ordinance, or Provisions to the contrary thereof, notwithstanding.

XI. FURTHERMORE, That our Subjects may be incited to undertake this Expedition with a ready and cheerful Mind: KNOW YE, that WE, of our especial Grace, certain Knowledge, and mere Motion, do, by the Tenor of these Presents, give and grant, as well to the aforesaid Baron of BALTIMORE, and to his Heirs, as to all other Persons who shall from Time to Time repair to the said Province, either for the sake of Inhabiting, or of Trading with the Inhabitants of the Province aforesaid, full License to Ship and Lade in any the Ports of US, our Heirs and Successors, all and singular their Goods, as well moveable as immoveable, Wares and Merchandise, likewise Grain of what Sort soever, and other Things whatsoever necessary for Food and Clothing, by the Laws and Statutes of our Kingdoms and Dominions, not prohibited to be transported out of the said Kingdoms; and the same to transport, by themselves, or their Servants or Assigns, into the said PROVINCE, without the Impediment or Molestation of US, our Heirs or Successors, or of any officers of US, our Heirs or Successors, (SAVING unto US, our Heirs and Successors, the Impositions, Subsidies, Customs, and other Dues payable for the same Goods and Merchandizes) any Statute, Act, Ordinance, or other Thing whatsoever to the contrary notwithstanding.

XII. BUT BECAUSE, that in so remote a Region, placed among so many barbarous Nations, the Incursions as well of the Barbarians themselves, as of other Enemies, Pirates and Ravagers, probably will be feared, THEREFORE WE have Given, and for US, our Heirs, and Successors, do Give by these Presents, as full and unrestrained Power, as any Captain-General of an Army ever hath had, unto the aforesaid now Baron of BALTIMORE, and to his Heirs and Assigns, by themselves or by their Captains, or other Officers, to summon to their Standards, or to array all Men, of whatsoever Condition, or wheresoever born, for the Time

being, in the said Province of MARYLAND, to wage War, and to pursue, even beyond the Limits of their Province, the Enemies and Ravagers aforesaid, infesting those Parts by Land and by Sea, and (if GOD shall grant it) to vanquish and captivate them, and the Captives to put to Death, or, according to their Discretion, to save, and to do all other and singular the Things which appertain, or have been accustomed to appertain unto the Authority and Office of a Captain-General of an Army.

XIII. We also WILL, and by this our CHARTER, do Give unto the aforesaid now Baron of BALTIMORE, and to his Heirs, and Assigns, Power, Liberty, and Authority, that, in Case of Rebellion, sudden Tumult, or Sedition, if any (which GOD forbid) should happen to arise, whether upon Land within the PROVINCE aforesaid, or upon the High Sea in making a Voyage to the said PROVINCE of MARYLAND, or in returning thence, they may, by themselves, or by their Captains, or other Officers, thereunto deputed under their Seals (to whom WE, for US, our Heirs and Successors, by these Presents, do Give and Grant the fullest Power and Authority) exercise Martial Law as freely, and in as ample Manner and Form, as any Captain-General of an Army, by virtue of his Office may, or hath accustomed to use the same, against the seditious Authors of Innovations in those Parts, withdrawing themselves from the Government of him or them, refusing to serve in War, flying over to the Enemy, exceeding their Leave of Absence, Deserters, or otherwise howsoever offending against the Rule, Law, or Discipline of War.

XIV. MOREOVER, lest in so remote and far distant a Region, every Access to Honours and Dignities may seem to be precluded, and utterly barred to, Men well born, who are preparing to engage in the present Expedition, and desirous of deserving well, both in Peace and War, of US, and our Kingdoms; for this Cause, WE, for US, our Heirs and Successors, do give free and plenary Power to the aforesaid now Baron of BALTIMORE, and to his Heirs and Assigns, to confer Favours, Rewards and Honours, upon such Subjects, inhabiting within the PROVINCE aforesaid, as shall be well deserving, and to adorn them with whatsoever Titles and Dignities they shall appoint: (so that they be not such as are now used in *England*) also to erect and incorporate Towns into BOROUGHS, and Buroughs into CITIES, with suitable Privileges and Immunities, according to the Merits of the Inhabitants, and Convenience of the places; and to do all and singular other Things in the Premises, which to him or them shall seem fitting and convenient; even although they shall be such as, in their own Nature, require a more special Commandment and Warrant than in these Presents may be expressed.

XV. WE WILL also, and by these Presents do, for US, our Heirs and Successors, give and grant Licence by this our CHARTER, unto the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, and to all Persons whatsoever, who are, or shall be Residents and Inhabitants of the PROVINCE aforesaid, freely to import and unlade, by themselves, their Servants, Factors or Assigns, all Wares and Merchandizes whatsoever, which shall be collected out of the Fruits and Commodities of the said PROVINCE, whether the Product of the Land or the Sea, into any the Ports whatsoever of US, our Heirs and Successors, of *England* or *Ireland*, or otherwise to dispose of the same there; and, if Need be, within One Year, to be computed immediately from the Time of unlading thereof, to lade the same Merchandizes again, in the same, or other Ships, and to export the same to any other Countries they shall think proper, whether belonging to US, or any foreign Power which shall be in Amity with US, our Heirs or Successors: Provided always, that they be bound to pay for the same to US, our Heirs and Successors, such Customs and Impositions, Subsidies and Taxes, as our other Subjects of our Kingdom of *England*, for the Time being shall be bound to pay, beyond which WE WILL that the Inhabitants of the aforesaid PROVINCE of the said Land, called MARYLAND, shall not be burdened.

XVI. AND FURTHERMORE, of our more ample special Grace, and of our certain Knowledge, and mere Motion, WE do, for US,

our Heirs and Successors, grant unto the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, full and absolute Power and Authority to make, erect, and constitute, within the PROVINCE of MARYLAND, and the Islands and Islets aforesaid, such, and so many Sea-Ports, Harbours, Creeks, and other Places of Unlading and Discharge of Goods and Merchandizes out of Ships, Boats, and other Vessels, and of Lading in the same, and in so many, and such places, and with such Rights, Jurisdictions, Liberties, and Privileges, unto such Ports respecting, as to him or them shall seem most expedient: And, that all and every the Ships, Boats, and other Vessels whatsoever, coming to, or going from the PROVINCE aforesaid, for the Sake of Merchandizing, shall be laden and unladen at such Ports only as shall be so erected and constituted by the said now Baron of BALTIMORE, his Heirs and Assigns, any Usage, Custom, or any other Thing whatsoever to the contrary notwithstanding. SAVING always to US, our Heirs and Successors, and to all the Subjects of our Kingdoms of *England* and *Ireland*, of US, our Heirs and Successors, the Liberty of Fishing for Sea-Fish as well in the Sea, Bays, Straits and navigable Rivers, as in the Harbours, Bays, and Creeks of the PROVINCE aforesaid; and the Privilege of Salting and Drying Fish on the Shores of the same PROVINCE; and, for that Cause, to cut down and take Hedging-Wood and Twigs there growing, and to build Huts and Cabins, necessary in this Behalf, in the same Manner as heretofore they reasonably might, or have used to do. Which Liberties and Privileges, the said Subjects of US, our Heirs and Successors, shall enjoy, without notable Damage or Injury in any wise to be done to the aforesaid now Baron of BALTIMORE, his Heirs or Assigns, or to the Residents and Inhabitants of the same PROVINCE in the Ports, Creeks, and Shores aforesaid, and especially in the Woods and Trees there growing. And if any Person shall do damage or Injury of this kind, he shall incur the Peril and Pain of the heavy Displeasure of US, our Heirs and Successors, and of the due Chastisement of the Laws, besides making Satisfaction.

XVII. MOREOVER, WE will, appoint, and ordain, and by these Presents, for US, our Heirs and Successors, do grant unto the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, that the same Baron of BALTIMORE, his Heirs and Assigns, from Time to Time, for ever, shall have, and enjoy the Taxes and Subsidies payable, or arising within the Ports, Harbours, and other Creeks and Places aforesaid, within the PROVINCE aforesaid, for Wares bought and sold, and Things there to be laden, and unladen, to be reasonably assessed by them, and the People there as aforesaid, on emergent Occasion; to Whom WE grant Power by these Presents, for US, our Heirs and Successors, to assess and impose the said taxes and Subsidies there, upon just Cause, and in due Proportion.

XVIII. AND FURTHERMORE, of our special Grace, and certain Knowledge, and mere Motion, WE have given, granted, and confirmed, and by these Presents, for US, our Heirs and Successors, do give, grant, and confirm, unto the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, full and absolute Licence, Power, and Authority, that he, the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, from Time to Time hereafter, for ever, may and can, at his or their Will and Pleasure, assign, alien, grant, demise, or enfeoff so many, such, and proportionate Parts and Parcels of the Premises, to any Person or Persons willing to purchase the same, as they shall think convenient, to have and to hold to the same Person or Persons willing to take or purchase to same, and his and their Heirs and Assigns, in Fee-Simple, or Fee-tail, or for Term of Life, Lives, or Years; to hold of the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, by so many, such, and so great Services, Customs and Rents OF THIS KIND, as to the same now Baron of Baltimore, his Heirs and Assigns, shall seem fit and agreeable, and not immediately of US, our Heirs or Successors. And WE do give, and by these Presents, for US, our Heirs and Successors, do grant to the same Person and Persons, and to each and every of them, Licence, Authority and Power, that such Person and Persons, may take the premisses, or any Parcel thereof, of the aforesaid now Baron of BALTIMORE, his Heirs and Assigns,



Queen Henrietta Maria.

Maryland Historical Society.

and hold the same to them and their Assigns, or their Heirs, of the aforesaid Baron of BALTIMORE, his Heirs and Assigns, of what Estate of Inheritance soever, in Fee-simple or Fee-tail, or otherwise, as to them and the now Baron of BALTIMORE, his Heirs and Assigns, shall seem expedient; the Statute made in the Parliament of Lord EDWARD, son of King HENRY, late King of England, our Progenitor, commonly called the "STATUTE QUIA EMPTORES TERRARUM," heretofore published in our Kingdom of England, or any other Statute, Act, Ordinance, Usage, Law, or Custom, or any other Thing, Cause or Matter, to the contrary thereof, heretofore had, done, published, ordained or provided to the contrary thereof notwithstanding.

XIX. WE also, by these Presents, do give and grant Licence to the same Baron of BALTIMORE, and to his Heirs, to erect any Parcels of Land with the PROVINCE aforesaid, into Manors; and in every of those Manors, to have and to hold a Court-Baron, and all Things which to a Court-Baron do belong; and to have and to keep View of Frank-Pledge, for the Conservation of the Peace and Better Government of those Parts, by themselves and their Stewards, or by the Lords, for the Time being to be deputed of other of those Manors when they shall be constituted, and in the same to exercise all Things to the View of Frank-Pledge belonging.

XX. AND FURTHER WE will, and do, by these Presents, for US, our Heirs and Successors, covenant and grant to, and with the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, that WE, our Heirs, and Successors, at no Time hereafter, will impose, or make or cause to be imposed, any Impositions, Customs, or other Taxations, Quotas or Contributions whatsoever, in or upon the Residents or Inhabitants of the PROVINCE aforesaid for their Goods, Lands, or Tenements within the same PROVINCE, or upon any tenements, lands, goods or chattels within the PROVINCE aforesaid, or in upon any Goods or Merchandizes within the PROVINCE aforesaid, or within the Ports or Harbours of the said PROVINCE, to be laden or unladen: And WE Will and do, for US, our Heirs and Successors, enjoin and command that this our Declaration shall, from Time to Time, be received and allowed in all our Courts and Prætorian Judicatories, and before all the Judges whatsoever of US, our Heirs and Successors, for a Sufficient and lawful Discharge, Payment, and Acquittance thereof, charging all and singular the Officers and Ministers of US, our Heirs and Successors, and enjoining them, under our heavy Displeasure, that they do not at any Time presume to attempt any Thing to the contrary of the Premises, or that may in any wise contravene the same, but that they, at all Times, as is fitting, do aid and assist the aforesaid now Baron of BALTIMORE, and his Heirs, and the aforesaid Inhabitants and Merchants of the PROVINCE of MARYLAND aforesaid, and

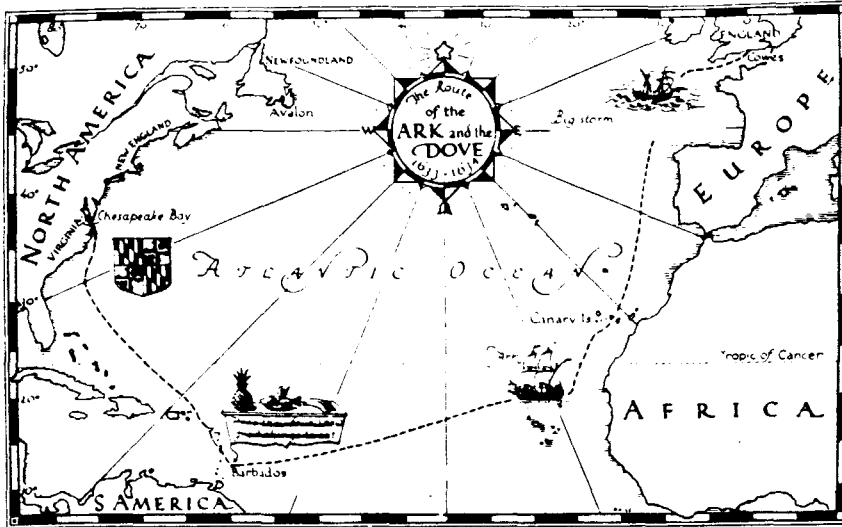
their Servants and Ministers, Factors and Assigns, in the fullest Use and Enjoyment of this our CHARTER.

XXI. AND FURTHERMORE WE WILL, and by these Presents, for US, our Heirs and Successors, do grant unto the aforesaid now Baron of BALTIMORE, his Heirs and Assigns, and to the Freeholders and Inhabitants of the said PROVINCE, both present and to come, and to every one of them, that the said PROVINCE, and the Freeholders or Inhabitants of the said Colony or Country, shall not henceforth be held or reputed a member or Part of the Land of Virginia, or of any other Colony already transported, or hereafter to be transported, or be dependent on the same, or subordinate in any kind of Government, from which WE do separate both the said PROVINCE, and Inhabitants thereof, and by these presents do WILL to be distinct, and that they may be immediately subject to our Crown of England, and dependent on the same for ever.

XXII. AND if, peradventure, hereafter it may happen, that any Doubts or Questions should arise concerning the true Sense and Meaning of any Word, Clause, or Sentence, contained in this our present CHARTER, WE will, charge and command, THAT Interpretation to be applied, always, and in all Things, and in all our Courts and Judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable, and favourable to the aforesaid now Baron of BALTIMORE, his Heirs and Assigns: PROVIDED always, that no Interpretation thereof be made, whereby GOD'S holy and true Christian Religion, or the Allegiance due to US, our Heirs and Successors, may in any wise suffer by Change, Prejudice, or Diminution; although express Mention be not made in these Presents of the true yearly Value or Certainty of the Premises, or any Part thereof, or of other Gifts and Grants made by US, our Heirs and Predecessors, unto the said now Lord BALTIMORE, or any Statute, Act, Ordinance, Provision, Proclamation or Restraint, heretofore had, made, published, ordained or provided, or any other Thing, Cause, or Matter whatsoever, to the contrary thereof in any wise notwithstanding.

XXIII. NOW WITNESS whereof WE have caused these our Letters to be made Patent. WITNESS OURSELF at Westminster, the Twentieth Day of June, in the Eighth Year of our Reign. (June 20, 1632).

Bibliographic Note: This translation of the Maryland Charter is taken from the Reverend Thomas Bacon, *The Laws of Maryland* (Annapolis, 1765). Bacon was unaware of the earliest printed translation of the Charter, which was published in London in 1635 as part of a promotional pamphlet entitled *A Relation of Maryland*. A facsimile edition of the 1635 Charter is available from the Maryland State Archives, P.O. Box 828, Annapolis, MD 21404.



Maryland Historical Society

The granting of Maryland to the Calverts is described in the opening pages of the Estate Act of 1781 that follow:

NOTE: "Pages" given refer to the parchment pages as written in 1781 and now on file, House of Lords, London.

PAGE 1

WHEREAS his Majesty King Charles The First by his Letters Patent under the Great Seal bearing Date at Westminster the twentieth Day June in the Eighth Year of his Reign from the Considerations and Motives therein mentioned did give grant and confirm unto Cecil Calvert Baron of Baltimore in the Kingdom of Ireland Son and Heir of Sir George Calvert then late Baron of Baltimore in the said Kingdom All that Part of the Peninsula or Isthmus lying in the Parts of America between the Ocean on the East and the Bay of Chesapeake on the West therein particularly described with all Islands Ports Harbours for Ships Arms of the Sea Rivers and Streams thereto belonging and all Lands Mines of Gold Silver Jewels or precious Stones and Metals within the said Limits Patronage of Churches and all such like and as ample Rights Jurisdictions Privileges Prerogatives Regalities Liberties Immunities Royalties and Franchises as well by Sea as by Land within the Country Isles and Limits aforesaid as any Bishop of Durham within the Bishoprick or County Palatine of Durham had ever before held used or enjoyed or might or could have held used or enjoyed And his said Majesty thereby constituted the said Cecil Baron of Baltimore and his heirs true and absolute Lords and Proprietors of the aforesaid Country and other the Premises saving always the Faith Ligeance and direct Dominion due to his said Majesty his Heirs and successors to hold and enjoy the said Country and other the Premises

to the said Baron of Baltimore his Heirs and Assigns to the only proper Use and Behoof of him his Heirs and Assigns for ever to be held of his said Majesty his Heirs and Successors Kings of

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England as of the Castle of Windsor in the County of Berks in free and common Socage by fealty only for all services and not in Capite or by Knights Service and rendering to His said Majesty His Heirs and Successors Two Indian Arrows of those Parts to be delivered at the said Castle of Windsor on the Tuesday in Easter Week in each Year and the Fifth Part of all Gold and Silver Ore that should happen to be found from Time to Time within the Limits aforesaid And his said Majesty did thereby Erect and Incorporate the said Country and Islands into a Province and called the same by the Name of Maryland with Power to make Laws and to appoint Judges Justices and other Magistrates and to hold Plea of all such Suits and Actions as therein mentioned.

Cecil Calvert

It remained the task of Cecil Calvert to direct the settlement of that wild American land, 3000 miles westward of England. His was the work of finding settlers and equipment and of making final plans. His also the work of extricating the expedition, once formed, from political complications in England in order to send his two ships across the Atlantic Ocean.

George and Cecil Calvert parted with some of their Yorkshire lands in order to finance the colonization venture. Many men from Scorton, the "archer's village," near Kiplin Hall in Yorkshire joined the venture to help make up the complement of workers, artisans, ladies, and gentlemen needed to settle Calvert's colony.⁹

Once the expedition had crossed the Atlantic and had established a settlement in Maryland, Cecil Calvert supervised from England the expansion of the colony for over forty years. He sometimes expressed a desire to see his American lands, yet the complex political events in England caused him to remain there to guard the Calvert family interests in both Maryland and in Britain.

Initially, he set up conditions that enabled the colonists to gain a firm foothold in their new land. The two ships carrying the first venture to America were sent off from England, their departure timed so as to arrive in Maryland early enough in the year for the colonists to plant crops, early enough to have the spring and summer months in which to build a fort and snug homes. Thus Calvert hoped his settlers



(Photograph courtesy the Enoch Pratt Free Library)

Cecil Calvert, Second Lord Baltimore, shown holding a map of Maryland, with his grandson and namesake, Cecil, son of Charles Calvert, governor of Maryland. The boy, born in Maryland, was to inherit the title but died in 1681. Portrait by Gerard Soest, court painter to Charles II.

might escape the starvation and other dangers that beset the English colony at Jamestown, just across the Potomac River from Maryland, in its early years. Obviously Calvert profited from the Virginia experience as well as from experience gained from the Calvert colonization ventures in Newfoundland.

Through the years Cecil Calvert managed to keep control of the situation in England and at the same time to guide the free men settling his Maryland colony. These men demanded more of a voice in their government than he had planned that they have, yet he was flexible enough in his viewpoint to see that he had little means of enforcing his will over possibly minor points. Had he succeeded in dictating to the free men of the colony over small matters, he might lose their loyalty and willingness to accede to certain larger demands he made on them. The perspective lent us by the passage of nearly 350 years reveals that Cecil Calvert knew how to strike a balance of power by sometimes yielding, sometimes standing firm.

The complications of early Maryland colonial government are told elsewhere and make a colorful and interesting tale. Lord Baltimore did not always manage to retain complete control of his colony. It is striking to note in those early days how just a few dozen men could take over a government, win or lose a battle, usurp control of a province. Events in England sometimes provided opportunistic men in Maryland with an excuse to take over the government for a time. The first Proprietor eventually prevailed in maintaining his claim to govern Maryland despite political turmoil in the motherland.

Cecil Calvert sent his son, Charles, to govern Maryland from 1661 to 1676. Charles returned to England in 1676, following his father's death in 1675, as the third Lord Baltimore and the second Proprietor of Maryland.



(Photograph courtesy the Enoch Pratt Free Library)

Charles Calvert (I), Third Lord Baltimore. This portrait was signed by Sir Godfrey Kneller, court painter to five English rulers.

Charles Calvert (I)

Born in 1630, Charles Calvert spent more time in Maryland than did any of the other proprietors. He first ruled the colony as its Governor, for an initial period of about fifteen years, and then returned in the dual role of Proprietor and Governor to stay in Maryland from 1679 until 1684. He maintained a lordly life style in Maryland. Charles enjoyed the social events, the hunting, the horse racing, and the sheer beauty of the Maryland countryside.

Charles was Proprietor of Maryland for forty years, from 1675 until 1715. During part of this time he was relegated to the role of landlord of Maryland and was denied his right to govern or to appoint governors to Maryland. Political upheaval in England which was reflected in Maryland caused this loss of control. He was allowed to keep his property rights and revenues, however, and lived in the hope that he might one day regain his full rights of proprietorship.

He also had problems closer to home. His son and heir, Benedict Leonard Calvert, in 1713 announced that he was leaving the Catholic Church and intended to join the Church of England. It is not difficult to see why Benedict Leonard made this decision. Political events in England clearly indicated that a move to the Established Church would meet with great approval. Catholics could not expect to be granted restoration of lands, of powers, or to obtain favors from the government.

The old Lord Baltimore died in England, a staunch Catholic, at the age of 77 in 1715. He had led a full life, married four times, and enjoyed many years of good living.

Benedict Leonard Calvert

Benedict Leonard Calvert, third Proprietor, fourth Lord Baltimore, also led a most interesting life. His actions had a definite impact on the relationship between the proprietary of Maryland and the British



(Photograph courtesy the Enoch Pratt Free Library)

Benedict Leonard Calvert, Fourth Lord Baltimore. Portrait a copy by Boris Luban of the original picture, artist unknown, in the Enoch Pratt Free Library.

government. His cursory treatment by historians may be due to the fact that, after an exceedingly long wait for it, he held his title (and the proprietorship) for only a few months.

Benedict Leonard married in 1698/9 a granddaughter of Charles II. His bride, Charlotte, was the daughter of Edward Henry (Lee), 1st Earl of Lichfield by Lady Charlotte Fitzroy, an illegitimate daughter of Charles II and of "the superb and voluptuous" Barbara Palmer, as that lady was described by Macaulay.¹⁰ (Portraits of Charlotte Lee Calvert and of her father remain on the walls of Kiplin Hall today, as they have for well over two hundred years.) This marriage between Benedict Leonard and Charlotte obviously connected the Calvert family with members of the powerful English aristocracy.

After six years of marriage and seven children, Charlotte and Benedict Leonard separated in 1705.¹¹

As noted earlier, late in the reign of Queen Anne (1702-1714) Benedict Leonard converted to the Church of England. With the death of Charles, third Baron, the proprietorship of the province of Maryland was abruptly restored to his son the Anglican, Benedict Leonard Calvert, by Queen Anne's successor, King George I (1714-1727).

Benedict Leonard enjoyed the title of fourth Baron of Baltimore and Proprietor of Maryland for only a few weeks before his death in 1715.

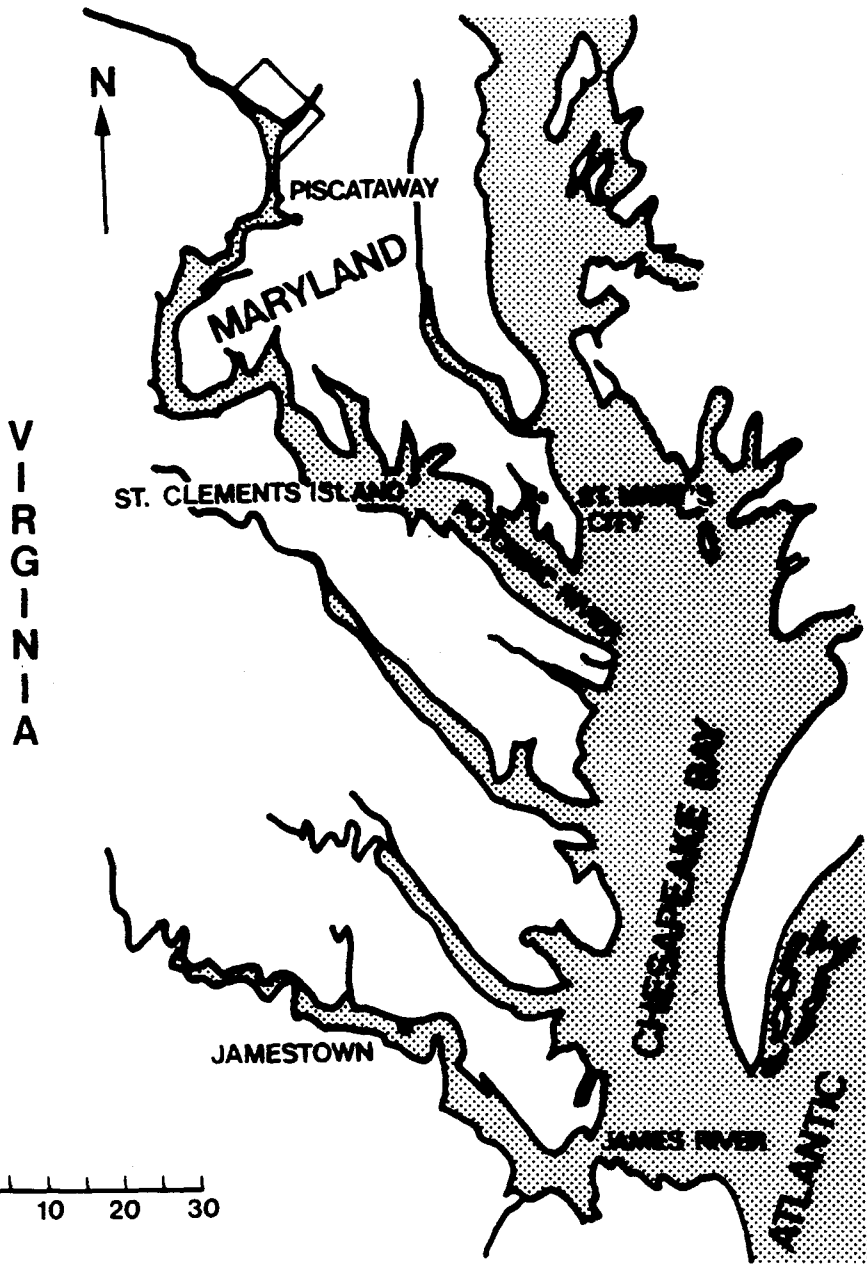
The Estate Act of 1781 describes these events, as follows:

AND WHEREAS by Indentures of Lease and Release bearing Date respectively the thirtieth and thirty first Days of December in the Year of One thousand six hundred and ninety eight and made between Charles then Lord Baltimore Son of the said Lord Cecil and Benedict Calvert his Son and Heir Apparent of the first Part Henry Earl of Litchfield and Lady Charlotte Lee his Eldest Daughter of the second Part and George Duke of Northumberland and others of the third Part The said Tract Province or District of Land called Maryland and all other the Premises granted by the said Letters

Patent by the Description of all that the Country Province and Islands in America commonly called Maryland and all Manors Lands Tenements Quit Rents Mines Customs Imposts Fines Forfeitures Alienations Escheats Tonnage of Ships Port Duties and all other Duties Impositions yearly and other Sum or Sums of Money

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Payments Profits Privileges Jurisdictions Rights Royalties Emoluments and Advantages whatsoever thereunto belonging or in any wise arising due or payable by any Planters Merchants or others for out or in respect of any Lands or Plantations in the said Province or any Tobacco or other Goods or Commodities there from Time to Time growing or being or which should be shipped or exported out of the same to England or any other Place whatsoever were in Consideration of a Marriage then intended and which afterwards took Effect between the said Benedict Calvert and the said Lady Charlotte Lee settled granted and assured (subject to a Term of Ninety nine Years the Uses of which are long since determined) to the Use of the said Charles Lord Baltimore for his Life without Impeachment of Waste Remainder to the said Benedict Calvert for his Life without Impeachment of Waste Remainder to Trustees and their Heirs during his Life upon Trust to support the contingent Remainders therein after limited Remainder to the first and other Sons of the Body of the



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said Benedict Calvert by the said Lady Charlotte and the Heirs Male of the Bodies of such first and other Sons severally and successively Remainder to Trustees for a Term of Five hundred Years Upon Trust for the raising Portions for Daughters in Case of failure of Issue Male (which Trusts as there was Issue Male never arose) with the Reversion to the said Charles then Lord Baltimore his Heirs and Assigns for ever AND WHEREAS the said Benedict Calvert afterwards Lord Baltimore left Issue by the said Lady Charlotte his Wife Charles his Eldest Son and Heir who upon his Death became Lord Baltimore and three other Sons that is to say Benedict Leonard Calvert his second

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Son Edward Henry Calvert his third Son and Coecilius Calvert his fourth Son and two Daughters all which Sons (the said Lord Charles excepted) died without Issue.

Charles Calvert (II)

Charles Calvert, fifth Lord Baltimore and fourth Proprietor of Maryland, was born in 1699. He was spared the long wait for his title which his father had endured, for Charles inherited his title at the age of sixteen. He was Maryland's Proprietor for over thirty-five years. He, too, experienced marital difficulties, as we shall see in the following chapter, yet his was a rich existence, always close to the Prince of Wales, and always busy with many posts and properties.

¹John B. C. Nicklin, "The Calvert Family," *Maryland Historical Magazine*, 16:1 (March, 1921), p. 50; James W. Foster, "George Calvert: His Yorkshire Boyhood," *Maryland Historical Magazine*, 55:4, (December, 1960), pp. 261-274.

²Foster, p. 263.

³Foster, p. 264. Also, John G. Morris, *The Lords Baltimore* (Baltimore: Maryland Historical Society, 1874), p. 7, in which Morris gives her name as "Alicia Crossland."

⁴Foster, p. 264.

⁵Ibid, p. 266.

⁶G. Bernard Wood, "Kiplin: Birthplace of Maryland," *Historic Homes of Yorkshire* (London: Oliver & Boyd, 1957), p. 78.

⁷Clayton C. Hall, *The Lords Baltimore and the Maryland Palatinate* (Baltimore: Nunn, 1904), p. 7.

⁸Ibid, p. 8.

⁹Wood, p. 78.

¹⁰Hall, p. 22.

¹¹After the death of the fourth Lord Baltimore, his widow, Charlotte, traveled abroad where she met and married one Christopher Crowe. Crowe was "so enraptured with Kiplin [Hall] that in 1722 he bought the place from his stepson, Charles, for 7,000 pounds." G. Bernard Wood, "Kiplin," *Yorkshire Illustrated Magazine*, Vol. 11 (July, 1950), p. 14.

AND WHEREAS by

Indentures of Lease and Release bearing Date respectively the tenth and eleventh Days of July in the Year One thousand seven hundred and thirty the Release being made between the said last named Charles Lord Baltimore of the first Part Sir Theodore Janssen Baronet and Mary his youngest Daughter of the second Part and the said Benedict Leonard Calvert and Coecilius Calvert (Brothers of the said last Lord Charles) and Stephen Theodore Janessen Esquire afterwards Sir Stephen Theodore Janessen Baronet and William Janessen Esquire of the third Part after reciting that a Marriage was then intended to be

The terms of the marriage settlement dated July 10 and 11, 1730 between Charles, Lord Baltimore and Mary Janssen are given.

She was the youngest daughter of Sir Theodore Janssen, Baronet.

These settlements carefully spelled out provisions for the wife, for her should she survive her husband; provided for the children of the marriage -- for male heirs and for the doweries, "portions" of female children.

Trustees were named to see that the terms of the settlement were carried out.

shortly had between the said Charles Lord Baltimore and the said Mary Janssen In Consideration of the said Marriage then intended and which afterwards took effect and for other Considerations the said Charles Lord Baltimore did grant and convey to Trustees therein named and their Heirs (amongst other Things) the said Tract Province or District in America called Maryland and all other the Hereditaments granted by the said Letters Patent to hold to the said Trustees and their Heirs from and after the said Marriage to the Use of the said last named Charles Lord Baltimore and his Assigns for his Life with Remainder to Trustees for his Life to preserve contingent Remainders and after his Decease (chargeable with a Rent Charge of Eight Hundred Pounds a Year) to the said Mary Janssen for her Life for her Jointure and in Bar of Dower with Powers of Entry and Distress to the Use of the

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said Trustees for a Term of One thousand Years In Trust for the better securing the said Rent Charge and subject thereto on further Trust for the raising of Sum of One Thousand Pounds for the said Mary Janssen (she surviving him) and afterwards in Trust that in Case the said Charles Lord Baltimore should have any Daughter or Daughters by the said Mary Janssen living at his Decease or born afterwards the said Trustees should raise the Sum of five thousand Pounds for the Portions of each such Daughter payable with Maintenance as therein mentioned with

Charles, Lord Baltimore married and had three surviving children:

Frederick, his only son and heir

Louisa, who married John Browning

Caroline, who married Robert Eden, Esquire
(later Sir Robert Eden, Baronet)

Charles, Lord Baltimore, left a will, dated November 14, 1750. The will left in the hands of trustees his estates, including Maryland, to his son Frederick Calvert, afterward the sixth Lord Baltimore.

Frederick Calvert was intitled to Maryland not only by the will of his father but because it was entailed property. Frederick Calvert inherited the bulk of the family lands and money after generous sums were deducted as willed to Louisa and Caroline Calvert by their father.

Lands and money were also left by Charles, fifth Lord Baltimore, to various other persons (see following descriptions).

After the bequests of Charles Calvert were paid, Frederick Calvert was left in possession of much land, including Maryland, and a great fortune.

Remainder to the first and other Sons of the said Charles Lord Baltimore by the said Mary Janssen and the Heirs Male of their Bodies successively and for Default of such Issue to the Use of the Heirs and Assigns of the said Charles Lord Baltimore for ever AND WHEREAS the said Marriage was afterwards duly had and the said Charles Lord Baltimore afterwards died leaving his said

Wife surviving him and leaving Issue by her Frederick Lord Baltimore his only Son and Heir at Law and two Daughters Louisa who afterwards married John Browning Esquire and Caroline who afterwards married Robert Eden Esquire now Sir Robert Eden Baronet AND WHEREAS the said last named Charles Lord Baltimore did duly make his last Will and Testament bearing Date the fourteenth Day of November in the Year One thousand seven hundred and fifty And thereby gave and devised unto Thomas Bladen, Samuel Ogle, John Sharpe and Samuel Farrant Esquires all since deceased and their Heirs all his Manors Lands and Hereditaments in Great Britain and also his Province of Maryland in America and all other his real Estates in Great Britain and in the Provinces of Maryland and Avalon (except such Parts thereof as were therein otherwise given or disposed of) to the

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Use of his only Son the said Frederick afterwards Lord Baltimore for Life without Impeachment of Waste Remainder to the said Trustees and their Heirs during his Life upon Trust to preserve the contingent Remainders therein after limited And after the Decease of his said Son to the Use of the first second third and all other the Sons of his said Son and of the Heirs Male of their Bodies severally and successively with Remainder to all and every the Daughter and Daughters of his said Son and the Heirs Male of the Bodies of such Daughters equally to be

divided between them to take as Tenants in Common with Cross Remainders amongst all such Daughters and the Heirs Male of their Bodies with Remainder to the said Louisa his eldest Daughter her Heirs and Assigns subject to the Sum of Twenty thousand Pounds for the said Caroline his youngest Daughter over and above the Five thousand Pounds provided for her by his Marriage Settlement and to be paid as therein mentioned and appointed the said Frederick his Son his residuary Legatee and by a Codicil to his said Will gave to his said Daughters the further Sum of Five thousand Pounds apiece besides the aforesaid several Sums of Five thousand Pounds each secured to them by his Marriage Settlement and payable in the same Manner

THE LORDS BALTIMORE

**PROPRIETORS
OF MARYLAND**

George Calvert
First Lord Baltimore

—

Cecil Calvert
Second Lord Baltimore

First Proprietor

Charles Calvert, I
Third Lord Baltimore

Second Proprietor

Benedict Leonard Calvert
Fourth Lord Baltimore

Third Proprietor

Charles Calvert, II
Fifth Lord Baltimore

Fourth Proprietor

Frederick Calvert
Sixth Lord Baltimore

Fifth Proprietor

—

Henry Harford
Sixth Proprietor

CHAPTER III

FREDERICK CALVERT

Upon his father's death in 1751, Frederick Calvert, the sixth Baron of Baltimore, inherited both a title and a great fortune. The fortune was a complex one involving English securities and English lands plus the palatinate of Maryland with its land, incomes, and prerogatives. Maryland was an important part of Calvert's inheritance with substantial annual incomes and miles of unsold lands.¹

The colony had been established early in the seventeenth century to provide a refuge for Catholics and to serve as a commercial venture as well. The freedom of worship for Catholics lasted only a few years but the expectations for a successful colonial commercial venture fared better.

Maryland's fifth Proprietor, Frederick Calvert, inherited princely powers of government under the terms of the Maryland Charter of 1633. The Proprietor owned all the land and had all executive and judicial powers, and all writs were issued in his name. He appointed the governors of Maryland, the members of the governors' councils, and the magistrates. Further, the Proprietor was empowered to establish courts in Maryland, to set up ports of entry, and to appoint officials to collect duties and fees. The Proprietor could raise an armed force and could declare martial law. Finally, the Proprietor was the last court of appeal.²

The English crown exacted only ceremonial taxation from Maryland. The only two checks placed upon the power of the Proprietor were that the laws of the colony should resemble those of England and that Marylanders, free men gathered in an Assembly, must assent to the laws of the province.³ Maryland men took very seriously this right to assist in the governing



(Photograph courtesy the Enoch Pratt Free Library)

Charles Calvert (II), Fifth Lord Baltimore. This portrait is believed to have been painted by Allan Ramsay, court painter to King George III.

process as it ensued, for despite the property requirements that had to be met in order to vote, a substantial number of men were able to do so. The council members made up the upper house of the Maryland Assembly, the free men the lower house. As the colony grew, not all free men attended Assembly sessions, but sent delegates instead. As the years passed, the lower house of the Assembly gained political leverage by holding the right to approve laws and funds. The lower house claimed, as well, the right to set fees and taxes and this proved to be a continual point of friction between the lower house and the proprietary.⁴

The proprietary garnered income from quitrents, land sales, and tonnage duties. Charles Albro Barker, has shown that the later lord proprietors would have had a much less luxurious mode of living without their personal revenues from Maryland.⁵ Barker noted that: "In return for the privilege of being the tenant-in-chief of Maryland, the lord proprietor received, during the years from 1768 to 1774 inclusive, a net income of £10,267 in sterling exchange payable in London."⁶

Charles Calvert, fifth Lord Baltimore and fourth Proprietor of Maryland, also left to his son, Frederick, family lands located near Epsom, England, large holdings in the form of investments in Bank of England stocks and similar conservative securities.

In his will Charles Calvert removed his Irish lands from the inheritance that devolved to Frederick Calvert, choosing to leave those lands and incomes to a Mrs. Cecil Brossan and her two sons, Charles and Augustine. His London townhouse and a block of securities went to Jane Nowton, another mistress.⁷

To his legal heirs, his wife, his son Frederick, and his two daughters, Louisa and Caroline, he left the remainder of the huge Calvert fortune.

It would have been difficult to see how such great inherited wealth and secure social standing could be



(Frick Art Reference Library and courtesy the Enoch Pratt Free Library)

Frederick Calvert, Sixth Lord Baltimore. The portrait shows him with books, paper, and a pen to indicate his desire to be remembered as a literary figure. It was painted by Johann Ludwig Tietz of Germany.

appreciably diminished in the sixth Baron's lifetime.

By the time of his father's death, Frederick had long since left Eton College and was eager to travel and enjoy his title and wealth.⁸

At twenty-one years of age Frederick Calvert gained control of his great fortune and in that same year married Diana Egerton, daughter of Scrope (Egerton) first Duke of Bridgewater. With suitable pomp and display the wedding took place on March 9, 1753.⁹ The marriage produced no children and, in fact, "due to a helpless disagreement of temper . . ." the couple lived separately much of the time.¹⁰ In the summer of 1758 Lady Baltimore and her husband went "for an airing" in an open carriage. There was an accident and Lady Baltimore was thrown from the phaeton. She died shortly thereafter.¹¹

The Estate Act of 1781 outlines exactly the terms of the marriage settlement of 1753 preceding the marriage of Frederick Calvert, Lord Baltimore and Lady Diana Egerton, and gives us the names of the parties involved.

AND WHEREAS by Indenture of six Parts bearing Date the ninth Day of March in the Year One thousand seven hundred and fifty three and made between the said Frederick then Lord Baltimore of the first Part the said Coecilius Calvert his Uncle of the second Part Sir Richard Lyttleton since deceased and Rachael Duchess Dowager of Bridgewater his Wife since also deceased of the third Part Lady Diana Egerton one of the Daughters of

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The said Duchess of the fourth Part Charles Duke of Grafton William then Earl of Jersey and John Egerton now Bishop of Durham of the fifth Part and William Lord Marquis of Hartington and Authur Onslow James Booth and John Sharpe Esquires of the sixth Part after reciting (amongst other things) that Overtures had been made for the Marriage of the said Frederick Lord Baltimore and the said Lady Diana Egerton And that under the Limitations contained in the said Marriage Settlement of the said Charles Lord Baltimore the Father dated the Eleventh Day of July One thousand seven hundred and thirty or by or under the Limitations contained in the former Settlement made on the Marriage of the said Benedict Calvert the Grandfather dated the said thirty first Day of December One thousand six hundred and ninety eight the said Frederick then Lord Baltimore either as first Son of the said Charles Lord Baltimore by the said Mary Janssen or as Issue Male of the said Benedict Leonard Calvert by the said Lady Charlotte Lee was seized or intitled to him and the Heirs Male of his Body with Remainder to his Uncle the said Coecilius Calvert in Tail Male of and to the said Province of Maryland and other the Hereditaments therein mentioned as the same had been theretofore granted to his Ancestor Cecil Baron of Baltimore and to his Heirs and Assigns by King Charles the first by his Letters Patent aforesaid And also reciting that it had been proposed that the said Frederick Lord Baltimore would for the making a due Provision for the Support and

Maintenance of the said Lady Diana for her Life in Case she should survive him secure the Annual Sum of Two thousand Pounds tax free to take effect on his Death and to be payable to her for Life in Nature of a Jointure And had likewise agreed

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to Convey and Assure the said Province of Maryland so as that the same should in the first Place be charged with the Payment of the said Annual Sum of Two thousand Pounds to her for Life And then should go and remain subject to the Power therein mentioned to the Use of the first and other Sons of the said then intended Marriage in Tail Male successively with such Remainders over as therein expressed And the said Frederick Lord Baltimore thereby Covenanted in Case the said Marriage should be had and the said Lady Diana should survive him that she should yearly during her Life receive out of the said Province or some other Part of the Real or Personal Estate he should leave at his Death the Annual Sum of Two thousand Pounds to be paid to her as therein mentioned And the said Frederick Lord Baltimore and Coecilius Calvert thereby further Covenanted in Case the said Marriage should be had to perform all such Things as Counsel should advise for effectually settling the said Province so as that the same might be enjoyed and remain to the several Uses and for such Estates and Trusts and with such Remainders over and in such Manner as therein mentioned that is to say to the Use of the said Frederick

Lord Baltimore for Life Remainder to Trustees to preserve contingent Remainders Remainder to the intent that the said Annual Sum of Two thousand Pounds might be issuing out of the said Province to be paid to Lady Diana during her Life Remainder to the Use of Trustees for the Term of Two hundred Years upon Trust for the better securing the same Remainder to the first and other Sons of the said Frederick Lord Baltimore in Tail Male Remainder to the said Coecilius Calvert for Life Remainder to Trustees and their Heirs

Prior to Lady Baltimore's death, a male child was born to Frederick Calvert and an Irish girl, Hester Rhelan, in London, April 5, 1758. The boy was named Henry Harford.¹² He was to be Frederick Calvert's only son. Henry Harford's date of birth was not for many years given truthfully: perhaps because he was born in the spring of 1758 and Frederick, Lord Baltimore's wife died in the summer of that year. (Frederick Calvert, incidentally, did not marry again so had no legitimate children.) On November 28, 1759, another child was born to Frederick Calvert and Hester Rhelan "Harford," and named Frances Mary Harford.¹³ Though he was to take other mistresses in the next few years, Frederick Calvert continued to arrange for the care and support of Hester Rhelan and these two children.¹⁴ (Two mistresses followed, each bearing Lord Baltimore two female children.)

Lord Baltimore enjoyed traveling throughout the Continent and the Near East with his entourage of a mistress, their children, and several servants. He spent considerable time writing ungrammatical poetry and travelogues which, however elaborately printed, bound, and dedicated, aroused only merriment at his expense from the critics of the day.¹⁵

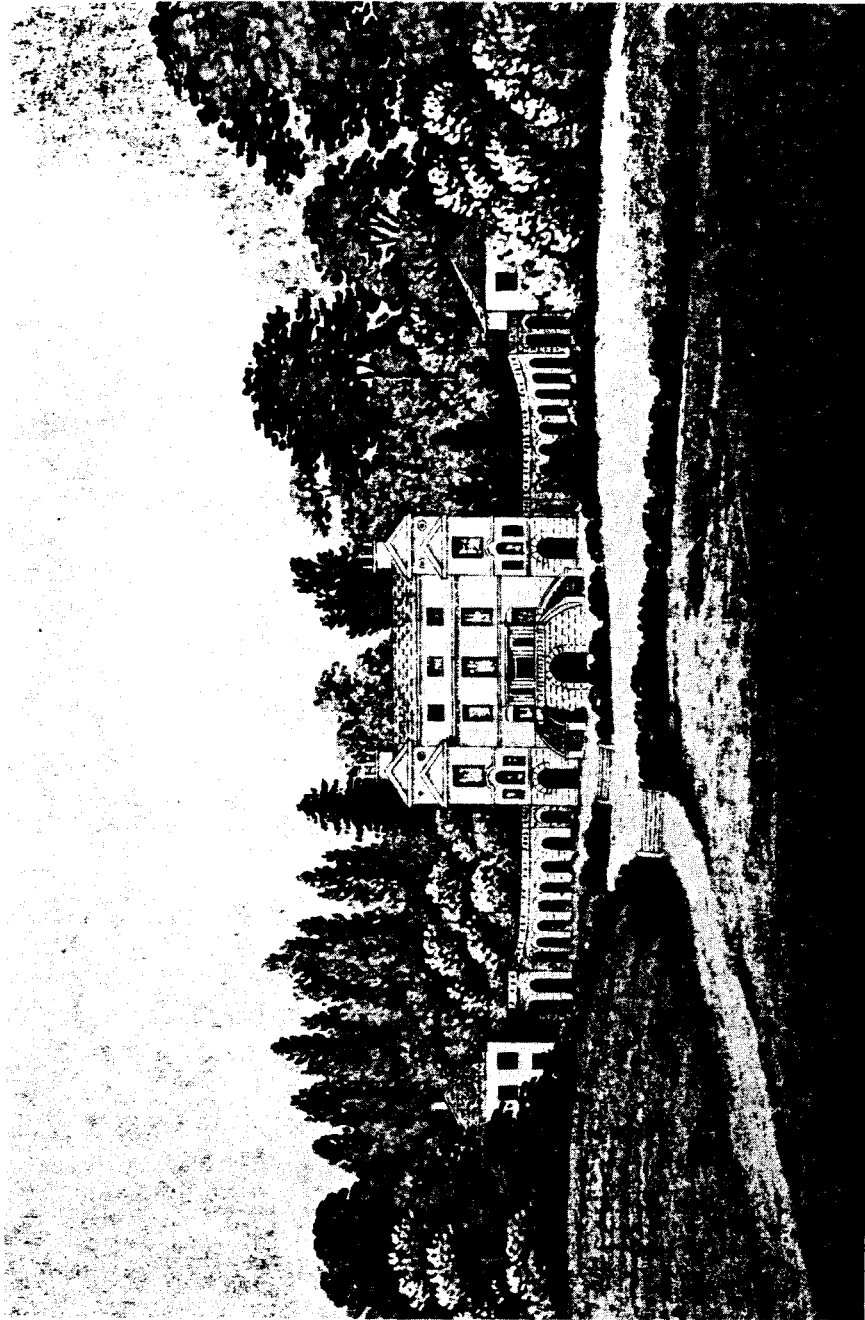
In England late in 1767 and at odds with his current mistress, Frederick Calvert's eye chanced upon a lovely young woman who ran a small millinery establishment in Epsom, the town outside London which was near the Calvert family estate, Woodcote Park. Her name was Sarah Woodcock, a respectable young woman, who was engaged to be married.

With the aid of disreputable servants Lord Baltimore abducted Mistress Woodcock and seduced her, after several nights of terror in his mansion. Her father engaged legal assistance and sued Lord Baltimore. The trial for rape was widely reported in the journals of the day, and Baltimore's reputation, none too good at this point in any case, was irretrievably ruined. Public opinion of Lord Baltimore's attack upon



(Photograph courtesy Florence M. and Pamela V. Harford)

Hester Rhelan of the Kingdom of Ireland. She was the mother of Henry Harford, last Proprietor of Maryland. The artist is unknown.



(From an old print)

Woodcote Park, a Calvert family home near Epsom, Surrey, England.

the young woman declared that it was "an atrocious act of seduction, and the conviction of his guilt was universal."¹⁶ Frederick Calvert addressed the court with "quite a pretty speech for a man universally known to be one of the most licentious of his times."¹⁷ Accounts of the times agree that all that saved Baltimore from conviction was the fact that, having lost her virginity and her reputation, Sarah Woodcock had vacillated in her attempts to escape him.¹⁸ Set free by an acquittal, March 26, 1768, Lord Baltimore quickly prepared to leave England to live on the Continent and escape the opprobrium of English society.

CHAPTER IV
FREDERICK, LORD BALTIMORE, AND HIS
MARYLAND PALATINATE



The news of Lord Baltimore's trial for the crime of rape traveled quickly to Maryland in spite of measures taken there to suppress it. Governor Sharpe forbade the printer of the *Maryland Gazette* to publish any account of the trial, but papers in Pennsylvania and other northern colonies provided Marylanders with the full particulars of the sordid adventures of the Proprietor of Maryland.¹⁹ The scandal engendered by the trial confirmed Maryland residents in their poor opinion of their hedonistic Proprietor. His relations with his province up to this time (1768) had in any case furnished Marylanders with little grounds for affection or loyalty toward him.²⁰

The estrangement between Maryland residents and the sixth Baron was rooted in a long-standing anti-proprietary movement, yet it was Frederick Calvert's flagrant disinterest in the welfare of the people of the province, his only too-obvious greed, and his mismanagement of provincial affairs that greatly increased tensions between Maryland provincials and the proprietary government. By his behavior the sixth Lord Baltimore loosened ties of loyalty and habit that had bound Marylanders to the proprietary and to England.

During his tenure as Proprietor, Frederick Calvert refused to face issues in Maryland. He let provincial business await his pleasure as he paraded across Europe.²¹ During the French and Indian War he exhibited a parsimonious attitude that created much criticism in Maryland.²² In this same vein, Frederick Calvert sold off his Maryland lands in such a way as to demonstrate his greed and his lack of interest in the province.²³ Unwise appointments of unsuitable men as clergy to Church of England parishes in Maryland likewise revealed Baltimore's greed and carelessness.²⁴

Although once mildly interested in coming to Maryland, if only to attend to his financial interests, Lord Baltimore did not make that journey, thus neglecting an opportunity to build personal connections in the palatinate and to impress some of his provincial planters.²⁵

Baltimore obviously wished only to continue a profitable status quo without the expenditure of effort on his part. He refused to allow Maryland to have an agent in England to represent provincial interests, and he failed to oppose measures himself that would not be in the interest of Maryland. Even his governor, Horatio Sharpe, remonstrated with him for failing to oppose the Stamp Act, for example.²⁶

It is not surprising, then, that the leaders of the people of Maryland felt less and less loyalty to their Proprietor. The hostile climate generated by Frederick

Calvert was to make it impossible for his son (Henry Harford) to obtain recompense later for proprietary lands confiscated by the Maryland legislature during the Revolution.

The Anti-Proprietary Movement

The beginning of the anti-proprietary movement started with the assembly of 1739. At that time new members of the House of Delegates drew up a formidable catalogue of grievances asserting that the fee proclamation of 1733 violated the Maryland charter; the one-shilling duty of 1704 imposed for the support of the governor was illegal; the tonnage duties collected for his lordship's privy purse operated under lapsed legislation; the collection of alienation fines on land sales was contrary to the terms of the Maryland land grant system; the selling of clerkships tended to ruin the province; and the collection of naval officers' fees in gold and silver was a violation of the paper-money law. As a token of their determination to correct these grievances, the delegates of the assembly of 1739 voted to appeal their case to the king.²⁷

During the following years the tensions between the proprietary and the House continued to erupt periodically. Barker in *The Background of the Revolution in Maryland* traces these contests between the government of the Proprietor and the House of Delegates in detail. These tensions, then, existed before Frederick Calvert became Proprietor. When he took over the reins of Maryland's government neither proprietary nor provincial attitudes were altered in any significant way.²⁸ As the sixth Baron's tenure as Proprietor proceeded, however, he greatly increased the existing tensions. Even the capable governor, Horatio Sharpe, appointed by Frederick Calvert, was not able to conceal from the people of Maryland the fact that their Proprietor was not interested in their welfare, but rather was concerned only with his own.

The Proprietor Neglected Provincial Affairs

Marylanders soon discovered that their Proprietor paid little attention to the business of governing his palatinate, preferring to spend his time wandering about Europe in search of amusement. Cecilius Calvert, the principal Secretary of the province, in letters from England to Horatio Sharpe in the 1760s, was often forced to admit that he had not heard from Lord Baltimore for weeks, even months, nor was he always certain of the sixth Baron's whereabouts. The Secretary had great difficulty in obtaining answers to questions about provincial affairs from Baltimore.²⁹ Many matters had to await Lord Baltimore's attention. This naturally did little to endear him to Maryland men inconvenienced by these delays.

Baltimore Careless of the Security of Colonists.

The behavior of the sixth Baron during the progress of the French and Indian War was yet another sore point in the relations between the Proprietor and the province. During the early 1760s Maryland lands to the west were under attack by parties of French and Indian allies. Settlers not murdered by the attackers retreated eastward. Others withdrew to the little western frontier town of Frederick. Even this stronghold was saved only at the last possible moment at one juncture by the arrival of munitions and supplies.³⁰ Some were so terrorized that they fled all the way to Baltimore and rushed aboard ships in the harbor. Yet Lord Baltimore flatly refused, even in the face of the obvious need for stronger defenses of the frontier, to allow his manor and reserved lands in Maryland to be taxed for funds to help pay expenses incurred in the defense of the province. Governor Sharpe, coping with the situation despite the lack of adequate funds, was eventually forced by sheer military necessity to tax these lands, acting in opposition to the specific instructions of the Proprietor.³¹

The war ended in 1763, but Marylanders did not forget the Proprietor's stingy attitude and his lack of concern for their safety during that conflict.

Rapid Sale of Proprietary Lands.

The manner in which Frederick Calvert sold off proprietary lands in Maryland was yet another factor in the widening breach between the Proprietor and the people of Maryland. True, the sale of land in Maryland, and of patents to take up land, had long been a respectable and major source of income for the proprietary family, but the sixth Baron planned a rapid and wholesale relinquishment of land on a very large scale indeed. He exhibited little interest in the welfare of the persons planning to invest in the manor and reserve lands he offered for sale.

In 1766, Lord Baltimore authorized Governor Sharpe, Daniel Dulany, and a Mr. Jordan, to sell all his manor lands and other tracts in Maryland. The land sales commissioners accordingly immediately advertised in the *Maryland Gazette*, offering large tracts in the various counties for sale. This represented an acreage, according to J. Thomas Scharf, 19th-century historian, of about three hundred thousand acres. A large part of this land was sold; indeed the market was saturated with land.³²

Frederick Calvert's intention was plain to members of the Maryland gentry. He was determined to exploit the province in a greedy and impatient manner in order to place pounds in his pocket. Scharf comments that this peremptory disposal of the proprietary estates, completed to a large extent by 1769, ". . . had broken almost the last link between the Calverts and Maryland."³³

In spite of the sixth Baron's best efforts to sell off his American acres, close to a quarter of a million acres of land were left unsold. This land represented a financial reserve and an important source of future income to the proprietary family.³⁴

Inappropriate Church of England Appointments.

A continual grievance against Frederick Calvert during his proprietorship resulted from his penchant for making wildly inappropriate appointments of ministers to Church of England parishes in the province. All taxpayers, regardless of their religious affiliation, were required to pay a poll tax to support the Anglican Church and its ministers. There were a great many non-Anglican Marylanders. In spite of the fact that the Established Church had the weight of both the Proprietor and the English government behind it, it was unpopular in Maryland.

By the 1770s, "Complaints filled the *Maryland Gazette*, describing the corruption and the lack of divine reverence among the ministers. Some of the clerics' actions were so patently vile that even the Dulanys (entrenched in high office in the proprietary government) denounced them."³⁵ The issue of his appointment of such clergymen was not forgotten in Maryland after the American Revolution. The hostility Frederick Calvert generated via these appointments made Harford's attempts to gain support in Maryland vastly difficult.

Baltimore's Lack of Personal Contact with Maryland.

Frederick Calvert never visited Maryland. This absence of their landlord had its effect on Maryland public opinion, making obvious the fact that he had little interest in his province. One might argue, on the other hand, that had Maryland leaders had the opportunity to know Calvert they might well have been repulsed and disgusted by the decadent Lord Baltimore. In both Pennsylvania and Virginia, however, such personal interest and presence did benefit heirs of those proprietors after the Revolution. In any case, Frederick Calvert did not come to Maryland.

At one point the languid sixth Baron's concern for his purse very nearly overcame his inertia. It has generally been believed that he never so much as

considered such a visit, yet one of Secretary Calvert's letters from London to Governor Sharpe, dated July 3, 1765, tells us that the matter was under discussion.

Lord Baltimore, the Secretary wrote, was most dissatisfied with the way in which his Maryland business affairs were being taken care of and that Frederick Calvert was thinking of sending someone to look into the matter, ". . . or else, to visit the province himself, and this next spring; the latter he seems greatly inclined to do. . . ." The Secretary promised to advise Sharpe should this plan materialize (it did not).³⁶ The aborted journey reveals that Lord Baltimore was both concerned for his income and yet too indolent to attend to its source.

Calvert confined his interest in Marylanders to those officers serving his interests. He communicated with his men in Maryland in a tone of lordly paternalism, sending, for example, a full-length portrait of himself to Maryland in 1765. In a letter to Governor Sharpe, dated February 16, 1767, he commented that he was very happy at the harmony between himself and the upper house of the Assembly (the Council). These men, he confided to Sharpe, he regarded:

More like the House of Peers in this country, as the middle part of Legislature, to prevent the Lower House with their democratic spirit from destroying the present happy Establishment, sanctified by experience and the Pattern of their Mother Country, whose Constitution and government is by all the world admired . . . I look upon the Upper House of the Assembly in Maryland as composed of the Wisest men of the Province. . . .

Frederick Calvert went on to express his recognition of the tension between the House of Delegates and the proprietary government by criticizing the Lower House and the unruly "Sons of Liberty."³⁷ (The Sons of Liberty was an organization formed throughout the colonies in the latter months of 1765 dedicated to forcing a repeal of the Stamp Act of 1765. This was a small but vociferous group in Maryland.)³⁸

Even in his communications with his own men in Maryland, Lord Baltimore showed an interest only in obtaining a tame acquiescence to all his policies and to those of Parliament. This would allow the status quo to continue in Maryland, along with the stable conditions that caused well over £10,000 sterling a year to flow into the sixth Baron's purse.³⁹

With good reason both the Proprietor's men and the anti-proprietary leaders believed that Lord Baltimore had not bothered to exert influence in England on members of Parliament in an effort to prevent the passage of the Stamp Act of 1765.⁴⁰

Maryland men had long wanted to have an agent in London to represent their interests in that capital. Since Lord Baltimore had refused to allow this, they were forced to depend on him to bring Maryland interests to the notice of Parliament, and this duty he regularly neglected.

More and more in the 1760s and 1770s, the House of Delegates in the province found itself drawn into a position of opposition to both the proprietary government and to the British Parliament. As historian Scharf has remarked:

. . . the idea of resisting by all lawful means all encroachments by that body (Parliament) upon their chartered privileges or their birthright of English freemen, grew stubbornly fixed in their minds. The restraining influences—personal affection for the proprietary, and the conviction that his welfare was identical with their own—were wanting; for in Baron Frederick they saw nothing but selfishness, rapacity, and indifference to their interests. . . .⁴¹

A Combination of Factors That Alienated Maryland Men From the Proprietor and Their Implications

Frederick Calvert managed to engender an ever-growing alienation between Maryland men and himself. He did this in several ways: by paying little attention to the business of the province and to the welfare of its inhabitants, and by demonstrating his carelessness for the safety of Marylanders in refusing

to allow his lands in Maryland to be taxed to help provide funds for defense against French and Indian raiders. He sold off Calvert lands in Maryland in a way that revealed an obvious desire to invest neither time, money, nor interest in Maryland, showing a wish only to withdraw from the province, taking with him all the cash that he could raise. The unsuitable Church of England appointments which the Proprietor made, again demonstrated his rapacity and insensitivity to the welfare of the palatinate. He could have made, perhaps, important friendships in Maryland had he visited the province but he did not make the journey. In neglecting to represent Maryland by objecting to the Stamp Act of 1765, and by refusing to allow the province an agent in London, he again showed his indifference to the colony. All of these factors, plus his own regrettable reputation made him a man the provincials could hardly admire. With such a marked lack of loyalty demonstrated by the Proprietor to his American province, there was little reason for the provincials to be loyal to him.

There was, as well, the fact that Maryland men tended to think of the proprietary and Parliament as being linked, as indeed they were. This served more and more to cause the two governments to be considered common opponents and oppressors of the inhabitants of Maryland.

The estrangement between Maryland men and the Proprietor created, first, a climate in the 1770s conducive to allowing Maryland more easily to join with the other American colonies in rebelling against Britain, despite the provincials' conservative and legalistic cast of mind. Secondly, the Maryland inhabitants' disillusionment with their Proprietor placed great obstacles in the way of Henry Harford in his post-Revolutionary efforts to regain control of property that had belonged to the proprietary in Maryland.

- ¹Will of Charles Calvert, fifth Lord Baltimore, Manuscripts Section, Maryland Historical Society, MS#174. Calvert Papers, microfilm roll 2, "Executor's Account of Charles, Lord Baltimore Estate," Manuscript Division, Maryland Historical Society, MS#480 and MS#481.
- ²Lois Carr and David Jordan, *Maryland's Revolution of Government: 1689-1692*, (Ithaca, N.Y.: Cornell University Press, 1974), p. 4; Matthew Page Andrews, *History of Maryland: Province and State* (Hatboro, Penna: Tradition Press, 1965, a facsimile reprint of the 1929 edition), p. 18; Ronald Hoffman, *A Spirit of Dissension* (Baltimore: Johns Hopkins University Press, 1973), pp. 46, 155-158.
- ³Charles Albro Barker, *The Background of the Revolution in Maryland* (New Haven: Yale University Press, 1940), pp. 118-122.
- ⁴Aubrey C. Land, "Provincial Maryland," *Maryland: A History, 1632-1974* (Baltimore: Maryland Historical Society, 1974), p. 46; Barker, pp. 155-157.
- ⁵Barker, p. 153.
- ⁶Ibid, p. 141.
- ⁷Will of Charles, fifth Lord Baltimore, MHS, MS#174.
- ⁸Calvert Papers, MHS, "Executor's Account . . .," MS#480 and MS#481.
- ⁹Charles Browning, *An Appeal to the Citizens of Maryland* (Baltimore: n.p., 1821), p. 1.
- ¹⁰Richard J. Cox, "Notes on Maryland Historical Society Manuscript Collections: Some Personal Letters of Frederick Calvert, Last Lord Baltimore," *Maryland Historical Magazine*, 70:1 (Spring 1975), p. 103.
- ¹¹*Archives of Maryland*, Vol. 31, Cecilius Calvert to Governor Horatio Sharpe, November 27, 1758, from London, p. 506.
- ¹²Lord Baltimore, Act (Estate Act of 1781), 21 George III, House of Lords, London, p. 30. Hereinafter, Estate Act of 1781.
- ¹³*English Consistory Reports, 1788-1821, Harford v. Morris*, pp. 792-797. Copies of this extract of the case are in the vertical files, MS Div., Maryland Historical Society, under the date of December 2, 1776., p. 792.
- ¹⁴*The Calvert Papers*, 3 vols. (Baltimore: Maryland Historical Society, 1889), II:216-220.
- ¹⁵*Gentleman's Magazine*, Vol. 41 (1771), p. 566; John G. Morris, *The Lords Baltimore* (Baltimore: Maryland Historical Society, 1874), pp. 54-58.
- ¹⁶Morris, pp. 53, 54.
- ¹⁷Ibid.
- ¹⁸*Gentleman's Magazine*, Vol. 38 (April, 1768), p. 187.
- ¹⁹Cox, p. 100.
- ²⁰Ibid, pp. 98, 99.
- ²¹*Archives of Maryland*, Vol. 31, pp. 530-567.
- ²²Land, p. 49.
- ²³J. Thomas Scharf, *History of Maryland*, 3 vols., (Hatboro, Penna.: Tradition Press, 1967, facsimile reprint of the 1879 edition), II:45; Barker, p. 265.
- ²⁴Sidney Charles Bolton, "The Anglican Church in Maryland Politics," (Master's thesis, University of Wisconsin, 1968), chapter 2.
- ²⁵*Archives of Maryland*, Vol. 31, p. 564.
- ²⁶Richard Walsh, "The Era of the Revolution," *Maryland: A History 1632-1974*, (Baltimore: Maryland Historical Society, 1974), pp. 68, 69.
- ²⁷Barker, 223-230; Land, p. 45.
- ²⁸Land, p. 47.
- ²⁹*Archives of Maryland*, Vol. 31, pp. 530-567.
- ³⁰Land, pp. 48, 49; Andrews, p. 253.
- ³¹Land, p. 49.
- ³²Scharf, II:104.
- ³³Scharf, II:45; Barker, p. 265.

³⁴Browning, *An Appeal* . . . , pp. 78, 79; Scharf lists in his *History of Maryland*, Vol. II, pp. 104, 150, manors remaining undisposed of up to the time of the Declaration of Independence:

"Monocacy manor, and the reserves thereon as returned by the surveyor of Frederick county, 13,148 acres; Kent manor, Kent county, 3,018 acres; Gunpowder manor, Harford county, 5,603 acres; Queen Anne manor, Queen Anne's county, 4,322 acres; Nanticoke manor, Dorchester county, 4,777 acres; Woolsey manor, Dorchester county, 3,131 acres; Mill manor, Dochester county, 1,667 acres; Wicomico manor, Worcester county, 5,950 acres; Anne Arundel manor, Anne Arundel county, 301 acres; Chaptico manor, St. Mary's county, 6,110 acres; Beaver Dam manor, St. Mary's county, 7,680 acres; West St. Mary's and St. Mary's manors, St. Mary's county, 1,370 acres; Snow Hill, St. John, and St. Barnabas manors, Somerset county, 774 acres; Calverton manor, Charles county, 3,412 acres; Pangaiah manor, Charles county, 5,304 acres; Elk North and East manors, Cecil county, 3,976 acres. These last two manors were laid out for 6,000 acres each, and it is believed they were not less than that amount. Samuel Chase and John Churchman purchased two tracts of land in Cecil county, each 10,000 acres. My Lady's two manors and reserves, Baltimore county, 45,000 acres. My Lord's two manors and reserves, westward of Fort Cumberland, Alleghany county, 125,130 acres. The reserves within five miles of Annapolis."

³⁵Bolton, Chapter 2.

³⁶*Archives of Maryland*, Vol. 31, p. 564.

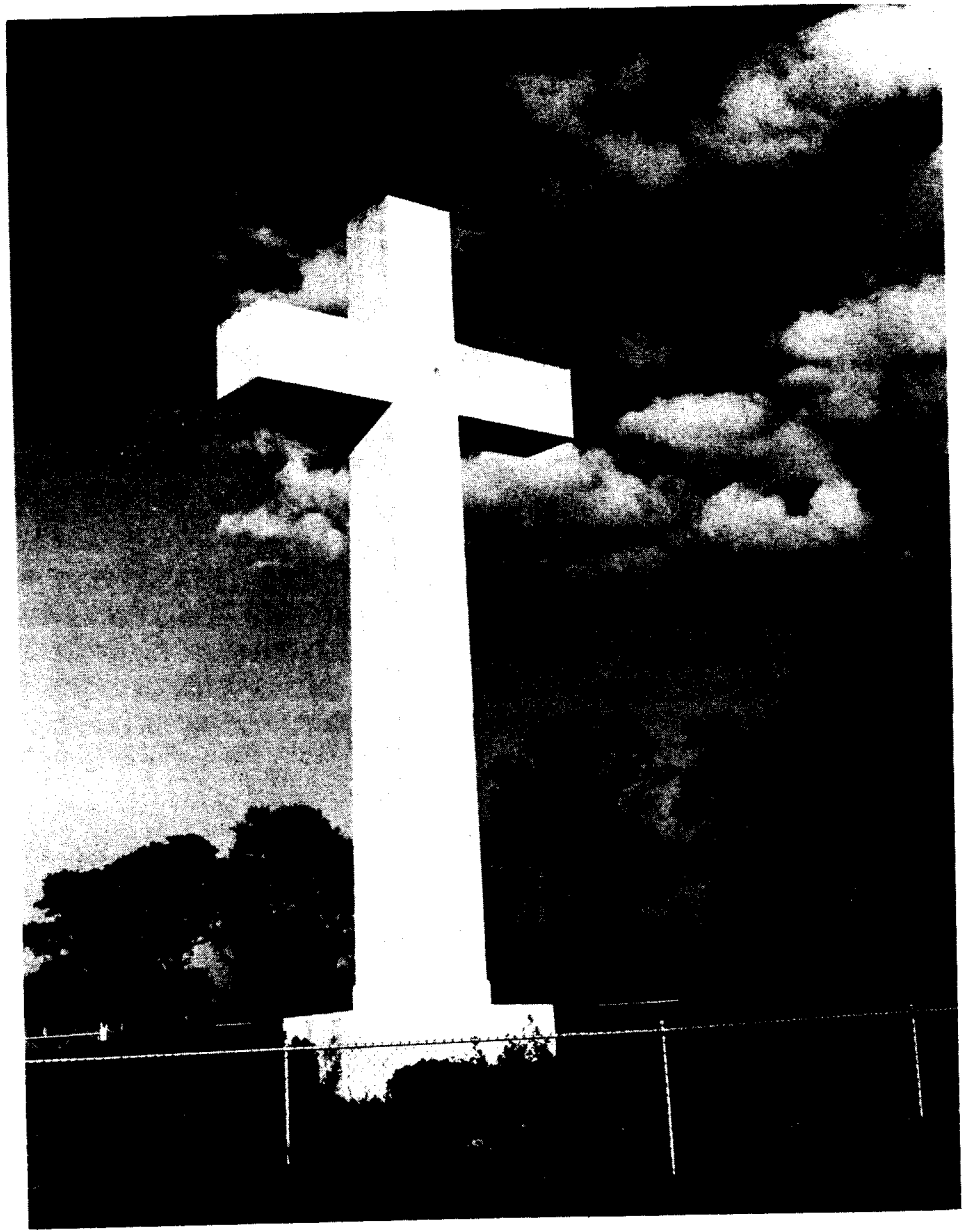
³⁷Lady Matilda Ridout Edgar, *A Colonial Governor in Maryland* (London: Longmans, Green and Co., 1912), p. 228.

³⁸Hoffman, pp. 38, 39.

³⁹Barker, p. 143; Hoffman, p. 45.

⁴⁰Walsh, pp. 68-69.

⁴¹Scharf, I:502.



(M. E. Warren Photograph. Maryland Department of Economic Development)

On St. Clements Island today there is a modern cross commemorating the landing of the English settlers who were members of the Calvert colony.

CHAPTER V

THE SIXTH BARON ACTS TO REMOVE LEGAL OBSTACLES TO HARFORD'S ASSUMING THE PROPRIETORSHIP

It is curious that it was Henry Harford who gained the proprietorship of Maryland and the bulk of the Calvert fortune, rather than the legitimately-born descendants of the Calverts. Barring his way to the proprietorship was both the entail on Maryland and the explicit terms of the will of the fifth Baron of Baltimore. How, then, did Harford, Lord Baltimore's illegitimate child, gain possession of both the province and a fortune? Harford was able to do this, thanks to certain legal maneuvers carried out by his father, the placement of a well-instructed governor in Maryland by Lord Baltimore, and the way in which the sixth Baron wrote his will.

The Barring of the Entail on Maryland

While still only in his twenties, Frederick Calvert, caught in a tempestuous and childless marriage, decided to break the entail on Maryland. The birth of a legal heir seemed unlikely. He wanted the right to will the province, its prerogatives and incomes, to whomever he pleased.

First, he applied to Parliament for relief from the entail, but that body failed to honor his petition.¹ Next, he attempted to bar the entail by executing deeds of conveyance, on January 2, 1761.² Deeds of conveyances were legal expedients used to negate, to "break," entails. Property under the entail was first deeded to a "straw" person, that is, a person with no intention of actually owning the property. This person

then deeded the property back to the original owner. Now the original owner held the property, not under an entail, but in fee simple and could will it to whomever he liked.

Obviously, Frederick Calvert was determined, as demonstrated by these legal actions, that neither of his sisters, Louisa or Caroline, should inherit the province. He lacked legal heirs, but the birth of his son, Henry Harford, on April 5, 1758, and the birth of a daughter, Frances Mary Harford, on November 28, 1759, gave him children. He resolved to leave Maryland's proprietorship to his son, and should that son die, then to his daughter.³

One might wonder why Calvert did not simply legitimize his children and so remove all problems connected with leaving them the money-producing palatinate. The answer is that there was no method of doing this under eighteenth-century English law. Had Lord Baltimore decided to marry Hester Rhelan, after the death of his wife, even this would not have made the children born prior to the marriage legitimate. Nor was there as yet in England a legally recognized process of adoption. A way must be found, the sixth Baron decided, to completely bar the entail on Maryland.

Early in the spring of 1763 Lord Baltimore, to further legalize his plan to leave the province to Harford, directed Secretary Calvert to send deeds of conveyance to Maryland with instructions to Governor Sharpe to store and register them in Maryland, the "Deed on Record in the Office of the Council of State, there to remain Both to be produced on Emergency. . . ." ⁴ The "both" referred to the deed of conveyance and the letter of instruction from Lord Baltimore dated February 4, 1761, designating Harford as the next Proprietor.

The Secretary's letter of March 1, 1763, to Sharpe, read in part:

. . . By this opportunity I transmit a Deed of real Consequence Between Lord Baltimore and me and of and concerning the Province, as it may happen in right of Succession to the Province on Demise; with regard only to me in Case his Lordship died without Male Issue Legal Born.⁵

Secretary Calvert instructed Sharpe that should Frederick Calvert die without legal issue, his natural son, Henry Harford, was to be proclaimed Proprietor of Maryland. The deeds of conveyance, as described above, barred the entail and conveyed the province in fee simple to Harford. That the province was so devisable Secretary Calvert explained in the letter, saying:

. . . I am of opinion and confirmed by his Lawyer here whom I let see the late Lord's Charles Calvert, fifth Baron of Baltimore Marriage Articles, he says 'tis plain the Late Lord was only Tenant for Life, the present Frederick Calvert, sixth Baron of Baltimore in fee, makes the Late Lord's Land Legacy invalid.⁶

Still, not satisfied that even these measures would stand up to a determined legal suit over the proprietorship of Maryland, Lord Baltimore proceeded to suffer a "common recovery," which he registered in the provincial court of Maryland in 1767. A common recovery, according to Holdsworth, was a way that tenants in tail (under an entail) could evade the restriction. As Holdsworth explains:

The expedients which were ultimately adopted to effect this purpose were the fictitious legal proceedings known as recoveries and fines . . .

. . . X, a friend of A the tenant in tail, brought a writ for right in the court of Common Pleas claiming the land from A for an estate in fee simple. A voucher to warranty Y—a man of straw. Y admitted to the duty to warrant, asked to be allowed to talk the matter over out of court with X, and then departed in contempt of court. X therefore recovered the land from A for an estate in fee simple—which he at once conveyed to A; and A got judgement against Y ordering him to convey to A lands of equal value. This judgement Y was wholly unable to satisfy; but the courts regarded this as immaterial—they had done their best.⁷

The process was known as early as the fifteenth century. As time passed, all this elaborate pretence was not gone through. The steps in the fictitious action were merely enrolled on the records of the court, in this case, the courts of the Province of Maryland. Only this sort of recovery completely barred the estate tail (entail). The law, *De Donis Conditionalibus*, a 1285 statute creating the estate tail, remained in effect until abolished in 1833, at which time a tenant in tail of full age could simply bar the entail and turn his estate tail into an estate in fee simple.⁸

*Lord Baltimore Planned Use of the Legal Factor
of Seisin*

Harford was to be assisted in gaining the proprietorship by the legal factor of *seisin*. This was an English legal practice of recognizing possession of land as a point of law, a practice persisting from medieval times. A person seized of the land in question, in possession, if "of the blood" of the original owners, was sometimes thereby entitled to possess the land legally. The term, "of the blood," was understood to mean that the person in question was descended from the owner or from common ancestors.

In actual practice, and this applied in Harford's legal contest over the proprietorship, males were given preference over females, in cases of contested inheritances "unless the lands had in fact descended from a female."⁹ (The person who was to contest the proprietorship was Harford's aunt, Louisa Calvert Browning.)

Knowing of the legal point involved in *seisin*, Frederick Calvert made plans, as we have noted, for the governor of Maryland to seize the province in Harford's name. This action of seizure plus the preference for males over females in questions of inheritance were both to be important points in Harford's favor.

Anomalies in British Law

English law in late eighteenth-century England often stated one thing, but in practice did quite another. For example, the statutes plainly said that estates held in tail must go to the legitimate heir. In many cases these statutes were circumvented by the legal expedients just described, which barred the entail, and also by simply willing the property to an illegitimate child. This practice served admirably if the will were not contested. A natural child might inherit under still another procedure, that of a private act of Parliament. In these cases settlements were worked out between the legal heirs and the person to whom the estate was devised. The exception was then made a law.

Theoretically, under English law illegitimate children had virtually no legal existence, nor was it possible to legally adopt a child. Yet in practice these children were recognized and given consideration.

All of these anomalies in British law were to work in Harford's favor.

Frederick Calvert's Will

Frederick Calvert wrote a will designed to insure Henry Harford's future. It was a truly machiavellian document with many features intended to buy off opposition to Harford's inheritance of Maryland's proprietorship, and one which provided liberally for all the Baron's children, former mistresses, and the executors of his will. It was couched in amazingly direct language for that day, a fact made the more surprising in that the will devised a complex fortune and the entire palatinate of Maryland. Had Calvert managed his business affairs, his personal life, and his province as cleverly as he managed to write his will, his career would probably have been a far more notable one.

The sixth Baron died in Naples, September 4, 1771. His will was found among his papers there, properly

signed and witnessed. It was a fourteen-page document, written in English by Lord Baltimore himself. Each page was properly signed and the final sheet witnessed by three persons. The will bore no date, but in the body of the text there was a bequest to ". . . Charlotte Hope Daughter of a certain German woman Called Elizabeth Hope of the County of Munster in Germany now an Infant of the age of two Months more or Less and born at Hamburg . . ." ¹⁰ Since the child was born in 1770, the will was written either in that year or early in 1771. ¹¹

"I do hereby give Devise and Limit my said Province of Maryland and all other premises there unto belonging last mentioned to unto and to the use of a certain youth called or known by the Name of Henry Harford the Son of Hester Rhelan of the Kingdom of Ireland Born in Bond Street and now of the age of Nine Years or more and to the heirs Male of his Body lawfully to be begotten. . . ." ¹² This was the bequest that was to be debated for ten years following Calvert's death.

Lord Baltimore wrote a will that was an open purchase of agreement of Calvert heirs who might oppose his wishes. He left each of his sisters and their husbands—Louisa and John Browning, and Caroline and Robert Eden—a sum of £10,000 only on the condition that the sisters and their husbands execute deeds of confirmation assenting to the conditions of Calvert's will. As a further condition, Lord Baltimore specifically prohibited institution of suits of law against those persons he designated as his principal heirs. ¹³

Frederick Calvert purchased able executors to act for him in carrying out the terms of his will—Robert Eden, Hugh Hammersley, Robert Morris, and Peter Prevost—by leaving each, should he accept the trust and the executorship, £100 income a year for life, plus an outright cash gift of £1,500 to each executor. ¹⁴

An item that did not appear in the will and was perhaps performed due to a private agreement between Lord Baltimore and Peter Prevost, was the fact that Prevost was to marry Hester Rhelan "Har-

ford." The reason behind this marriage may have been Lord Baltimore's wish, Prevost's affection for the Irish lady, or a combination of affection for her and for her annual sum of £200 devised her by Frederick Calvert's will. In any event, the marriage did take place. To provide Hester Rhelan with the annual sum, £6,700 were set aside in investments.¹⁵

Lord Baltimore left legacies of £2,000 each to Sophia and Elizabeth Hales, his daughters by Elizabeth Hales. The mother was allowed a choice of an outright cash payment of £1,000, or an annual payment of £50 a year.¹⁶

Substantial amounts of cash, then, were to be paid to Lord Baltimore's sisters, to his executors, to his various children, and mistresses. The bulk of his estate, however, he left to Henry Harford with a most substantial settlement set aside for his daughter, Frances Mary Harford. Miss Harford was to be given £30,000 in cash to be invested for her by her father's executors. Other funds were made available, too, for Henry Harford and Frances Mary Harford, to provide for their maintenance and education. Frances Mary was placed in a young ladies' boarding school, located in England, by one of the guardians, Robert Morris. He sent her notes and cards there, and took her about to balls, places of amusement, and to dinners.¹⁷

Frederick Calvert had written a most effective document. He designed the will to buy off opposition to his plan to make his son the Proprietor of Maryland. True, Henry Harford faced obstacles to his acquisition of the proprietorship. There was the fact of his illegitimate birth: his being a minor when his father died; the provisions of his grandfather's will in which Charles Calvert willed the province to Louisa Calvert in the event that Frederick Calvert died without legal issue, and should Louisa not be able to inherit then to Caroline; and the lingering doubts as to the legality of barring the entail on Maryland. Yet Frederick Calvert's will, that of a nobleman in the late

eighteenth century, was a powerful force in Harford's favor.

The text of Frederick Calvert's will follows:

WILL OF FREDERICK CALVERT SIXTH LORD BALTIMORE

Public Record Office, London. Reference:
Prob. 8/165

The following is a transcription of manuscript copies of the will of FREDERICK, LORD BALTIMORE. The document itself is not dated but bears internal evidence of having been written three months following the birth of Lord Baltimore's natural daughter, Charlotte Hope, who was born in 1770.

THE LAST WILL AND TESTAMENT of me FREDERICK LORD Baltimore, Lord Proprietary of the province of Maryland and Avalon in America WHEREAS by Indenture of Lease and Release bearing date respectively the thirtieth and thirty first days of January in the year of our Lord one thousand seven hundred and sixty one The Release being Tripartate and made between me the said Frederick Lord Baltimore of the first part Shobet Don Esquire of the Second part and the Hon Sir Thomas Dormer and Dr. Gregory Marrjor* of the Third and Fourth part I have in Pursuance of certain Indentures of covenant made on my Intermarriage with the Right Hon'ble Lady Diane Egerton afterwards Lady Baltimore my late wife deceased and of such other rights as are vested in me as well under the settlements of my late father and grandfather made on their respective Marriages

*These were names, rather illegibly given, of the "straw men" involved in Frederick, Lord Baltimore's legal maneuvers to bar the entail on Maryland.

as otherways Settled and assured my said Province of Maryland with all and every the Dependency privileges Loyalties Rights [illegible word] and appurtenances there unto belonging to the use of my Self for Life with remainder to Trustees to preserve the contingent Thereunto the remainder to my first and other sons in tail Male thereunto to the said Caecilius Calvert my title for Life with remainder to his first and other sons in tail Male and in Default of such issue to the use of such person and persons and for such Estate or Estates as I the said Frederick Lord Baltimore should from time to time and at all times hereafter by any Deed or Instrument in writing with or without a power of Restoration to be sealed and Delivered by me in the presence of two or more creditable witnesses or by my Last will and Testament in writing or by any Instrument in writing purporting to be my Last Will and Testament to be signed by me in presence of and attested by two or more Credible Witnesses direct or appoint in which said Indenture of Release or settlement there is confirmed or a certain power and authority whereby I am Enabled by any Deed to be by me Signed and Published in the presence of and attested by three or more Credible Witnesses to Charge all or any part of said province or Territory of Maryland and other the premises therein mentioned with the payment of any sum or sums of Money not Exceeding in the whole the principal Sum of Twenty Thousand pounds Sterling for the portion of my Daughters' or younger sons or for such other uses [indecipherable word] and purposes and with such interest for the lands and to be paid in at such kinds and under such conditions and instructions and Limitations over as in and by Deed or Will should be mentioned directed or appointed with full power to me to make any Devise of the said province and other the premises by way of Mortgage for any term not Exceeded three hundred years without Impeachments of Waste redeemable on payment of the Money to be thereby charged by virtue of such power with Interest

From I Do by this my last and only will and Testament which I mean should be observed by me Signed and published in the presence of and attested to as witnesses ratify and Confirm and Establish the said recited Indentures of Lease and Release or Settlement and all the Limitations therein mentioned AND I Do hereby by Will Devise Declare and Desire that the several Estates therein Specified Shall be held and Enjoyed according to the purport true intent and meaning of said Indentures of Settlement and according to such further purport and to such further Intent and meaning as I shall and now Do by this my last and only Will mention Express and Declare Concerning the same that is to say in pursuance of the said vested Power and Authority whereby I am enabled to Charge the Said Province and other the premisses [sic] in the said Settlement Comprised or any Part thereof with any Sum not Exceeding the principal Sum of Twenty Thousand pounds Sterl. and of all other powers and Authorities Enabling me in that behalf I do hereby accordingly by this my last and only Will Charge the said Province and other the said premisses [sic] and every part thereof with the payment of the full and principal Sum of Twenty Thousand pounds Sterl. Lawful [sic] Money of Great Britain which I Direct to be levied and raised immediately after my Decease and to be paid to and received by the Trustees and Executors of this my Last and only Will and to be by them paid Over and Applied and Disposed of to such persons and in such manner as I have herein after Directed or Shall by any Codicills [sic] be added to this my Last Will Direct Concerning the same and for the better Raising and Securing the said Sum of Twenty Thousand Pounds and the Interest to Arrive Due thereon which I will to be at the Rate of ffive pounds by the hundred by the year I Do hereby Grant and Devise unto Robert Eden Hugh Hammersley Esquire, Robert Morris Barrister, of Lincolns Inn and Peter Prevost Esquires and the survivor of them and to the Executors Administrators and assigns of such Survivor all

that my said Territory of Maryland and other the premisses [sic] comprised in said Indentures of Settlement to hold unto them the said Robert Eden, Hugh Hammersley, Robert Morris and Peter Prevost and the Survivors of them and the Executors and Adm'trs of said Survivors for the full term of three hundred years to commence and take Effect from the Day of my Decease without Impeachment of Waste which term nevertheless I mean shall be the Demandable on full payment of said sum of Twenty Thousand pounds with the Interest thereof at a Day therein to be named by the person or persons who for the time being shall be entitled to the ffreehold or Inheritance of the premisses [sic] so Devised and Subject to and Charged and Chargeable with the said principal Sum of Twenty Thousand pounds and Interest from and after the termination of the said Term of three hundred years and of the several rides and Estates already limited of the said premisses [sic] by the said Indenture of release or settlement and from the failure of [two unclear words] of my Uncle Cecilius Calvert I DO hereby in further pursuance of the powers and Authorities in me Vested by the said Indenture of Release or Settlement and of all other Persons and Authoritys [sic] enabling me in that behalf Give Devise and Direct my said province and territory of Maryland and all other the premisses [sic] in the said Settlement Comprised and other my lands and [indecipherable word] whatsoever situated and being in America to the use of such persons and for such Estates and Subject to and Chargeable with the payment of such yearly Sums of Money as herein after mentioned that is to say I Give and bequeath unto Each of them the said Robert Eden, Hugh Hammersley, Robert Morris and Peter Prevost Esqr my Executors herein after named who shall prove this my last and only will and take upon them the administration thereof the yearly sum of one hundred pounds Lawful [sic] Money of Great Britain over and above all Deductions whatever be Arising out of the said province only and during possession thereon by those as herein directed and payable to him

so proving my will and taking upon him the Execution thereof During the term of his natural life by equal half yearly payments the first payment to be made at the End of Six Months after my decease over and above all other provisions made for my said Executors or any of them by this my will and I do hereby give Devise and Limit my said Province of Maryland and all other premises [sic] there unto belonging last mentioned to unto and to the use of a certain youth called or known by the Name of Henry Harford the Son of Hester Rhelan of the Kingdom of Ireland Born in Bond Street and now of the age of Nine years or more and to the heirs Male of his Body lawfully to be begotten and in the Default of such Issue to the heirs Male Lawfully begotten on the Body of a certain female called Ffrances Mary Harford daughter of the said Hester Rhelan and born in Bond Street aforesaid and now of the age of eight years or more and to the heirs of the said Ffrances Mary Harford and if there shall be failure of Issue of the said Ffrances Mary Harford then to the use of the Honorable Mrs. Eden my youngest Sister to her and her heirs and assigns for ever, and as touching the said principal sum of ten thousand pounds part thereof to my eldest Sister Louisa Browning and to her husband. And the Sum of Ten Thousand pounds other part thereof to my youngest Sister the Honorable Caroline Eden and her husband to be paid to them respectively within six months after my decease with Interest of five per Cent till paid provided always and my Will and meaning is that the respective Sums of Ten Thousand pounds so given to my Sisters and their Husbands are given upon this Express Condition that they and each of them Shall and do before they or either of them shall receive the said Sums or either of them or any other benefit by virtue of this my last and only Will or of the said described Settlement by Sufficient Deed or Deeds in Law to be by them Duly Executed at the request and at the costs and Charges of my Executors herein after named ratify and confirm the said described Settlement and the further Dispositions made by this my

will of the said province and other the premisses [sic] and all and every the limitations uses trusts Conditions Matters and Things in the said Settlement and in this my will contained and Expressed concerning the same or in case my said Sisters or their husbands or either of them shall refuse or neglect to Execute such Deeds of Confirmation as aforesaid within twelve Months after my Decease or shall after my Decease Institute Prosecute or promote a Suit whatsoever in Law of equity whereby or otherwise to Attempt to set aside disappoint frustrate or avoid the Effect of Said Settlement or any Disposition made by me of said Province or of any other my Estates real or personal or any part thereof or in any manner Molest or Disturb any person or persons to whom any Estate Or Interest is limited by Said Settlement or in this my Will or the Executors' of this my Will in the use Exercise Enjoyment and application of all my Estates real and personal or any part thereof in any manner whatsoever Then and in such Case my Mind and Will is that the said Gifts and bequests of the said respective Sum of Ten Thousand pounds as to such of my sisters or their husbands who shall so refuse or neglect as aforesaid shall be and are hereby declared void and Null and of none Effect to all Intents and purposes and as touching further the said Legacies of Ten Thousand pounds to Each of my Sisters and their husbands making together the principal Sum of Twenty Thousand pounds in case the said sums should not become payable according to the terms and Conditions of my Will I do hereby will and Direct that the said Sums not become payable shall go and be received and be claimed by my Executors' as part of my personal Estate to be applyed [sic] to the purpose and according to the directions of this my Last and only will touching my personal Estate AND I DO hereby Authorize and Empower my said Executors and Trustees in case the person or persons to whom I have Devised and Given my said Province and other the premisses [sic] shall then be a Minor or Minors under the age of Twenty one years to fill up and ap-

point to all places and offices Civil and Military within my said province and to Exercise all Arts of Government and ownership as well as are which they shall think Expedient for the better ordering and administration of the said province and the Government and the affairs thereof I Direct all my Just Debts to be paid as soon as convenient may be after my Decease I GIVE and bequeath to Frances Mary Harford the Sum of Thirty Thousand pounds I GIVE and bequeath to Sophia Hales an Infant so called and to Elizabeth Hales her sister and Infant so called the daughters of Elizabeth Dawson of the County of Lincoln Spinster the Sum of Two Thousand Pounds to each of them the said Infants respectively [sic] to be paid when they come of Age of Twenty one years I GIVE and bequeath to Charlotte Hope Daughter of a certain German woman Called Elizabeth Hope of the County of Munster in Germany now an Infant of the age of two Months more or Less and born at Hamburg the Sum of two thousand pounds I GIVE and bequeath to Robert Eden, Hugh Hammersley, Robert Morris and Peter Prevost whom I do hereby appoint and constitute my Executors of this my Will that is to say to such of them who shall prove this my will — and take upon him or them the Execution thereof I do give and bequeath the Sum of ffifteen hundred pounds over and above the annuities Secured to them in this my will to be paid out of my personal Estate upon their so proving my will with Interest till payd [sic] of ffive per Cent per annum and in Case any one of these Executors shall dye [sic] before me or refuse to prove this my Will for the space of six months after my Decease then that the Legacys [sic] given to the Executor or Executors so Dying or refusing or neglecting to prove this my said and only Will shall be Divided equally amongst the other Executors of this my will who shall prove the Same as aforesaid over and above all other provisions made for him or them respectively — AND I DO hereby Give and bequeath all the rest and residue of my personal Estate Moneys and Annuities whatsoever and all my

Goods and Chattels and Effects which I will shall be turned [unclear word] as soon as may be after my Decease and the produce thereof not before Disposed of unto my Said Executors and the Survivors of them IN TRUST to place out the same upon government or other Securities at their Discretion and so from time to time in like manner to place out the Dividends and Interest which shall Accrue due thereon and in case the said Henry Harford shall live to attain the age of twenty one years but not otherways Then UPON FURTHER TRUST from and after this said Henry Harford shall have attained his age of Twenty one years to pay and Transfer all my said residuary personal Estate with the Intermediate Interest and Profits thereof and the Securitys [sic] on which the same shall be invested unto the said Henry Harford to his own absolute Use and Disposal and in Case the said Henry Harford shall happen to Depart this Life before he shall have attained the said Age of Twenty one years or after having attained that age before he shall have disposed of the same THEN UPON TRUST to pay and Transfer the same unto his sister Ffrances Mary Harford to her own absolute use and in case the said Ffrances Mary Harford before She attains the age of Twenty one years or has disposed of the same THEN to my youngest Sister the Hon'ble Caroline Eden and her husband to their absolute use and Disposal and I do hereby further Will that in case the said Ffrances Mary Harford or any other of the Legatees herein mentioned shall Depart this Life without having Disposed of their respective Legacys [sic] and Sums of Money to them Left then shall revert to my Residuary Estate all such Legacys [sic] Surplus [indecipherable word] and profits Interests and Dividends and I make it my earnest request to my Executors that they will Superintend and take upon them the Care of the persons and fortunes of the said Henry and Frances Mary Harford and that they will to their utmost Support the Disposition made in the said recited Settlement AND this my Will of my Estates Real and personal and I will that my said Executors and Trustees

Shall be at full Liberty to retain and shall be amply reimbursed all such Costs and Charges as shall attend the Execution of the Trusts in them reposed and that they shall not be answerable for the Arrs [arrears] Receipts and Defaults of other or others of them but each of them for his own proper Arrs [arrears] receipt and Default only and LASTLY I DO hereby revoke and rescind all former and other wills at any time herein-before by me made and do declare this only to be my Last Will and Testament written in my own hand writing In Witness whereof I have hereunto set my hand and Seal and Signed every Leaf ffourteen in Number This ffourth of March - - - - in the year of our Lord one thousand Seven hundred

I GIVE and bequeath the Sum of One Thousand pounds to Elizabeth Hales Mother of the herein mentioned Infants and two hundred pounds annum for Life to Hester Rhelan Mother of Henry and Ffrances Harford

Lord Baltimore /s/s/ [Witnessed by three witnesses]
[An added few lines finish the will]

If Elizabeth Hales chooses rather an Annuity I direct my Executors to give her instead of one Thousand pounds ffifty pounds per Annum for her Life but I Direct her two children herein mentioned to be paid to each of them only two Thousand pounds each and no more and for this I have solid Reasons having been ill used by her (according to Custom) Shamefully and Irresistably During our acquaintance.

[END]

[The will was found among Frederick Calvert's papers and letters after his death, written on fourteen sheets of paper, written by Lord Baltimore himself in English. Each page was properly signed and the final sheet witnessed by three witnesses. Pages of depositions follow as the will is sent for, but requested in copy so that the original document might not be lost. The copy was sent to London.]

Status of the Calvert Fortune in 1771

What exactly did Henry Harford inherit from his father? The spendthrift sixth Baron had managed to spend enormous sums of money in his lifetime. Lord Baltimore had sold huge tracts of land in Maryland, had cashed in securities, had frittered away much of his annual income from Maryland, and had disposed of family lands in England. Even in death the heavy expenses continued, for the transport of the sixth Baron's body back to England and subsequent burial ceremonies were costly and elaborate.¹⁸

There was some delay before Lord Baltimore's will was found among his papers in Naples and could be forwarded to England.¹⁹ When, at last, the terms of the will became known there, John Browning, husband to Louisa Calvert Browning, sought legal counsel and then took up the matter of the inheritance of the province of Maryland with the English courts.²⁰

Browning's request that the proprietorship be awarded to his wife by reason of the will left by her father, Charles Calvert, the fifth Baron, was impeded by the fact that his wife was not able to speak or act for herself. She had been mentally ill for some years.²¹ The Brownings did have a son, however, and since the fifth Baron was his grandfather and the boy was of legitimate birth, the Browning attorneys hoped this would lend support to their case against Harford. By 1780 a commission was set up and sent to assess Louisa Browning's mental state. The commission members found that she had lucid intervals, but that these did not occur frequently enough to enable her to govern herself or her manors. Sir Cecil Wray, Baronet, and Louisa Browning's husband were appointed her guardians. John Browning continued his efforts to obtain either the proprietorship or, in lieu of that, other recompense for his wife and their son.²²

Of the great fortune left by Charles Calvert to Frederick Calvert there remained a most valuable portion of that estate, the province of Maryland with its annual income to the Proprietor of over 10,000 pounds a year, plus approximately a quarter of a million acres of unsold land that belonged to the Proprietor. In England there remained no real estate, for, after his trial for rape, Lord Baltimore resolved to sell off every inch of land he had in England and leave the country.²³ By April 1768 most of the estates had been sold, including the family homes near Epsom.²⁴

Family estates in Ireland had been placed out of the immediate reach of Frederick Calvert by the terms of his father's will, as we have seen. A court order enforced the terms of that will regarding those estates. The same held true of the Calvert town house in London.²⁵ One may be certain that the sixth Baron pledged away future expectations regarding these properties, since neither is shown in the formal accounting of his estate made after his death.²⁶

Considerable difficulty was experienced by the executors of Frederick Calvert's estate in determining just where his personal fortune left off and where the finances of the province of Maryland began. Years went by before the accounting of the estate was completed. As finally determined, it was found that despite Calvert's frantic spending and waste a considerable and complex fortune remained.

For example, the land left unsold in Maryland represented a total value of £327,441, according to an evaluation placed on it in 1785 by Henry Harford with the aid of the executors of the estate. He was to revise this estimate later to £447,000.²⁷ In any case, the Maryland lands alone of the Calvert estate represented an enormous amount of money and it was the proprietorship of Maryland that was in litigation.

Even without the possession of Maryland and its incomes, however, Henry Harford became legally possessed of a great fortune. After the satisfaction of outright cash legacies and debts amounting to well

over £35,500, there remained deposits and investments held in trust by the executors worth approximately £145,400.²⁸ Of this amount about two-thirds reverted to Henry Harford immediately and the remainder upon the demise of the recipients of various annual legacies. If Harford could assume and keep the proprietorship of Maryland, as well as this wealth from his father's personal estate, he would then be enormously rich.

In Harford's favor in his efforts to obtain the proprietorship of Maryland was his father's will, and a nobleman's will was a powerful document at the time. The great fortune Harford had inherited also would aid him in making it possible for him to employ attorneys to carry on legal defenses. Further, Frederick Calvert had brought into play for his son the machinations of the legal profession, as we have seen, to bar the entail on Maryland.

Opposed to Harford was the legal suit instituted by the Brownings. The right to the proprietorship remained in question as the suit wended its way through the ponderous machinery of the courts of England. With the outbreak of the American Revolution the Lord Chancellor refused to hear the Browning-Harford case further until the outcome of the conflict was determined. Even if the English should lose the American revolution, however, there would still be good reason to continue the court battle, albeit on different terms, because there yet remained the matter of revenues collected from Maryland since the death of Frederick Calvert in 1771. There was also a very good chance that after the Revolution, land and other property might be salvaged by an ex-Proprietor.

The question as to whether Harford (with his illegitimate birth and his lack of a title) could make legal claim to the province, remained open at this point.

¹Charles Browning, *An Appeal to the Citizens of Maryland* (Baltimore: n.p., 1821), p. 1. "Frederick, Lord Baltimore, on his marriage with Lady Diana Egerton, the 9th of March, 1753, made his marriage settlement, subjected expressly to the trust for Lady Baltimore's jointure, and finding he had no way of barring the entail made an application to the British Parliament for that purpose, but failed . . ."

²Browning, p. 1.

³Frederick Calvert Will, Public Record Office, London, Ref. Prob. 8/165. See Appendix A.

⁴*Archives of Maryland*, Vol. 31, p. 537. The deed is described as being: "Inrolled in the Court of Chancery on the Back," as of 4 February 1761.

⁵*Ibid.*, pp. 537, 538.

⁶*Ibid.*

⁷Sir William Holdsworth, *An Historical Introduction to the Land Law* (Oxford: Oxford University Press, 1935), pp. 55-60.

⁸*Ibid.*

⁹*Ibid.*

¹⁰Frederick Calvert Will, Appendix A.

¹¹*Ibid.*

¹²*Ibid.*

¹³*Ibid.*

¹⁴*Ibid.*

¹⁵*Ibid.*

¹⁶*Ibid.*

¹⁷Frederick Calvert Will, Appendix A. The terms of both Frederick Calvert's will and that of his father, Charles Calvert, fifth Lord Baltimore, bring up the interesting point that the Proprietor of Maryland might very well have been a woman at this point. Since Frederick Calvert died without a legitimate child, the province was, by the terms of Charles Calvert's will, supposed to have gone to Louisa Calvert (Mrs. John Browning), the sixth Baron's sister. Under that same will should Louisa not be able to serve, then the province was to go to her younger sister, Caroline Calvert (Mrs. Robert Eden).

These two ladies were not the only females in line for the proprietorship of Maryland; there remained another, Frances Mary Harford. Under the terms of the sixth Baron's will, should Henry Harford die or be unable to assume the proprietorship, then it was to devolve upon Frances Mary Harford, his sister.

As it happened, however, Maryland was never under the direction of a female Proprietor. Henry Harford bought off the claims of both Louisa and Caroline and, further, he lived to inherit the province and to obtain the proprietorship, thus preventing his sister, Frances Mary, from being named Proprietor of Maryland.

¹⁸*Gentleman's Magazine*, Vol. 41 (December, 1771), p. 566, mentions the formalities attendant upon the sixth Lord Baltimore's funeral; another account of the funeral is given by W. Dorling and J. Hearn, in their book, *History of Epsom*, (London: n.p., 1825), p. 22. The account says that the interment took place, "in Epsom Church with much funeral pomp; the cavalcade extending from the church to the eastern extremity of Epsom."

It is geographically quite possible that Henry Harford attended his father's funeral, for his school at Richmond was only about ten miles distant from Epsom.

¹⁹This information derived from documents relating to the filing of Frederick Calvert's will for probate. These documents associated with the will are located in the Public Record Office, Chancery Lane, London, ref. Prob. 8/165.

²⁰Browning, p. 5.

²¹Ibid. John Browning had been secretary to the fifth Baron, Charles Calvert. Browning married Louisa Calvert, eldest daughter of Charles Calvert. She was reported to have been "in a low and melancholy way" prior to her marriage, and her health failed before the birth of the Browning's only son, Charles. He was born in July, 1765. Louisa was placed in the care of the Reverend John Willis in Lincolnshire, the same Willis called in to treat King George III in 1788. Willis and his son were interested in the care of the insane although they were not physicians. Both were esteemed for their work.

²²Charles Browning, *The Granting of Lands in Maryland* (Baltimore: For the Proprietor, 1825), p. 7.

²³*Gentleman's Magazine*, Vol. 38, (April, 1768), p. 180.

²⁴Gordon Home, *Epsom, Its History and Surroundings* (Epsom, n.p., 1901; re-published York, England: S. R. Publishers, Ltd., 1971), p. 81; Calvert Papers, microfilm roll 2, "Executor's Account of Charles, Lord Baltimore Estate," MS Div., Maryland Historical Society, MS#480 and MS#481.

²⁵Ibid.

²⁶Estate Act of 1781, Record Office, House of Lords, London, p. 37.

²⁷Memorial of Henry Harford and related proceedings, a broadside dated January 6, 1786, published by the Maryland House of Delegates, MS Div., vertical files, "Harford, Jan. 6, 1786," Maryland Historical Society. See Appendix B.

²⁸Estate Act of 1781, pp. 37, 39.

In the Estate Act of 1781, quoted below, are outlined preceding wills and agreements of the Calvert family, mentioned as being satisfied by payment, and or by the death of the persons concerned, or by arrangements between the parties. (For an example of this last -- see original manuscript pages of the Act, 12, and the following pages 9 and following.

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on Trust to preserve the contingent Remainders Remainder to the first and other Sons of the said Coecilius Calvert in Tail Male Remainder to the Use of Such Persons and for such Estates as the said Frederick Lord Baltimore should from Time to Time by any Deed of Instrument in Writing with or without Power of Revocation to be sealed and delivered in the Presence of two or more Witnesses or by his Will to be signed and attested in the Presence of Three or more Witnesses direct or appoint and in Default thereof to the Use of such Persons and for such Estates and with such Remainders as the same Premises stood limited to by his Father's said Will therein recited to be dated the seventh Day of December One thousand seven hundred and fifty in which intended Settlement were to be contained various Powers and Authorities and in particular to enable the said Persons and for such Estates and with such

Reminders over as the Reversion of the same Premises then stood limited to by the aforesaid Will of the said Charles Lord Baltimore deceased with Power to the said Frederick Lord Baltimore at any Time during his Life by any Deed or Writing or by his Will to be attested as aforesaid to charge all or any Part of the said Province and other the Premises with any Sum not exceeding Twenty thousand Pounds for the Portions of Daughters or Younger Sons or such other Purposes and with such Interest and payable as he should think fit and for the better securing thereof to make any Demise by way of Mortgage for any Term not exceeding Three hundred Years determinable on Payment of the Money to be thereby secured with Interest which last mentioned Indentures of Lease and Release were Inrolled in the High Court of Chancery and registered amongst the Records of the said Province Frederick Lord Baltimore to charge the

NOTE: As we have noted earlier, Frederick, Lord Baltimore, not only by deeds of conveyance sought to break the entail on Maryland in England, but took the added precaution of recording in London deeds in the High Court of Chancery and sending copies to Maryland to be recorded there.

said Province with any Sum not exceeding Twenty thousand Pounds for any Purpose whatsoever and for securing the same to make any Demise not exceeding Three hundred Years AND WHEREAS by Indentures of Lease and Release bearing Date respectively the thirtieth and thirty first Days of January in the Year One thousand seven hundred and sixty one the Release being made between the said Frederick Lord Baltimore of the first Part the said Coecilius Calvert of the second Part and the Honorable George Bennet therein by mistake called Thomas Bennett and William Sharpe Esquire of the third Part after reciting the said Marriage Articles of the Ninth of March One thousand seven hundred and fifty three and that the said Marriage afterwards took Effect and that the said Lady Diana Egerton afterwards Lady Baltimore was then dead without Issue in Pursuance of the said Articles and in

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Performance and Execution of such of the Covenants and Agreements therein contained as were then in force or remained to be performed and for barring all Estates Tail and all Remainders and all other Estates whatsoever of and in the said Province Territory or District of Land called

NOTE: This refers to Frederick, Lord Baltimore's executing deeds of conveyance in 1761 to break the entail on the Province of Maryland. See Chapter V.

Maryland and other the Lands therein mentioned and for settling the same to the several Uses therein mentioned the said Frederick Lord Baltimore and Coecilius Calvert did grant bargain sell and convey by that Instrument in Writing sealed and delivered in the Presence of three Witnesses unto the said George (therein called Thomas) Bennett and William Sharpe the said Province of Maryland and all other the Premises granted by the said Letters Patent of the Twentieth of June in the Eighth Year of the Reign of King Charles the First to hold to them their Heirs and Assigns to the Use of the said Frederick Lord Baltimore for his Life Remainder to the said Trustees during his Life to preserve the contingent Remainders Remainder to his first and other Sons in Tail Male Remainder to the said Coecilius Calvert for his Life Remainder to Trustees to preserve the contingent Remainders Remainder to his first and other Sons in Tail Male and for Default of such Issue to the Use of such Person and Persons and for such Estates and Estate as the said Frederick Lord Baltimore should from Time to Time and at all Times thereafter by any Deed or Instrument in Writing with or without Power of Revocation to be sealed and delivered by him in the Presence of two or more credible Witnesses or by his last Will and Testament in Writing or by any Instrument purporting to be his last Will and Testament in Writing

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to be signed by him in the Presence of and to be attested by three or more credible Witnesses direct and appoint And in Default of such Appointment and subject to any such Appointment as should be so made in Case the whole of the Premises should not be comprized therein to the Use of such

CHAPTER VI
CALVERT FAMILY INHERITANCES
ARBITRATED

The Estate Act of 1781 methodically proceeded to list bequests made by former wills, plus those made by Frederick, Lord Baltimore. Consideration was given to prior doweries and marriage settlements.

Should Frederick Calvert's sisters, Louisa and Caroline, and their husbands not agree to the terms of Frederick Calvert's will, then the will devised the sums they would have gotten to Henry Harford and Frances Mary Harford.

AND

WHEREAS the said Mary Barroness Dowager of Baltimore Relict of the said Charles Lord Baltimore hath some Time since departed this Life And in or about the Month of November in the Year One thousand seven hundred and sixty five the said Coecilius Calvert the Uncle also died unmarried and without Issue and the said several Sums of Five thousand Pounds apiece provided for and made payable to the said Louisa

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and Caroline the Daughters of the said Charles Lord Baltimore by this Marriage Settlement of One thousand

NOTE: Again, details of the lives and deaths of Calvert family members are given.

seven hundred and thirty And also the said further several Sums of Five thousand Pounds apiece given to them by the said Codicil to his said Will have all been long since fully paid and satisfied AND WHEREAS by Indenture Tripartite bearing Date the Twentieth Day of April in the Year One thousand seven hundred and sixty five and made or mentioned to be made between Robert Eden Esquire now Sir Robert Eden Baronet of the first Part The Honourable Caroline then Caroline Calvert the youngest Daughter of the said Charles Lord Baltimore then lately deceased who was also the Father of the said Frederick the last Lord Baltimore deceased of the second Part and the said Frederick Lord Baltimore Sir John Eden Baronet and Robert Shaftoe and Christopher Crowe Esquires of the third Part reciting that Overtures had been made for a Marriage to be had between the said Robert Eden now Sir Robert Eden and the said Caroline Lady Eden his now Wife then Caroline Calvert And Further Reciting that by and under the Marriage Settlement of the said Charles Lord Baltimore deceased Father of the said Frederick then Lord Baltimore and the said Caroline his Sister dated the Eleventh of July in the Year One thousand seven hundred and thirty and made upon his Marriage with Mary the Daughter of Sir Theodore Janssen Baronet deceased then Dowager Baroness of Baltimore and by and under the Trusts of a Term of One thousand Years thereby limited to certain Trustees therein named certain Estates in the County of Surrey therein mentioned and described and also the Province of Maryland

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in America were subject to the raising of the principal Sum of Five thousand Pounds for the Portion of the said Caroline Calvert payable at her Age of Twenty one Years or Day of Marriage which should first happen And further reciting that the said Charles Lord Baltimore by a Codicil to his last Will and Testament (such Codicil bearing Date the Nineteenth Day of December in the Year One thousand seven hundred and fifty) gave and bequeathed to the said Caroline his Daughter the Sum of Five thousand Pounds over and above the aforesaid Sum of Five thousand Pounds secured to her by his said Marriage Settlement to be paid to her by his Executors in such Manner as therein mentioned And that the said Caroline was also intitled by and under the last Will and Testament of Sir Abraham Janssen Baronet her then late Uncle deceased bearing Date the ninth Day of March in the Year One thousand seven hundred and sixty four to the further Sum of Five thousand Pounds And that the said Legacy of Five thousand Pounds so to be paid to the said Caroline by her Father with the Interest thereon had been paid to her by her Father's Executors and the Produce thereof then consisted of Four thousand six hundred and fifty Pounds Capital New South Sea Annuities then lately standing in her Name and that all Interest on the Five thousand Pounds secured to her by her Father's Marriage Settlement had been also paid her to that Day but that neither that principal Sum nor the Five thousand Pounds Principal given her by the said Sir Abraham Janssen had been

then paid And further reciting that it had been proposed that in Consideration it should be agreed that the said Robert Eden now Sir

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Robert Eden should receive to his own Use the Principal Sum of Three thousand Pounds part of the said Sum of Five thousand Pounds secured by the said Marriage Settlement and for other Considerations therein mentioned he would make such Settlement of certain Leasehold Estates to him belonging in the County of Durham for the Benefit of her and their Issue Male and Female as therein mentioned And reciting also that she had attained her Age of Twenty one Years And that the said Frederick Lord Baltimore had before the Date thereof in Prospect of the said intended Marriage by and with his Sister's Privity and Direction paid the said Sum of Three thousand Pounds part of the said Sum of Five thousand Pounds so secured by the said Marriage Settlement of the said Charles Lord Baltimore the Father to the said Robert Eden now Sir Robert Eden for his own Use and had invested the Sum of Two thousand Pounds residue thereof in the Purchase of Two thousand three hundred and twenty two Pounds and four Shillings Capital New South Sea Annuities in the Names of the said Frederick Lord Baltimore Sir John Eden Robert Shaftoe and Christopher Crowe to whom the said Caroline Calvert had in like Manner transferred the before mentioned Capital Sum of Four thousand six hundred and

fifty Pounds like Annuities the said several Sums making together the Sum of Six thousand nine hundred and seventy two Pounds and four Shillings like Annuities It was Witnessed that in Consideration of the said intended Marriage and of such the Settlement as therein mentioned thereby made of the proper Estate of the said Robert Eden now Sir

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Robert Eden she the said Caroline Calvert thereby also assigned to the before named Trustees the said Legacy of Five thousand Pounds so given to her by the said Sir Abraham Janssen And the Trusts of the said last mentioned Sum of Five thousand Pounds and also of the said Six thousand nine hundred and seventy two Pounds and four Shillings Capital New South Seas Annuities were thereby declared to be to pay the Annual Sum of One hundred Pounds part of the Produce thereof during the Coverture unto and for the seperate Use and Benefit of the said Caroline and the Surplus Produce to the said Robert Eden now Sir Robert Eden And after her Death if he should survive her to pay the whole Dividends and Produce to him for Life And if she should survive him then to her for Life And after the Death of the Survivor then the principal Sums were in Trust for such one or more of their Child or Children or of all of them as they should jointly appoint and in default of such Appointment equally between them and with such further and other Clauses and Provisoos as therein specified and expressed

AND WHEREAS the said Marriage soon after took Effect AND WHEREAS by Indenture of Demise and Mortgage bearing Date on or about the Eighth Day of October in the Year One thousand seven hundred and seventy eight and made or mentioned to be made between the said Sir John Eden and by him executed of the one Part and the said Robert Shaftoe of the other Part the said Sir John Eden demised to the said Robert Shaftoe several Lands Tenements and Hereditaments in West Brandon in the County of Durham to hold to him his Executors Administrators and Assigns for the term of One thousand Years from thence next ensuing

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redeemable on Payment of the principal Sum of Five thousand Pounds with Interest at the Rate of Five Pounds per Centum per Annum at a Day therein mentioned and long since past And by a further Indenture of the same Date also made or mentioned to be made by and between the said Sir John Eden and Robert Shaftoe of the one Part and the said Sir Robert Eden and Dame Caroline his Wife of the other Part also executed by the said Sir John Eden and Sir Robert Eden and Dame Caroline (but not by the said Robert Shaftoe) reciting the said Will of the said Sir Abraham Jansen and also the said Indenture of Settlement of the Twentieth Day of April One thousand seven hundred and sixty five so far as the same relate to the aforesaid Legacy or Sum of Five thousand Pounds so bequeathed by the said Sir Abraham Janssen to the

said Dame Caroline Eden as aforesaid And further reciting that the said Frederick Lord Baltimore and Christopher Crowe were dead and the Executors of the said Sir Abraham Janssen had paid to the said Sir John Eden Robert Shaftoe and Christopher Crowe or one of them the said Sum of Five thousand Pounds with the Approbation of the said Sir Robert and Lady Eden and that the same was then in the Hands of the said Sir John Eden and that the said Sir Robert and Lady Eden had consented that the same should remain in his Hands at Interest And also reciting the said Indenture of Mortgage bearing even Date therewith And reciting that the said Mortgage and a Bond of even Date therewith were made to the said Robert Shaftoe in Trust only for the Purposes mentioned in the said Settlement and that it was particularly agreed that the Trusts thereof should be declared in Manner therein-

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after expressed the said Robert Shaftoe is thereby mentioned to acknowledge and declare that the said Five thousand Pounds was not the proper Money of him but was the Legacy of Five thousand Pounds secured by the said Mortgage with a Covenant that he will stand possessed of the said Five thousand Pounds to the Uses of the said Settlement of the Twentieth Day of April One thousand seven hundred and sixty five and a Declaration from the said Sir Robert and Lady Eden of their Approbation of the said Mortgage and that the said Five thousand

Pounds was received by the said Sir John Eden with their Privity and Direction AND WHEREAS by one other Indenture bearing Date on or about the Twenty fifth Day of February in the Year One thousand seven hundred and seventy one and made or mentioned to be made between John Browning Esquire of the one Part and Lawrence Monck and William Eden Esquires of the other Part reciting that the said John Browning some time since intermarried with the Honourable Louisa Calvert eldest Sister of the before named Frederick Lord Baltimore and that at the Time of the said Intermarriage she was intituled in her own Right to the Capital Sum of Four thousand seven hundred and fifty Pounds part of the New South Sea Annuities and also to the Sum of Five thousand Pounds And that the said Four thousand seven hundred and fifty Pounds South Sea Annuities were sold and transferred for the Sum of Three thousand nine hundred and sixty Pounds which Three thousand nine hundred and sixty Pounds And also the said Five thousand Pounds had been received by the said John Browning as and for the Portion or Fortune of the said Louisa his Wife And further reciting that by Indentures of Lease and Release bearing Date the Nineteenth and Twentieth Days of August in the Year One*

These pages reveal the very large fortunes inherited by Louisa and Caroline Calvert. It is also interesting to note how the money is invested in speculations in South Sea trading companies and in lands.

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thousand seven hundred and seventy between the Right Honourable Henry Lord Digby of the first Part The most Noble James Duke of Leinstor of the Kingdom of Ireland of the second Part and said Lawrence Monck and William Eden of the third Part It was Witnessed that in Consideration of Seven thousand five hundred Pounds English Money paid to the said Henry Lord Digby by the said Lawrence Monck and William Eden by the Direction and for the proper Debt of the said James Duke of Leinstor and of Ten Shillings paid to the said Duke he the said Henry Lord Digby thereby granted and released And the said James Duke of Leinstor ratified and confirmed the Manor Town and Lands of Woodstock and Castle Mitchell with their several Sub Denominations situate in the County of Kildare in the said Kingdom on Ireland to hold unto and to the Use of the said Lawrence Monck and William Eden their Heirs and Assigns for ever And the said Henry Lord Digby for the Considerations therein mentioned thereby assigned unto them a retain Judgment obtained in the Court of the Exchequer in Ireland as of Michaelmas Term One thousand seven hundred and fifty two on a Bond executed by the said James Duke of Leinstor then Earl of Kildare dated the tenth Day of November One thousand seven hundred and fifty two in the Penalty of Fifteen thousand Pounds conditioned to pay to Nathaniel Clements Esquire the Sum of Seven thousand five hundred Pounds and Interest the said Indenture of Mortgage and Judgement being thereby made redeem-

able on Payment of the said principal Sum of Seven thousand five hundred Pounds and Interest to the said Lawrence Monck and William Eden as therein mentioned And further Reciting that the said Sum of Seven thousand five hundred Pounds the Consideration Money of the said

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Indenture of the Nineteenth of August One thousand seven hundred and seventy was the proper Money of the said John Browning And that in order to the making a Provision for the said Louisa in Case she should survive the said John Browning and for the Issue of the said Marriage the said John Browning has proposed that Seven thousand Pounds part of the said Sum of Seven thousand five hundred Pounds should be settled in such Manner as therein and herein mentioned and the residue thereof to remain for his own Benefit It was Witnessed that in Consideration of the said Marriage so had between the said John Browning and Louisa his Wife and of the Portion or Fortune of the said Louisa as aforesaid and for manifesting the Trusts of the said Seven thousand five hundred Pounds It was thereby Declared and Agreed And the said John Browning thereby directed the said Lawrence Monck and William Eden and the Survivor and the Heirs Executors and Administrators of such Survivor to stand seized and possessed of the interested in the said Sum of Seven thousand five hundred Pounds together with the said Mortgage Premises until the said Sum should be paid and the Premises redeemed In Trust to pay the Interest of

Seven thousand Pounds Part thereof to the said John Browning during his Life and after his Death to pay the Interest of Five thousand Pounds part of the Seven thousand Pounds to and for the Benefit of the said Louisa during her Life and after her Death to transfer the said Five thousand Pounds unto and amongst all and every the Child or Children of the said John Browning and Louisa his Wife in such Proportions if more than one as the said

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John Browning should by Deed or Will appoint And in Default thereof equally between them if more than one or if one only the whole to that one And as to the said Sum of Two thousand Pounds residue of the Seven thousand Pounds Upon Trust from and immediately after the Death of the said John Browning to assign the same unto or for the Benefit of all the Children of the said John Browning and Louisa his Wife as he should direct And in Default thereof as before appointed in respect of the Five thousand Pounds And if there should be no such Children to the Executors or Administrators of the said John Browning and as to the Five hundred Pounds residue of the said Seven thousand five hundred Pounds in Trust for the said John Browning his Executors or Administrators with a Conditional Provision or Clause that in Case the said Louisa Browning or any Person on her Behalf should after the Death of the said John Browning claim Dower or Thirds out of any of his real or personal Estates that then the Provisions thereby made for her should cease and

*determine AND WHEREAS the said John Browning and Louisa his Wife have Issue one Child only namely Charles Browning an Infant of the Age of fourteen Years or thereabouts and the said Sir Robert Eden and Dame Caroline his Wife have Issue three Children two Sons named respectively Frederick Morton Eden and William Eden and one Daughter named Catherine all Infants under the Age of Twenty one Years**

These names are of interest to those scholars tracing the descendants of the Calvert family and to authors writing of this period.

Now we come to the legal explanations and arguments regarding Frederick Calvert's will.

AND WHEREAS the said Frederick Lord Baltimore deceased did on or about the fourth Day of March in the Year One thousand seven hundred and seventy duly make and publish his last Will and Testament in Writing and

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thereby after reciting the said Indentures of Lease and Release bearing Date respectively the thirtieth and thirty first Days of January in the Year One thousand seven hundred and sixty one and confirming the same did will and devise that the Country Province and Territory of Maryland in America and all other the Lands Tenements and Hereditaments therewith heretofore granted by the

Crown to his Ancestor Coecilius Baron of Baltimore and his Heirs in the said Indenture specified and herein after more particularly mentioned and described should be held and enjoyed according to the said Settlement and as he should be that this Will declare concerning the same (that is to say) he did thereby in Pursuance of a certain Power in the said Settlement mentioned and thereby recited charge the said Province and other the Premises with the Payment of the principal Sum of Twenty thousand Pounds to be raised immediately after his Decease and received by the Trustees and Executors of his Will to be by them paid over and disposed in such a Manner as he had therein after directed or should by any Codicil to be added to that his Will direct concerning the same And for the better raising and securing the said Sum of Twenty thousand Pounds and the Interest to accrue due thereon at the Rate of Five Pounds per Centum per Annum he thereby granted and devised to the above named^{NI} Sir Robert Eden Hugh Hamersley Robert Morris Esquire and Peter Prevost and the Survivors and Survivor his Executors and Administrators the said Territory and Province of Maryland and other the Premises for the Term of Three hundred Years to commence from his Death redeemable on Payment of the said Sum of

NOTE 1: Lord Baltimore names his executors.

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Twenty thousand Pounds and Interest by the Person or Persons who for the Time being should be intituled to the Freehold or Inheritance of the Premises so devised and subject to and charged therewith and after the Determination of the said Term and of the several Uses and Estates then already limited of the Premises by the said Settlement And from the failure of Issue Male of his Uncle Coecilius Calvert (who has been some Time since dead without Issue Male,^{N2} he in further Pursuance of the Powers and Authorities in him vested by the said Indenture of Settlement and of all other Powers enabling him in that Behalf gave devised and limited his said Province and Territory of Maryland and all other the Premises comprized in the said Settlement and all other his Lands and Hereditaments

NOTE 2: Again, the Estate Act shows that the provisions of previous wills have been satisfied.

whatsoever in America charging the said Province with the Payment of the several Annuities or Yearly Sums of One hundred Pounds Sterling Money aforesaid clear of all Deductions to each of them the said Sir Robert Eden, Hugh Hamersley, Robert Morris and Peter Prevost his Executors thereby appointed who should prove his Will and take upon them the Administration thereof (during Life by equal half yearly Payments) unto and to the Use of Henry Harford Esquire (by the Description therein mentioned) and to the Heirs Male of his Body lawfully to be

begotten And for Default of such Issue to the Heirs Male lawfully begotten on the Body of Frances Mary Harford (by the further Description therein also mentioned) and to the Heirs of the said Frances Mary Harford And if there should be failure of Issue of the said Frances Mary Harford then to the Use of the Honourable Mistress Eden his Testator's youngest Sister (meaning the before named Caroline

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Lady Eden) to her and her Heirs and Assigns for ever And as touching the said principal Sum of Twenty thousand Pounds he thereby gave the Sum of Ten thousand Pounds part thereof to his Eldest Sister the said Louisa Browning and to her Husband and the Sum of Ten thousand Pounds other Part thereof to his Youngest Sister the before named Caroline Lady Eden and her Husband to be paid to them respectively within Six Months after his Death with Interest of Five Pounds per Centum till paid And in the said Will is contained a certain Proviso or Declaration in the Words or to the Effect following that is to say "Provided always and my Will and Meaning is that the respective Sums of Ten thousand Pounds so given to my Sisters and their Husbands are given upon this express Condition that they and each of them shall and so before they or either of them shall receive the said Sums or either of them or any other Benefit by virtue of this my last and only Will or of the said recited Settlement by sufficient

Deed or Deeds in Law to be by them duly executed at the Request and at the Costs and Charges of my Executors herein after named ratify and confirm the said recited Settlement and the further Dispositions made by this my Will of the said Province and other the Premises and all and every the Limitations Uses Trusts Conditions Matters and Things in the said Settlement and in this my Will contained and expressed concerning the same Or in case my said Sisters or their Husbands or either of them shall refuse or neglect to execute such Deeds of Confirmation as aforesaid within twelve Months after my Decease or shall after my decease institute prosecute or promote any Suit whatsoever in Law or Equity whereby or otherways to attempt to set aside disappoint frustrate or avoid the Effect of the said Settlement or any Disposition made by me

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of the said Province or of any other my Estates real or personal or any Part thereof or in any Manner molest or disturb any Person or Persons to whom any Estate or Interest is limited by the said Settlement or in this my Will or the Executors of this my Will in the Use Exercise Enjoyment and Application of all my Estates Real and Personal or any Part thereof in any Manner whatsoever then and in such Case my Mind and Will is that the said Gifts and Bequests of the said respective Sums of Ten thousand Pounds as to such of my Sisters or their Husbands who shall so refuse or neglect as aforesaid shall be and are hereby declared void and null and of none Effect to all

Intents and Purposes'' And in Case the said Sums should not become payable according to the Terms and Conditions of his said Will be directed that the Sums not become payable should be received and retained by his Executors as part of his personal Estate And given to the said Frances Mary Harford the Sum of Thirty thousand Pounds and to his Executors and other Persons therein also named the several other Sums therein likewise mentioned and gave all the residue of his personal Estate and the Produce thereof not before disposed of to his said Executors and the Survivors of them in Trust to place out the same upon Government or other Securities at their Discretion and so from Time to Time in like Manner to place out the Dividends and Interest which should accrue due thereon And in case the said Henry Harford should live to attain the Age of Twenty one Years but not otherwise then upon Trust from and after he should have attained his said Age to pay and transfer all his the said Testator's residuary personal Estate with the intermediate Interest and Profits thereof and the Securities on which the same should be invested to the

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said Henry Harford to his own absolute Use and Disposal And in case he should die before he should have attained the Age of Twenty one Years or after having attained that Age before he should have disposed of the same then upon Trust to pay and transfer the same to the said Frances

Mary Harford his Sister to her own absolute Use with such Devise over as is therein contained And further willed that in Case the said Frances Mary Harford or any other of the Legatees therein mentioned should die without having disposed of their respective Legacies and Sums of Money to them left then all such Legacies Surplus Rents and Profits Interest and Dividends should revert to his residuary personal Estate^N

NOTE: This ends the section of the Estate Act of 1781 which recounts the terms of Frederick Calvert's will, in which is contained his provisio that his sisters and their husbands must agree to the terms of his will or lose the thousands of pounds he has on this condition bequeathed to them.

CHAPTER VII

GOVERNOR EDEN IN MARYLAND

To understand the entire scope of Frederick Calvert's maneuvering to gain the province of Maryland for his son, we must look back to the year 1768. At that time, before the sixth Baron left England, he chose Robert Eden to replace Horatio Sharpe as the governor of Maryland. Baltimore charged Eden with the duty of furthering the claims of Henry Harford as sixth Proprietor of the province in the event of Lord Baltimore's death. The new governor was further directed by Frederick Calvert to maintain a status quo in the province, a condition that had been most profitable to the Proprietor in the past. This meant that Eden had to find ways to continue to raise money from Maryland and yet, at the same time, concede enough to the demands of the inhabitants to prevent an increase in anti-proprietary sentiments. Robert Eden had both familial and financial reasons for accepting the assignment, for he was married to Frederick Calvert's younger sister, Caroline, and he was deeply in debt.

Eden Begins His Assignment

Eden's opportunities to further Lord Baltimore's designs were bolstered by his family connections. He was not only married to a sister of the Proprietor, but he was the son of Sir Robert Eden as well. He was also young, personable, educated, and a former member of the prestigious Coldstream Guards.¹

Governor Horatio Sharpe accepted the appointment of a new governor gracefully, his loss of office somewhat softened by messages of appreciation for his

services from the Maryland gentry.² To the booming of a formal cannon salute, Robert Eden and his family arrived in Annapolis in June, 1769.³ Ostensibly he was assigned the task of carrying on provincial administration, a difficult enough assignment at this particular time, but he bore as well the secret instructions regarding the succession given him by Lord Baltimore.

Eden was generally popular with the high-spirited Maryland gentry. At Government House he extended lavish hospitality and took an active interest in the society of Maryland. He often traveled about the province and was frequently on hand for the horseraces that were so well liked in Maryland.

Even though glamorous, handsome, and hospitable, the governor had his critics because his style of living offended some of the more conservative Marylanders.⁴ "The governor had the reputation of being a lady's man—any lady's man—and his parties were notorious. On one occasion he threw so boisterous a drunken frolic that his wife miscarried in the ballroom. . . ."⁵ Also, historian Ronald Hoffman notes:

Eden had a penchant for lavish spending, and was mired in debt. Boucher (Jonathan Boucher, an Anglican clergyman) wrote of Eden that 'he had been in the Army, and had contracted such habits of expenses and dissipation as were fatal to his fortunes, and at length to his life . . . With an income of three or four thousand pounds a year he was always in debt.'⁶

Issues Faced by Eden

To be in a position to help Henry Harford assume the proprietorship, and to continue financial returns from Maryland to the proprietary, Eden wanted to maintain order. He would need all the support he could muster if he were to be able to carry out Lord Baltimore's instructions. When issues arose Eden had to face them by giving just enough ground to satisfy

Marylanders, yet not yield excessive financial benefits to them at the Proprietor's expense.

Soon after Eden's arrival in Annapolis, the matter arose concerning the renewal of an act to inspect tobacco and regulate the quality of exported tobacco. The lower house allowed the law to expire in November of 1769. Delegates wanted no new law put into effect unless inspection fees given officials were reinstated at either the original level or at a lower level. The members of the upper house objected. These men held most of those well-paying posts in the proprietary government which were involved in tobacco inspection. It was in their interest to obtain higher fees. Due to this deadlock, public service by proprietary officials could not legally be carried on after October 22, 1770. When an official, William Stewart, the clerk of the land office, accepted fees after the expiration of the law, he was ordered before the lower house and arrested. Robert Eden promptly prorogued the assembly and released him. The governor then reconvened the assembly but little was accomplished. A month later, Eden again prorogued the assembly and on November 26th he announced the reestablishment of the fee schedule by proclamation, which in effect continued the fees of the expired inspection act.⁷

The governor then called for a new election before the assembly of 1771, but the new assembly proved to be just as unmanageable as had the previous one. Markets for Maryland tobacco began to suffer, for due to lack of proper inspection the quality of the tobacco offered for sale declined. Only this economic pressure finally pushed the delegates into a compromise with the proprietary government in the fall session of 1773. At the November-December session a tobacco inspection measure passed both houses of the Assembly with no set fee schedule attached.⁸ With regard to the effects of economic conditions on political affairs, a mature political body began to emerge in the lower house of the assembly, as historian Ronald Hoffman notes ". . . the growth of a popular political movement in



(Photograph courtesy the Maryland Historical Society)
Sir Robert Eden, Governor of Maryland.

Maryland came at a time when the colony's economy was undergoing a serious decline."⁹

Another issue that had caused criticism of the proprietary was met and partially solved by Eden when, late in 1773, he signed a tax bill reducing the salaries of the clergy. The payment for the support of these men had long been a point of disagreement between the proprietary and the people in Maryland. Eden's action eased tensions to some degree.¹⁰

Even though no final agreement had been reached between the governor and the lower house of the assembly regarding the matter of officers' fees, the province was quiet. The resolution of issues was simply postponed as similar ones had so often been in the past. The governor, it seemed, was successful in maintaining the proprietary government and continued to collect money for the Proprietor. He had not allowed the Proprietor's income to be reduced and made only enough concessions to the lower house to quiet them.

AND

WHEREAS the said Frederick Lord Baltimore departed this Life on or about the fourth Day of September in the Year One thousand seven hundred and seventy one without lawful Issue leaving his said two Sisters Louisa Browning and Caroline now Lady Eden his Coheiresses at Law and the said Sir Robert Eden Hugh Hamersley Robert Morris and Peter Prevost the Executors in his said Will named all duly proved the same in the Prorogative Court of the Archbishop of Canterbury and the said Sir

Robert Eden also obtained Administration with the said Will annexed of the Goods and Effects Rights and Credits of the said Testator in the said Province of Maryland

Eden Proclaims Harford as Proprietor

True to his instructions, and as soon as he learned of the death of Lord Baltimore, Eden set about securing Maryland for Henry Harford. Following the sixth Baron's demise there was considerable delay in finding the will and having it sent to England. A copy eventually was sent to London and processed through the probate courts there. Once this was done the instructions contained in the will had to be copied, letters had to be written, and the necessary legal documents had to be gathered before the formal acknowledgement of the next proprietor could be sent to Maryland.

Frederick Calvert's executors acted with decision and the proper announcements were dispatched to the province. The long sea voyage delayed matters another few weeks, but in June, 1773, Governor Eden formally announced to the assembly that Frederick, Lord Baltimore was dead and his son, Henry Harford, was the new Proprietor of Maryland.¹¹ The records reveal that the assembly made no objection to this and the transition of the proprietary from Frederick Calvert to Henry Harford slipped smoothly down the throats of the assembly members. By means of this proclamation, the carrying on of the business of the province in Harford's name, and the acceptance of his proprietorship, the legal factor of *seisen* was accomplished for Harford as planned by Lord Baltimore many years before.

To further bind Maryland to Harford, Eden set about the formation of a new county to bear the name, "Harford," in honor of the new proprietor. This legislation passed the assembly before the end of 1773. To

further emphasize the legitimate nature of the Calvert family connection with Harford and with Eden's government, the governor eased through that same year the naming of a county in honor of his wife, Caroline Calvert Eden, i.e., Caroline County.¹²

In the name of the new proprietor, a letter dated March 2, 1773, sent by the guardians of Henry Harford (Frederick Calvert's executors), instructed Eden to continue governing Maryland, to appoint men to office, and to collect revenues in exactly the same way as had been done under the proprietorship of Frederick Calvert.¹³ Eden's continuance as Governor, too, went unopposed by the Assembly. The letter of instruction was a most impressive document bearing as it did the signatures, not only of the familiar names associated with past proprietary government but that of the Dean of Canterbury as well. Minors of the nobility were placed under the guardianship of the state and also under the protection of appointed executors. Marylanders did not question the continuation of Eden in office nor the fact that Henry Harford was proclaimed their next Proprietor.

Yet Eden, heading an administration rooted in a paternalistic system of government that was already outmoded in England, was to be unable to control or repress the growing political maturity of Maryland leaders.

An example of political awareness and maturity among the Maryland gentry is evident in the newspaper debate that arose in the pages of the *Maryland Gazette* early in 1773 between Daniel Dulany (the younger) and Charles Carroll of Carrollton. Dulany attempted to justify the fee proclamation issued by Governor Eden regarding tobacco inspection fees to be paid to provincial officials. Carroll objected, saying that Maryland's governor and upper house relied upon "prerogative power," an old-fashioned concept.¹⁴

The debate swelled and ranged far afield into constitutional questions. The ultimate question, and one not carried to its logical conclusion by either party,

emerged as that concerning where the ultimate power of government lay—in a king and parliament or in the people themselves.¹⁵ The Antilon-First Citizen debate, as it came to be called, indicated the legalistic turn of mind of Maryland's elite. It revealed political sophistication and political maturity missing from earlier periods of tension between the inhabitants of Maryland and the proprietary government.¹⁶

The Maryland gentry began to resist both proprietary and English imperial governmental pressures. Out-of-door politics began to replace the old agreements between members of the elite. Maryland members of the gentry both in and out of government began to play on the power inherent in the electorate.¹⁷

The Imperial Policy of Parliament

Though the proprietary government in Maryland was largely autonomous it was also inescapably linked with the government of Britain. Lord Baltimore and later his son might rule Maryland, yet both were loyal subjects of the Crown. As a result, Maryland men more and more often in the 1770s began to think of the proprietary and the English Parliament as joint opponents of the inhabitants of the province.

Adding to the anti-proprietary sentiment in Maryland and increasing political tensions was the imperial policy embarked upon by the British Parliament. Following the end of the war with France, England began a much-needed reorganization of the government of her expanded empire. An over-all plan and method was required to govern the far lands of the Empire to shape them to the needs of Britain and to provide funds for their defense. In 1763 a new ministry headed by George Grenville undertook this task. Historian Richard Walsh asserts that it was this policy which revived the anti-proprietary movement, refreshed the long struggle for local rights in Maryland, and opened the way for revolution in Maryland.¹⁸

Some of the measures, such as that issued by Proclamation of the King in Council, October 7, 1763, forbidding settlement across the mountains to the west, did not arouse much reaction in Maryland. People simply continued to cross the set line and move west.¹⁹ Nor did the measures, designed to prevent a continuance of American smuggling, create much more than irritation at paper work and delay in Maryland. After all, Maryland had her cash crop, the "golden leaf." More irksome was the curtailment of paper money, especially in the months following 1763 when the colony's paper money ran out. Necessity forced further emissions under legislation worked out in 1766 and 1773.

It was the final measure of the Grenville ministry that created common cause for all and brought colonial unity: the passage of the Stamp Act.²⁰

The Stamp Act was designed to provide funds for the protection of American borders. Such legislation was a common expedient for fund-raising in England, yet the Act set off a furore in the colonies. Slowly, and then with more enthusiasm, Marylanders voiced opposition to the Act and refused to use the stamps on the official papers required in many business transactions. Eventually American resistance forced the repeal of the Stamp Act. Maryland political leaders along with other American colonial leaders tasted power and success.

In Maryland even the proprietor's men objected to the Stamp Act.²¹ Both the then Governor Horatio Sharpe and Attorney General Daniel Dulany wrote letters that expressed their view that the Proprietor might have exerted himself to prevent the passage of the Act and that Parliament, though having the power to rule the province, did not have an absolute power to tax it. Under English law, Dulany noted, those taxed must be represented and Maryland had no agent to represent her in England.²²

While events in Maryland were engaging many in heated debate there, in England the executors of Frederick Calvert's will moved to take over the Province for Henry Harford in accord with the will of the sixth Baron.

The following portion of the Estate Act of 1781 lists the legal points made on Henry Harford's behalf.

AND WHEREAS the said Henry Harford and Frances Mary Harford being both Infants under the Age of Twenty one Years at the Time of the said Testator's Death he the said Henry Harford did under any by virtue of the said last Will and Testament of his said Testator and soon after his Death by his Guardians duly appointed in the Behalf by the High Court of Chancery enter upon and take Possession of the

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said Territory and Province of Maryland and all other the Premises therewith granted and by the said Will devised as aforesaid And did from thenceforth receive and take to his own Use and Benefit and Revenues and other the Profits Produce and Income of the said Province and other the Premises which accrued from the said Testator's Death the same or a Part thereof not still outstanding (having been received by the said Testator's Executors to that Period) and did further by the said Sir Robert Eden his Lieutenant

Governor by him and them in that Behalf appointed and approved by his most sacred Majesty by his Royal Orders in Council and by other his ministerial Officers in the said Province assume and exercise the Sovereignty and Proprietorship of the said Province and transact and do all Seigniorial Legislative Executive and other Acts incident and competent thereto and in such and the same Manner as the same had been exercised and transacted by his said Testator and other his Predecessors the former Proprietors of the said Province until such Time as he and his said Guardians were dispossessed thereof by the usurping Powers now ruling there^N AND WHEREAS in or about Easter Term which was in the Year of our Lord One thousand seven hundred and seventy two a Bill was Exhibited in the said High Court of Chancery of Great Britain in the Names of the said Henry Harford and Frances Mary Harford Infants by their next Friend against the said John Browning and Louisa his Wife the said Sir Robert Eden and Caroline Lady Eden his Wife and the said Hugh Hamersley Robert Morris and Peter Prevost and others thereby stating the several Settlements herein before recited to have been made of the said Province with the Will and Codicil of the said Charles

NOTE: The following account gives the details of legal maneuvering done by Frederick Calvert's executors to get the terms of Calvert's will carried out in the spring of 1772.

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Lord Baltimore the Father And also the Will of the said Frederick the last Lord and (amongst other Things) Praying that the said Will of the said Frederick the last Lord might be established and the Trusts thereof carried into Execution And that the said John Browning and Louisa his Wife and the said Sir Robert Eden and Caroline Lady Eden his Wife might respectively execute such Deeds or Conveyances for confirming the said Will in such Manner as the said Court should direct or in Case they should refuse or neglect to execute the same as by the said Will directed that then the respective Legacies thereby given to them might sink into the Testator's Estate according to the Directions of his Will And further Praying an Account generally of all the Testator's Estates real and personal and of the Rents and Profits thereof received since his Death And that after Payment of the said Testator's Debts and Legacies the residue of his personal Estate might be improved and secured for the Benefit of the Person who should eventually become intitled thereto^N

NOTE: Having filed their plea with the English courts to carry out the terms of Frederick Calvert's will, his executor awaited the reply to come from John Browning on behalf of his wife, Louisa Calvert Browning. (Sir Robert Eden did not contest the terms of the will on behalf of his wife Caroline Calvert Eden.)

- ¹Bernard C. Steiner, *Life and Administration of Sir Robert Eden* (Baltimore: Johns Hopkins Press, 1898), pp. 81, 82.
- ²*Archives of Maryland*, Vol. 62, p. 4.
- ³*Maryland Gazette*, June 8, 1769.
- ⁴Steiner, p. 82.
- ⁵*Ibid.*
- ⁶Ronald Hoffman, *A Spirit of Dissension* (Baltimore: Johns Hopkins University Press, 1973), p. 123.
- ⁷James Haw, "Maryland Politics on the Eve of the Revolution: The Provincial Controversy, 1770-1773," *Maryland Historical Magazine*, Vol. 65 (Summer 1970), p. 127; Hoffman, p. 121.
- ⁸*Ibid.*
- ⁹Hoffman, p. 124.
- ¹⁰*Ibid.*, p. 120.
- ¹¹*Archives of Maryland*, Proceedings of the Council of Maryland, April 15, 1761-September 24, 1770. William Hand Browne, ed. (Baltimore: Maryland Historical Society, 1912), pp. 501-503; Matthew Page Andrews, *History of Maryland: Province and State* (New York: Doubleday, Doran & Co., 1929, later reprinted in facsimile by Tradition Press of Hatboro, Penna., 1965), p. 292.
- ¹²*Archives of Maryland*, Vol. 64, pp. 59-72, 115-118, 143, 198-201.
- ¹³*Ibid.*
- ¹⁴Charles Albro Barker, *The Background of the Revolution in Maryland* (New Haven: Yale University Press, 1940), pp. 353-355.
- ¹⁵*Maryland and the Empire, 1773: The Antillon—First Citizen Letters*, introduction and ed., Peter S. Onuf, (Baltimore: Johns Hopkins University Press, 1973), pp. 44-46.
- ¹⁶Hoffman, p. 103.
- ¹⁷Barker, pp. 355-356.
- ¹⁸Richard Walsh, "The Era of the Revolution," *Maryland: A History, 1632-1974* (Baltimore: Maryland Historical Society, 1974), p. 56.
- ¹⁹Walsh, p. 57.
- ²⁰Walsh, pp. 59-60; Hoffman, pp. 50-58.
- ²¹Walsh, p. 60; Hoffman, pp. 30, 31.
- ²²*Ibid.*

THE GREAT SEAL OF MARYLAND



OBVERSE



REVERSE

In the middle 1600's Cecil Calvert, Second Lord Baltimore, sent out a new Great Seal to his colony to replace that lost to Ingle. Though new seals were adopted later, in 1876 the original seal sent by Lord Baltimore was selected as the official Great Seal of Maryland.

The obverse side of the seal shows Lord Baltimore on horseback in full armor, holding a sword. Around the edge the Latin words meaning "Cecilius, Absolute Lord of Maryland and Avalon, Baron of Baltimore" appear.

On the reverse side of the seal is a coat of arms, supported on one side by a fisherman, and on the other side by a plowman. It rests on a scroll bearing the motto, "Deeds males, words females" as literally translated from the Latin, or it might be translated in meaning as "Manly deeds, womanly words." The top half of this side of the seal shows a special cap with a ducal crown and a flowing mantle inscribed around with words that possibly refer to the good will of the English crown, "Thou hast crowned us with the shield of thy good will."

The fisherman shown on the seal probably refers to the fishing industry of the Avalon colony belonging to Lord Baltimore. This colony was founded in the early 1620's in Newfoundland and much of the prosperity of the settlement depended on fishing.

Maryland, Lord Baltimore's other colony, is represented by the figure of a farmer with a spade in one hand, since Maryland's wealth lay in her agriculture.

CHAPTER VIII

THE MARYLAND PROPRIETORSHIP CONTESTED

Louisa Calvert Browning suffered from depressions. By 1772 she was declared insane and given into the care of her husband John Browning. He took over full control of her person and her business affairs, acting for his wife, for himself, and for their son, Charles.

As the following text of the Estate Act of 1781 reveals, he applied to the courts, asking if Frederick Calvert, sixth Lord Baltimore, indeed had the legal right to will Maryland and its revenues to Henry Harford, in spite of the fact that the original Calvert family entail forbade such a bequest. Browning also quoted the restraints imposed by Louisa's marriage settlement which would seem to imply that should Frederick Calvert die without legitimate issue, then the Proprietorship should pass to Louisa Calvert Browning and if she were not able to serve, to her son Charles.

John Browning, however, carefully refrained from an outright rejection of Frederick Calvert's will, rather he inquired as to points of law and asked a decision, an explanation, from the court.

AND WHEREAS the said John Browning for himself and as Guardian to the said Louisa his Wife she being insane And also the said Sir Robert Eden and Caroline Lady Eden his Wife did afterwards put in their several Answers to the said Bill And the said John Browning for himself and his said Wife by their said Answer (amongst other Things) stated the last Will and Testament of the Right Honourable Charles Lord Baltimore who was the Father of the said Frederick the

last Lord Baltimore bearing Date the seventh Day of November in the Year One thousand seven hundred and fifty and submitted to the Court whether the said Lord Frederick was seized in Fee or had Power to dispose of the said Province of Maryland in regard that the Remainder in Fee therein after a Limitation in

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Tail to the said Lord Frederick stood limited to the said Louisa Browning his Wife by the Settlement made on the Marriage of the said Charles the Father and submitted to the Judgment of the said Court whether the Revenue of Tonnage and Port Duties arising within the said Province in his said Answer particularized and described did for the Reasons therein respectively mentioned pass by or was comprehended in any of the Settlements and Wills stated in the Bill as Part of the Province And further submitted in Case the same was comprehended therein whether the same was a Species of Property capable of being settled or devises whether the said Louisa his Wife was not intitled to a Moiety thereof as one of the Sisters and Coheirresses of the said Lord Frederick and for himself and as Guardian to his said Wife said he was ready and willing to execute any Deed or do any Act for Confirming the said Lord Frederick's said Will which the Court should direct And the said Sir Robert Eden and Lady Eden his Wife by their Answer submitted to the Judgment of the Court whether the said Province passed by the said Will And also whether the said Revenue of Tonnage and Port Duties passed by or

was comprehended in any of the said Settlements or Wills And said they never refused to execute any Deed or do any Act for confirming the said Will nor had any Deed or Confirmation been produced to them for Execution AND WHEREAS the several other Defendants having also answered the said Bill the said Cause proceeded to Issue and on the Eighth Day of July in the Year One thousand seven hundred and seventy four came on to be heard before the then Lord High Chancellor of Great Britain when his Lordship declared the Will of the said Testator Frederick Lord Baltimore well

There remained legal questions which the Judge of the Chancery Court referred on to the Judges of the King's Bench, as the following part of the Estate Act of 1781 narrates:

But a Question arising whether the said Testator had Power to devise the said Province of Maryland and the Port Duties there And if he had such Power whether he had well devised the same his Lordship ordered that a Case should be made for the Opinion of the Judges of the Court of King's Bench upon the Will of the said Lord Baltimore And that the Question made thereon should be Whether the said Province of Maryland and the Port Duties there

or either and which of them were or were not well devised by the said Will and all proper Facts necessary to bring that Matter into Question were to be stated in the said Case And the said Case was to be settled and the Judges attended therewith as therein directed And his Lordship reserved the Consideration of all further Directions relating to the said Province and Port Duties until after the Judges of the said Court should have made their certificate And it was thereby referred to Master Pechell one of the Masters of the said Court to take an Account of the said Testator's Personal Estate come to the Hands of the Defendants his Executors And also an Account of his Debts Legacies and Funeral Expences But in regard to Mr Morris one of the Executors who was proved to be abroad the Payment of his Legacy of One thousand five hundred Pounds was to be stayed until the further Orders of the said Court^N

Monies were taken into escrow, pending the settlement of the case.

And it was further Ordered that the said Legacy of Thirty

NOTE: In a later chapter, "Frances Mary Harford," this stay is explained.

thousand Pounds given by the said Testator's said Will to the said Frances Mary Harford and the Surplus Interest thereof after deducting the Expenses in procuring her to be brought home to England should be by the said Defendants the Executors paid into the Bank with the Privity of the Accountant General to be placed to the Account of the said Cause and laid out in the Purchase of Bank three per Centum Annuities in Trust for her Benefit subject to the Contingencies in

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the Testator's Will And the further Orders of the Court And the Master was to see a sufficient Fund set apart out of the Testator's Personal Estate and invested in the like Annuities to answer the growing Payments of the Annuity of Two hundred Pounds bequeathed to the Defendant Hesther Harford by the said Testator's Will during her Life it being declared that on her Death the same would be a Part of the Testator's personal Estate And in Case any Part of the Testator's personal Estate was then placed out on Government Securities his Lordship ordered that the Defendants Hamersley and Prevost two the Executors resident in England should transfer the same into the Accountant General's Name in Trust in the Cause subject to further Order And it was further Ordered that the clear

Residue of the Testator's Personal Estate should be by the Defendants the Executors paid into the Bank with the Accountant General's Privity to be placed to the Account of the Cause And when paid in should be laid out in the Purchase of Bank three per Centum Annuities in Trust in the Cause subject to the Contingencies in the Will and to further Order for the Benefit of the Plaintiff Henry Harford the Infant who when he should attain the Age of Twenty one Years or in Case of his Death before that Time then such Person as should become intitled to the said Annuities and the Interest thereof was to be at liberty to apply to the Court for a Transfer and Payment of the said Bank Annuities and the Interest thereof as they should be advised And it was further Ordered that the Master should take an Account of the Rents and Profits of the Testator's Real Estate accrued since his Death come to the Hands of the Defendants his Trustees and all Parties were to be their Costs to that Time out of the

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Testator's Personal Estate and his Lordship reserved the Consideration of subsequent Costs and out of what Fund the same ought to be paid and of all further Directions until after the Masters Report

CHAPTER IX

EVENTS IN MARYLAND: 1774 - 1776

Eden Unable to Save Maryland for the Proprietor

In the 1760s the Stamp Act had occasioned considerable out-of-door political activity in Maryland, yet it was the news of the Boston Port Act of 1774 that accelerated change and caused active resistance to be directed at both the Crown and the proprietary. Anti-proprietary forces were revitalized which had an anti-imperial, anti-Parliamentary focus. Rapidly schooled by their resistance to the Stamp Act and incensed by the development in Boston, Marylanders soon learned to cooperate with other American colonies. There was a great reluctance to break with England but there was no resisting the tide of revolution that swept England's Atlantic seaboard colonies.²³

"On June 22, 1774, a first provincial convention was held at Annapolis. Maryland had enthusiastically made the cause of Boston her own," as historian Barker notes.²⁴ Maryland leaders, both in and out of the House of Delegates, could see in the trend toward revolution a threat to their own class. It was imperative for their own sakes that they continue to lead Maryland politics and lead it in a property-conscious, conservative direction.²⁵ Though still proclaiming the hope that the differences between the colonies and England could be patched up, the Maryland Conven-

tion made preparations for a possible armed conflict.²⁶ More and more the extra-legal Maryland Provincial Convention took over the governing of the province.²⁷ By December, 1775, the Convention was meeting in an organized and orderly manner and arranging to raise money and men to resist England.²⁸ The Convention resisted a demand by the Continental Congress to arrest Governor Eden, rather choosing in an orderly procedure to decide that "Governor Eden's usefulness was ended, . . . he was courteously but formally and finally notified that he was at liberty to depart, which he did by boarding the warship *Fowey*, June 23, 1776. Thus from Maryland passed the power of the British Empire."²⁹

The leaders of this American revolutionary movement in Maryland were much the same men aligned with the anti-proprietary movement. They may well have learned their techniques of usurpation of a legal government from the agents of the late Lord Baltimore who had taken Maryland for Henry Harford. The executors of the late lord, and Governor Eden, as we have seen, seized the proprietorship for Harford by having local officials on the scene effect that change-over, and by having familiar local authorities carry along the business of government unchanged and the populace with them. Similarly in 1775 and 1776, committees filled with faces familiar in the Maryland lower house of the Assembly seized lines of communication and the reins of government, purporting to speak for the people. The public was slow in both cases to realize that these familiar men were actually forming an extra-legal government.³⁰

Eden did his best to oppose the dissolving away of his power. He attempted to form a gentlemanly militia but without much success, and he used every legal means at his disposition. Yet Eden was no Dunmore. He remained in Annapolis attending social events and keeping up the pretense that he still governed the province. The June Convention at last formally resolved to disobey the Governor.³¹ After an elaborate

farewell ball in Annapolis Eden left to return to England.³² He had not been able to prevent Maryland from being swept up in the American Revolution.

Still, the fact remained that Eden had succeeded in proclaiming Henry Harford as Proprietor and had held Maryland in the name of the young Proprietor. This was later to enhance Harford's legal claim on the proprietorship in English court battles. If Harford could manage to become fully recognized as legal Proprietor, there were three possible situations promising future wealth related to his proprietorship of Maryland. First, should Britain quell the insurgents the Proprietor might return to power. Secondly, should the province be lost, there was the possibility of the Proprietor's being compensated for losses in Maryland by the British government. Finally, even though the Americans were victorious they might vouchsafe an ex-Proprietor the return of his manor lands and other recompense for his losses.

All in all, Eden had made a creditable showing in attempting to carry out Frederick Calvert's instructions. Forces that the sixth Baron could not have foreseen, and ones too large for Eden to manage, caused the collapse of proprietary government in Maryland. Eden at least had improved Harford's claim on the proprietorship.

²³Hoffman, pp. 181, 187, 195, 223-224; J. Thomas Scharf, *History of Maryland*, 3 vols., (Hatboro, Penna.: Tradition Press, 1967, facsimile reprint of the 1879 edition), II:161; Haw, pp. 128-129; Walsh, pp. 78, 80.

²⁴Barker, p. 370.

²⁵Hoffman, p. 125.

²⁶Andrews, pp. 306-308.

²⁷Walsh, p. 80; Hoffman, pp. 142-152; Scharf, II:183-186; Barker, pp. 370-373.

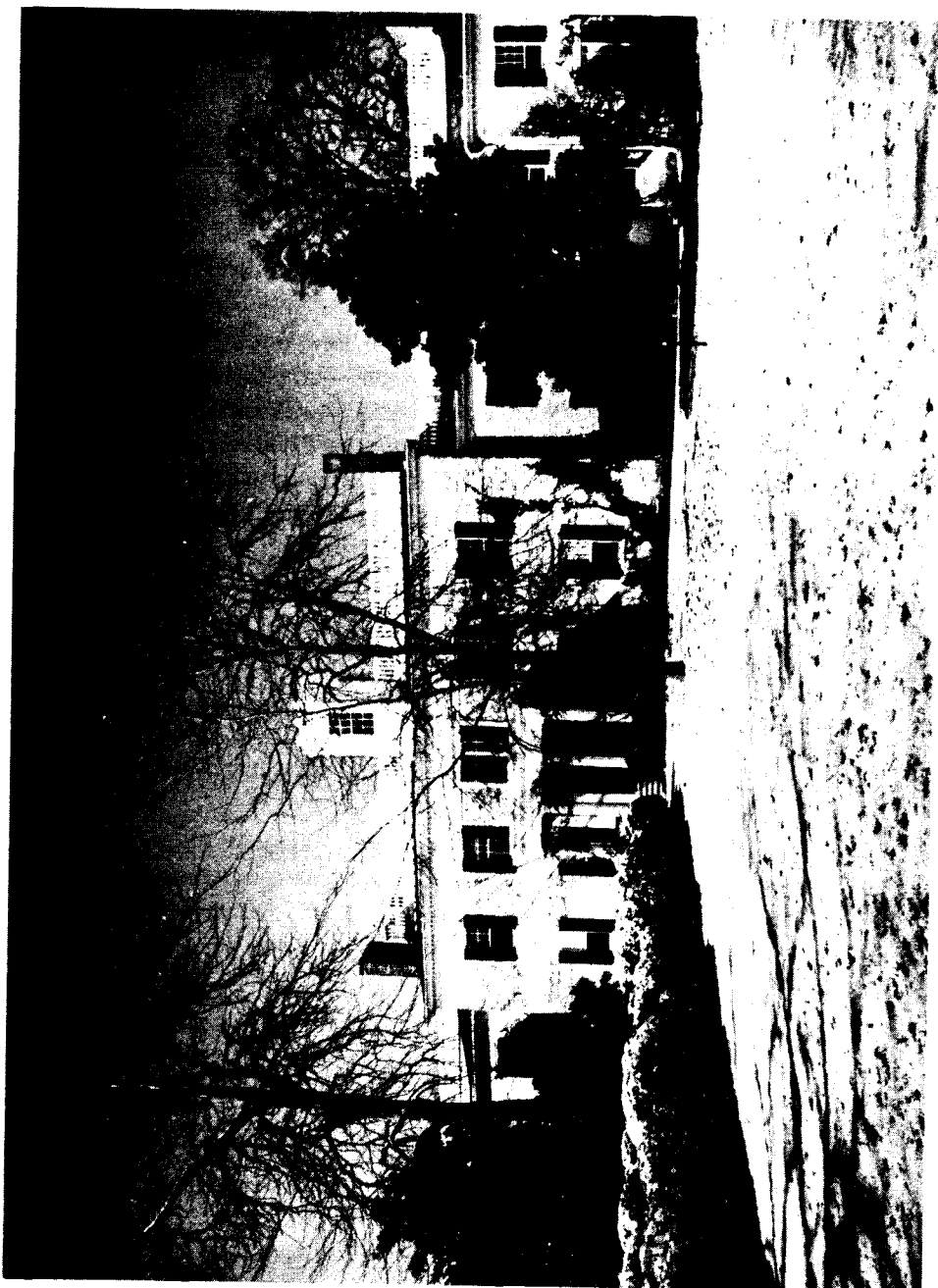
²⁸Andrews, p. 311.

²⁹Ibid, p. 317.

³⁰David Ammerman, "Annapolis and the First Continental Congress: A Note on the Committee System in Revolutionary America," *Maryland Historical Magazine*, Vol. 66, No. 2 (Summer 1971), pp. 179-180.

³¹Scharf, II:218.

³²Ibid.



(Joseph H. Cromwell, C & P Telephone Company of Maryland)

Doughoregan Manor, the home of the prominent Carroll family of Maryland, still stands near Ellicott City, as this recent photograph shows.

CHAPTER X

HENRY HARFORD: HIS BACKGROUND

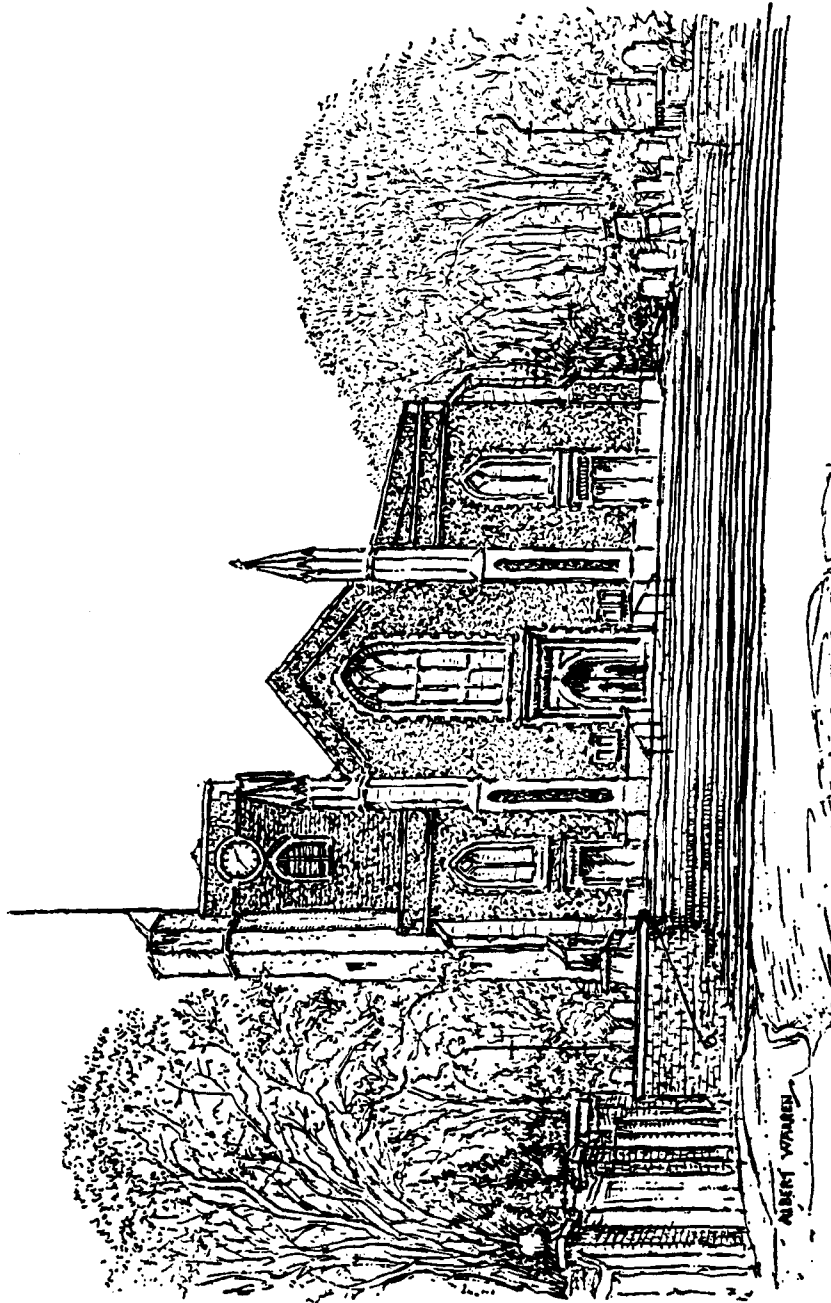
To understand events, and the legal processes at work over who should become Maryland's sixth Proprietor, let us study the claimant Henry Harford. It might seem that events in Maryland would cause this contest over the Proprietorship to be a moot point, but there were monies in England held in the name of the Proprietor -- also the substantial possibility that after the American Revolution, reparations might well be made to a former Proprietor of Maryland.

Made rich by his father's will, Henry Harford inherited, as well, good reason to expect a great deal more wealth if he could legalize his claim to the proprietorship of Maryland in the English courts, and if he could then salvage either land or recompense from Maryland after the American Revolution. His education was to be an asset to him in both of these endeavors.

Harford's English Background and Education

There is but scant information about Henry Harford's early years, and little more on the years in which he acquired his excellent education. We do know that he was raised as the tacitly acknowledged son of Lord Baltimore and was given the education of a gentleman at Eton and Oxford.

Harford was born April 5, 1758, in a Bond Street residence in London.¹ His mother was Hester Rhelan from Ireland who used the alias, "Mrs. Harford." Henry Harford was no doubt still in London when his sister, Frances Mary Harford, was born there on November 28, 1759.² The liaison between Harford's father and mother seems to have lasted another year or so according to letters dated 1762 and 1764, exchanged between Cecilius Calvert, Secretary of the



St. Martin's Parish Church, Epsom

(Courtesy the Vicar of St. Martin's Parish Church)
Here several members of the Calvert Family are buried.

Province of Maryland, and Lord Baltimore. The Secretary, based in England, reported to the sixth Baron that he paid various amounts to Mrs. Harford and that she and the children were well.³ Later, while Lord Baltimore enjoyed his travels and his mistresses on the Continent and in England, his son began his education. Before the age of nine Henry Harford was sent to be schooled under the supervision of the Reverend Dr. Loxton at Richmond School. The school was situated near the former Calvert estates at Epsom and not far from his mother's residence at Mortlake, another London suburb.⁴ At the age of fourteen he was ready to enter Eton College.

Henry Harford, Etonian

The years that Harford spent at Eton (1772-1775), after leaving Richmond School, were significant to his development.⁵ At the beautiful old school he learned the history of England and steeped himself in English tradition. Eton was a stronghold of ancient custom and tradition. Several American youths attended Eton and later found it possible to reject loyalty to Britain learned there, but Harford took Eton's lessons in loyalty to heart. He and the other students at Eton admired King George III, who often came to the school and frequently strolled the fields nearby, stopping to chat with Eton boys. The English populace held their family-loving, hard-working king in great esteem.⁶ King George took more interest in the Eton boys and the college than had any British sovereign since the time of Henry VI (who founded Eton in 1442).⁷

In no manner, then, did Harford's Eton years prepare him to reject his loyalty to his king and his country. Nor did his training there cause Harford to consider throwing in his lot with a group of rebellious English colonists, strangers three thousand miles away in Maryland.

Harford was aware of affairs outside his school, for he was called upon to sign papers relating to the

province of Maryland and the court suit being waged against his claim to the proprietorship by John Browning. Harford was at Eton while the case progressed. As noted above, the case was eventually tabled by the Lord Chancellor to await the outcome of the Revolution. Before the age of nine Henry Harford was sent to be schooled under the supervision of the Reverend Dr. Loxton at Richmond School. The school was situated near the former Calvert estates at Epsom and not far from his mother's residence at Mortlake, another London suburb.⁴ At the age of fourteen he was ready to enter Eton College.

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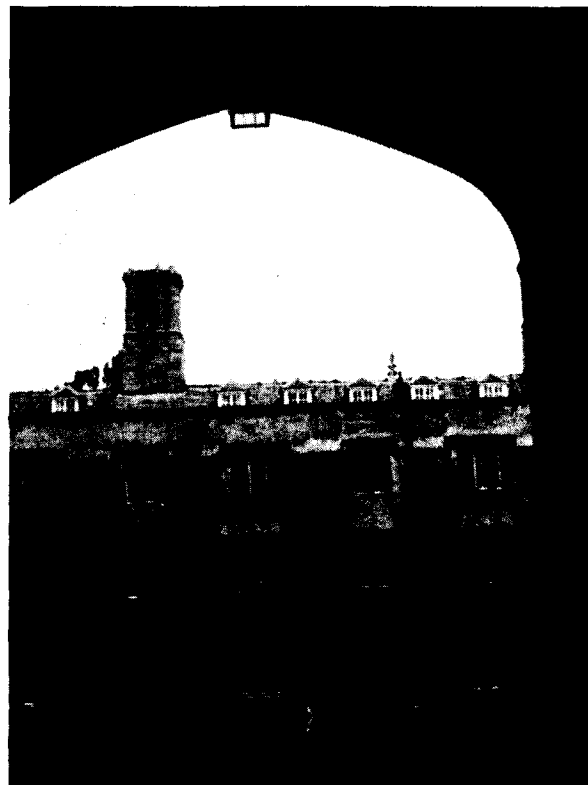
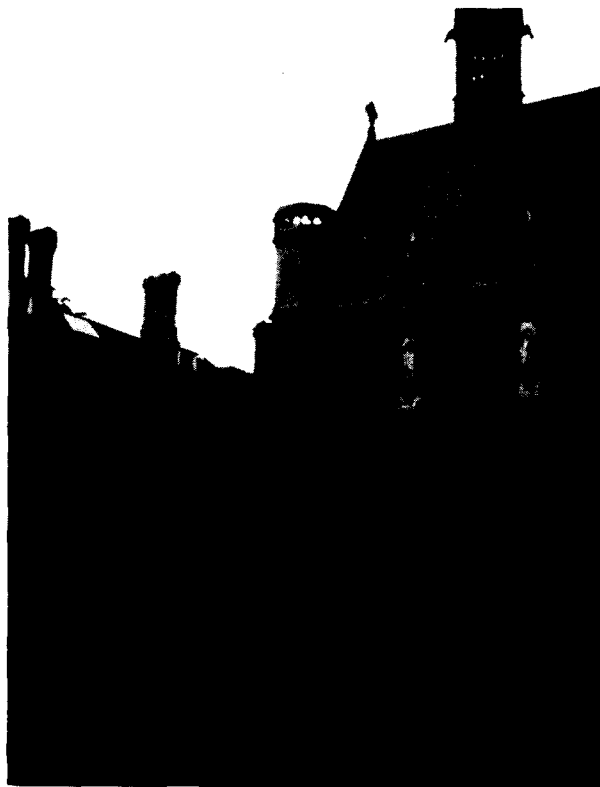
Harford experienced anxiety on behalf of his sister in 1772, while he was at Eton. In the spring of that year she either eloped or was kidnapped by one of her guardians, Robert Morris.⁸ Morris carried the thirteen-year-old heiress off to the Continent and married her not once but twice. Harford heard of the elopement and of the pursuit of the pair by the other guardians of the Harford children. Frances Mary was eventually returned to England. Morris was disqualified to continue as one of the guardians and executors, and lost, as well, a cash bequest from Lord Baltimore's estate.⁹

Harford's Oxford Years

The month before Governor Eden left Maryland (Eden was forced to depart in June, 1776), Harford matriculated at Oxford University. He could have chosen to abandon further study upon leaving Eton, as his father had done, but Harford obviously enjoyed academic life enough to continue it. He took advantage of his opportunity to obtain an education to prepare himself to cope with his future responsibilities. Thus, in 1776 he began his university studies at Exeter College, Oxford University.¹⁰

When Eden reached England he no doubt visited Harford and attempted to explain the rebellion in Maryland to the young Proprietor. The matter may well have been beyond Harford's conservative nature to understand and he may have only fully expected and hoped that the English lion might place a firm paw on the uproarious colonials.

Despite uncertainties pertaining to his inheritance of the proprietorship of Maryland, and to the state of



(Author's 1974 photographs)

From Turl Street, Oxford, one may open a door and step into a quadrangle around which Exeter College, Oxford University, is located. Students live in the building shown through the archway. To the left is the College Chapel and to the right (not shown) is the great Dining Hall which fills a side of the enclosed grassy area.

the province itself, Harford continued his studies at Oxford, taking his degree shortly before he came of age in the spring of 1779.¹¹

A Brief Political Foray

In the year after he left Oxford, Harford turned his attention toward politics to run with a partner for a seat in Parliament for Lyme Regis, a town in southeastern England. The election ended in a "double return" (a tie) on September 9, 1780. Upon the matter being referred to the House of Commons his opponent, whose family owned a great deal of property in the district, was awarded the seat.¹² Though Harford had made a most creditable showing in his first attempt to obtain political office, the experience seems to have soured him for he did not seek office again.

He settled down, instead, in London to await the end of the American Revolution and to lead the life of a well-to-do English gentleman of means.¹³ Harford spent his days attending dinners and other social events, and sat for his portrait.¹⁴ These activities, however, took only a part of his time, for many more of his hours were occupied in sitting with his attorneys.

¹Will of Frederick Calvert (Appendix A): Burial Register, Parish of Bray, Record Office, Reading, England, file number D/P23/1/11.

²*English Consistory Report, 1788-1821* (London: n.p., n.d.), p. 792. Maryland Historical Society, MS Div., vertical files.

³Cecilius Calvert to Frederick, Lord Baltimore, from London. *Calvert Papers*, Vol. II (Baltimore: Maryland Historical Society, 1889) pp. 216-220.

⁴*Ibid*: Frederick Calvert mentions this fact in his will. See Appendix A.

⁵*Eton College Register: 1753-1790*, ed. Richard Arthur Austen-Leigh. (Eton: Spottiswoode, Ballantyne, & Co., Ltd., 1921), unpaginated, alphabetical entries. Harford entry reads simply: "Harford, 1772-1775, (Manby)."

⁶John Brooke, *King George III* (New York: McGraw-Hill Book Co., 1972), pp. 316, 317, 322.

⁷Brooke, p. 287.

⁸*English Consistory Report: 1788-1821*, p. 792; Letter of Daniel (3d) Dulany, Jr. to Walter Dulany, from London. MS. Div., Dulany Papers, filed under date, "1792."

⁹Estate Act of 1781, Record Office, House of Lords, London, p. 5; *English Consistory Report: 1788-1821*, pp. 792-797.

¹⁰Joseph Foster. *Alumni Oxonienses: The Members of the University of Oxford, 1715-1886* (Oxford: Parker & Co., 1887), p. 607. The entry reads:

HARFORD, Henry, s. Frederick, of Westminster, baron, EXETER COLL.,
Matric. 4 May 1776, aged 18; created M.A. 10 March 1779, unduly elected
M. P. Lyme Regis 1780, died Dec., 1805.

The date of Harford's death is an error. Harford died in 1834. The age mentioned in the *Oxonienses* entry affirms that Harford was born in 1758, not in 1760 as has been commonly cited to date.

¹¹*Ibid.*

¹²"Henry Harford, Etonian," *Etoniana*, Vol. 109 (December, 1950), p. 136.

¹³Appointments Book, George Romney, as reported in *Romney* by T. H. Ward and W. Roberts (London, n.p., 1904) Vol. II, p. 71. Sittings are recorded for February 8, 15, 22, 29, and for March 7, 15, 1780; December, 3, 10, 14, 21, 1781; July 6, 10, and on November 4, and 9 of 1782; November 10, and 14, 1783. Also, "Notes and Queries, Portrait of Miss Harford," *Maryland Historical Magazine*, Vol. 35, No. 1, p. 87.

¹⁴*Ibid.*

CHAPTER XI

THE ESTATE ACT OF 1781

There was a great deal at stake. Harford, Sir Robert Eden, and John Browning, spent much time making offers and counter-offers to each other and consulting with their respective attorneys. A formal document, Articles of Agreement, dated June 15, 1780, eventually emerged from their deliberations.

The three men next applied to Parliament to approve the agreement and make it law. Accordingly, the Estate Act of 1781 was drawn up.¹⁵ This was concerned with the agreement between the three parties and was one of those private acts of Parliament used to settle cases that would otherwise outlast the participants.

The Act, engrossed on one hundred pages of parchment, first related the legal history of the ownership of Maryland, together with mention of the various marriage settlements and wills that had affected the ownership of the proprietary and the province over the years, as we have seen.

Frederick Calvert's will had been a thorny issue for the various attorneys, the document revealed, for it had been difficult for the courts to ascertain just what part of Frederick Calvert's remaining funds at his death were a part of his personal estate, and what part should be considered as part of the proprietorship of Maryland. John Browning at first contended that both Maryland and the funds received from the province since Lord Baltimore's death in 1771, plus incomes that might result in the future following a British suppression of the revolutionaries, belonged legally to his wife and her heir (their son, Charles Browning). In the agreement contained in the Estate Act of 1781 Browning relinquished this claim. In return Browning required payment as well as the original £10,000 willed to Louisa Calvert Browning by Frederick Calvert.

The agreement made between Henry Harford, Sir Robert Eden, and the John Brownings numbered eighteen items. In brief, the agreement provided for the payment of £22,000 to John Browning and his wife; £17,500 to the Edens of which £2,500 were to be withheld in payment of a like sum borrowed by Eden while in Maryland; and the remainder of a capital sum of £43,000 that might be left after payment of these amounts to Browning and Eden was to be paid to Harford. Further sums totaling over £17,000 were also due Harford. Each of the three parties to the agreement was to have an additional £10,000 upon Harford's being reinstated as Proprietor of Maryland. Most important was the clear title, given by the Estate Act of 1781, to Harford as the legal proprietor of Maryland.

Thus the terms of Lord Baltimore's will with only minor exceptions were fully carried out. The Estate Act of 1781 passed Parliament and with it the Articles of Agreement dated June 15, 1780.¹⁶ Henry Harford's claim to the proprietorship of Maryland was now an entirely sound and legal one.¹⁷

The pages of the Estate Act text that follow give the precise details of the settlement signed by the heirs of Frederick Calvert, sixth Lord Baltimore. One can see that attorneys had a field day in trying to take into consideration every possible contingency -- especially as to who should inherit various monies and properties in the event of the death of each legatee. One might call this "second-guessing death."

Below we see that the legatees of the will of Frederick Calvert were attempting to obtain at least a part of the money willed to them in 1776 and 1777. Large amounts were held by the courts.

AND WHEREAS a Case was afterwards stated and settled and delivered to the Judges of the Court of King's Bench pursuant to the said Decretal Order relative to the said Province and Port Duties And on the Twenty seventh Day of June in the Year One thousand seven hundred and seventy five the same was argued in the said Court when the said Court made a Rule for the said Case to be further Argued since which Time no further Argument hath been had of the said Case AND WHEREAS by Order of the said Court of Chancery bearing Date the Twenty third Day of July in the Year One thousand seven hundred and seventy six and made on the Petition of the said John Browning and Louisa his Wife and of the said Sir Robert Eden and Dame Caroline his Wife praying to be paid the two several Sums of Two thousand Pounds and Two thousand Pounds each as the Interest alledged to have then incurred on the aforesaid two several principal Sums of Ten thousand Pounds and Ten thousand Pounds in the said Testator's Will and herein before respectively mentioned It was Ordered that the said first mentioned Sums making together the Sum of Four thousand Pounds should be placed out in the Purchase of Bank three per Centum Annuities in the Names of the said Hugh Hamersley and Peter Prevost but to be without Prejudice which Sum was laid out accordingly on the seventeenth of June One thousand seven hundred and seventy seven in the Purchase of Five thousand and eighty six Pounds thirteen Shillings and six

As the following pages show, certain sums were held by Frederick Calvert's executors and other bequests which were not contested were paid out as directed by the will. Other monies and securities were passed over to the care of the Accountant General of the Court at King's Bench.

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pence Capital three per Centum Bank reduced Annuities And by a further Order of the Eighteenth Day of June One thousand seven hundred and seventy eight It was Ordered that the Sum of One hundred and fifty two Pounds eleven Shillings and eleven pence in the said Order mentioned being the Interest and Dividends become due on the said Five thousand and eighty six Pounds thirteen Shillings and six pence reduced Annuities and the future Dividends on the said last mentioned Sum and also on the Annuities to be purchased with the said One hundred and fifty two Pounds eleven Shillings and eleven pence should be laid out in like Manner pursuant to which last Order the further Sum of Five hundred and three Pounds and ten Shillings like Annuities was also purchased with the Dividends accrued to the fifth of April One thousand seven hundred and seventy nine And the said several

principal Sums of Five thousand and eighty six Pounds thirteen Shillings and six pence and Five hundred and three Pounds and ten Shillings Capital reduced Annuities as aforesaid are now standing in the Names of the said Hugh Hamersley and Peter Prevost subject to the further Order of the said Court all Dividends accrued thereon to the said fifth Day of April One thousand seven hundred and seventy nine having been received and laid out as aforesaid AND WHEREAS the said Hugh Hamersley and Peter Prevost the acting Executors of the said Frederick Lord Baltimore (the said Sir Robert Eden having principally resided in America till the Year One thousand seven hundred and seventy six and the said Robert Morris having been restrained by Order of the said Court of Chancery from interfering therein^N, some time since paid off and appropriated the said

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Legacy or Sum of Thirty thousand Pounds so given to the

NOTE: Again we refer the reader to the Chapter on Frances Mary Harford.

said Frances Mary Harford and the Interest thereon as directed by the said Decretal Order and all the other Legacies given by his Will (save and except the said Legacy of One thousand five hundred Pounds to the said Robert Morris and the Interest thereon and the like Legacy and Interest to the said Sir Robert Eden who had otherwise received and retained the same) And also paid all their said Testator's Debts save only a Sum of One hundred and eighty five Pounds seventeen Shillings or thereabouts due to John Leeds Esquire or his Representatives AND WHEREAS in pursuance of the said Decretal Order the said Hugh Hamersley and Peter Prevost did in the Month of April One thousand seven hundred and seventy eight transfer to the Account of the Accountant General of the said Court in Trust in the said Cause from the Account and Name of the said Testator in which the same had stood till that Time from the said Testator's Death the several specifick Capital Stocks herein mentioned that is to say Seventy five thousand Pounds Capital Consolidated Four per Centum Bank Annuities and One thousand Pounds per Annum Interest in the Consolidated Long Annuities of the Year One thousand seven hundred and sixty two also transferrable at the Bank and the further Sum of Ten thousand and six Pounds Capital three per Centum East India Annuities

Now the narrative reaches the time at which Henry Harford came of age and gained control of the sums and properties not contested by other legatees.

The Estate Act of 1781 narrative also mentioned that Frederick Calvert regarded the entail as being barred and that Maryland was real estate, held in fee simple, his to dispose of by sale or will as he wished. His will divides all of Maryland to his son, Henry Harford.

AND WHEREAS

the said Henry Harford attained his Age of Twenty one Years on the fifth Day of April in the Year One thousand seven hundred and seventy nine and upon that Event became intitled to the whole of the Testator's residuary personal Estate remaining due at the Time of his Death after Payment of his Debts and Legacies together with the subsequent Accumulations and

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Improvements accrued due thereon And under and by virtue of the said last Will and Testament of the said Frederick Lord Baltimore deceased and the Limitations therein contained claiming to be seized and intitled in Possession to him and the Heirs Male of his Body subject to the before mentioned several Sums of Ten thousand Pounds and Ten thousand Pounds respectively payable on the Conditions therein mentioned of and in the said

Country Province Lordship Territory Tract and District of Land called Maryland with all and every the Rights Dependencies Incidents Privileges and Appurtenances thereto belonging to the said Henry Harford by Indentures of Lease and Release duly executed under his Hand and Seal bearing Date on or about the fifth and sixth Days of the said Month of April in the said Year One thousand seven hundred and seventy nine and made or mentioned to be made between him the said Henry Harford by the Name and Description of Henry Harford of the Parish of Saint James Westminster in the County of Middlesex Esquire Lord Proprietor of the Provinces of Maryland and Avalon of the one Part and the Reverend Benjamin Blayney and Charles Atwood Gentleman of the other Part for the Docking Barring Destroying and Extinguishing all Estates Tail and all Remainders and Reversions Dependent or Expectant thereon and all other Estates whatsoever of and in the said Province and other the Lands and Hereditaments therein and herein after mentioned with their and every of their Rights Members and Appurtenances and for qualifying and enabling the said Benjamin Blayney and Charles Atwood to convey and assure the same Province and other the Premises to the Use of the said Henry Harford his Heirs and Assigns and for other the Considerations therein

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mentioned did grant bargain sell alien release and confirm unto the said Benjamin Blayney and Charles Atwood the said Country Province Lordship Territory and District or Tract of Land called Maryland and all Islands Ports Harbours Dependancies Manors Lands Tenements Hereditaments Quit Rents Customs Jurisdictions Prorogatives Royalties Privileges Franchises Rights Members and Appurtenances thereto belonging And all Tonnage of Ships Port and other Duties Impositions yearly and other Sums of Money arising or payable by any Planters or Merchants or other Persons in respect of any Plantations Lands or Hereditaments in the said Province or any Tobacco or other Merchandizes there from Time to Time being or which should be landed there or shipped or exported out of the same to Great Britain or any other Places or otherwise howsoever arising or payable And all other the Manors Lands Tenements and Hereditaments with the Appurtenances which by the said Letters Patent dated the twentieth of June in the Eighth Year of the Reign of King Charles the First were granted to the said Cecil Baron of Baltimore And all other the Manors Lands Tenements and Hereditaments situate in or to be received from the said Province or elsewhere in America which in and by the last Will and Testament of the said Frederick Lord Baltimore deceased were given devised and limited

unto and to the Use of the said Henry Harford and the Heirs Male of his Body to hold the same and every of them unto and to the Use of the said Benjamin Blayney and Charles Atwood their Heirs and Assigns to the Intent that they might be seized of the Inheritance of the said Province and other the Premises in Fee Simple in Possession and be thereby qualified

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and enabled forthwith or as soon as might be after the Execution of the said Indentures to convey and assure the same unto the said Henry Harford his Heirs and Assigns for ever AND WHEREAS by certain other Indentures of Lease and Release bearing Date the seventh and eighth Days of the same Month of April in the said Year One thousand seven hundred and seventy nine and made between the said Benjamin Blayney and Charles Atwood of the other Part and the said Henry Harford of the other Part and the said Henry Harford of the other Part reciting the said last mentioned Indenture of Release It was Witnessed that in Pursuance thereof and for vesting the Inheritance in Fee Simple in Possession of and in the said Province and other the Premises in the said Henry Harford and his Heirs And in Consideration of Ten Shillings they the said Benjamin Blayney and Charles Atwood thereby granted bargained sold released and confirmed the said Province Territory District or Tract of Land And all other the Lands Tenements and Hereditaments in the said

Province of Maryland and elsewhere in America which by the said Will of the said Frederick Lord Baltimore deceased were given devised and limited unto and to the Use of him the said Henry Harford and the Heirs Male of his Body and which were comprized in or granted and released by the said last part recited Indenture of Release unto them the said Benjamin Blayney and Charles Atwood to hold the same Premises and every of them unto and to the only Use and Behoof of the said Henry Harford his Heirs and Assigns forever which said several Indentures of Lease and Release last mentioned and set forth were all respectively enrolled in the said Court of Chancery on the Twelfth Day of the said

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Month of April One thousand seven hundred and seventy nine AND WHEREAS pursuant to the Liberty given by an Order of the said Court of Chancery of the tenth Day of June in the Year One thousand seven hundred and seventy nine the said Master Pechell did on the seventh Day of July following proceed to make a separate Report of the Debts Legacies and Annuities affecting the Testator's Personal Estate and thereby certified that all the Debts had been paid by the said Hugh Hamersley and Peter Prevost the acting Executors out of the Personal Estate of the said Testator except the said Debt of One hundred and

eighty five Pounds seventeen Shillings to the said John Leeds who had not been heard of for some Years And that all the Testator's Legacies had been likewise paid by them except the aforesaid two Legacies of One thousand five hundred Pounds each to the said Sir Robert Eden and Robert Morris and the Interest accrued thereon respectively in case the said Sir Robert's said Legacy should appear not to have been satisfied by his larger Receipts from the Testator's Personal Estate and the Payment of the latter having been restrained by Order of the said Court as aforesaid And the Master thereby approved of a Proposal which had been laid before him for appropriating Six thousand and seven hundred Pounds Bank three per Centum Annuities part of Fifty thousand six hundred Pounds like Annuities which had been from Time to Time purchased by the said Hugh Hamersley and Peter Prevost with the Monies arising from the said Testator's Estate real and Personal and the Produce thereof for the future Payment of the said Annuity of Two hundred Pounds to the said Hester Harford and certify that there were no other subsisting Annuities

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which affected the said Testator's personal Estate AND WHEREAS by Order of the said Court of the ninth Day of the same Month of July made on the said last mentioned

Report the said Defendants Hugh Hamersley and Peter Prevost were Ordered to transfer the said Sum of Fifty thousand six hundred Pounds Capital three per Centum Consolidated Bank Annuities standing in their Names as aforesaid to the Accountant General of the said Court in Trust in the said Cause and subject to further Order And it was further Ordered that Six thousand seven hundred Pounds part thereof should be carried to the Account of the said Hester Harford the Annuitant and the said Annuity of Two hundred Pounds be from thenceforth paid to her out of the Interest thereof pursuant to which Order the said Fifty thousand six hundred Pounds three per Centum Annuities were immediately transferred to the said Accountant General accordingly and after the aforesaid Appropriation of the said Six thousand seven hundred Pounds part of the same Annuities there remained and is now standing in the Name of the said Accountant General in Trust in the said Cause the Sum of Forty three thousand nine hundred Pounds Capital Annuities aforesaid AND WHEREAS by a further Order of the said Court made in the aforesaid Cause and bearing Date on or about the thirtieth Day of the same Month of July in the Year One thousand seven hundred and seventy nine It was also referred to the said Master Pechell to enquire and certify Whether the several specifick Stocks herein before

and herein after mentioned which had been specifically standing in the Testator's Name at the Time of his Death and afterwards transferred therefrom by the said Hugh Hamersley and Peter Prevost pursuant to the said Decretal Order to the said

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Accountant General in Trust in the said Cause as aforesaid that is to say the said Sum of Seventy five thousand Pounds Capital Consolidated four per Centum Bank Annuities One thousand Pounds Yearly Interest in the Capital Consolidated long Annuities transferrable also at the Bank and Ten thousand and six Pounds three per Centum East India Annuities and Four thousand eight hundred Pounds three Shillings and eight pence Cash in the Bank or and any what Part thereof were Part of the clear Surplus of the said Testator's personal Estate with liberty to make a separate Report as to any of the said Funds and Cash in the Bank as he should think fit And in Pursuance of the said last Order the said Master on the fourth Day of August following did Report and Certify that all the said several Stocks were part of the said Testator's personal Estate at the Time of his Decease And that the said Sum of Four thousand eight hundred Pounds three Shillings and eight pence Cash then in the Bank standing in the said Accountant General's Name in Trust

in the said Cause was the Interest by him received thereon since the Transfer thereof to him made as aforesaid And further Certified that the Testator left no real Estate other than the said Province of Maryland and that the whole Money remitted from thence since his Decease on Account of his Estates real and personal there amounted to the clear Sum of Fifty two thousand three hundred and ninety seven Pounds twelve Shillings and eleven pence of which Thirteen thousand three hundred and three Pounds two Shillings had been remitted to the said Hugh Hamersley and Peter Prevost by the Receiver General of the said Province as part of the Testator's personal Estate and the Sum of Three thousand one hundred and sixty eight Pounds four Shillings and nine pence other

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Part thereof by the said Sir Robert Eden in further Part of the Personal Estate making together the Sum of Sixteen thousand four hundred and seventy one Pounds six Shillings and nine pence And that the further Sum of Four thousand Pounds had been also invested pursuant to the Order of Twenty third of July One thousand seven hundred and seventy six by and in the Names of the said Hugh Hamersley and Peter Prevost in Bank three per Centum Annuities to answer the Interest of the aforesaid two Sums

of Ten thousand Pounds each given to the said John Browning and Sir Robert Eden and their Wives as aforesaid which three several Sums amounting together to Twenty thousand four hundred and seventy one Pounds six Shillings and nine pence being deducted from the said Sum of Fifty two thousand three hundred and ninety seven Pounds twelve Shillings and eleven pence there remained the Sum of Thirty one thousand nine hundred and twenty six Pounds six Shillings and two pence And the Master further certified that a great Part of the said last mentioned Sum of Thirty one thousand nine hundred and twenty six Pounds six Shillings and two pence had been claimed before him by the said Henry Harford as part of the Personal Estate but that it not appearing by the Evidence laid before him how much exactly of the said Sum ought to be adjudged part of the Personal Estate and how much the Produce of the real Estate since the Testator's Death he therefore for the then present considered the said Thirty one thousand nine hundred and twenty six Pounds six Shillings and two pence as if the whole thereof was the Produce of the real Estate And the said Master further Certified that over and above the said Seventy five

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thousand Pounds Four per Centum Bank Annuities One thousand Pounds a Year long Annuities and Ten thousand and six Pounds East India Annuities there was then standing in the Name of the Accountant General in Trust in the said Cause the Capital Sum of Forty three thousand nine hundred Pounds Bank three per Centum consolidated Annuities besides Six thousand seven hundred Pounds of the like Annuities in Trust to answer the said Annuity of Two hundred Pounds a Year to the said Hester Harford which after her Death would constitute a Part of the Testator's residuary Personal Estate which Sum of Forty three thousand nine hundred Pounds three per Centum Annuities transferred to the Accountant General as aforesaid would be more than sufficient to pay were it not for the then low Price of the Funds And the Master further Certified that the Plaintiff Henry Harford had proposed before him that the Sum of Fifteen thousand Pounds part of the said Seventy five thousand Pounds four per Centum Annuities should be set apart and added to the said Forty three thousand nine hundred Pounds three per Centum Annuities which being added together might fully answer all Claims and Demands that might be made on the Testator's Personal Estate on Account of his real Estate And also on Account of the Debt of One hundred and eighty five Pounds seventeen Shillings to the said John Leeds and the said two Legacies of One thousand five

hundred Pounds each and Interest in his said last Report mentioned Wherefore he found that Sixty thousand Pounds part of the said Seventy five thousand Pounds Bank Annuities the said One thousand Pounds per Annum long Annuities the said

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Ten thousand and six Pounds East India Annuities and also the said Four thousand eight hundred Pounds three Shillings and eight pence Cash in the Bank were part of the clear Surplus of the Testator's personal Estate AND WHEREAS by a further Order of the said Court made on the said last mentioned Report and bearing Date the third Day of November in the said Year One thousand seven hundred and seventy nine It was Ordered that the said Master's said last Report should be confirmed And that Sixty thousand Pounds part of the Seventy five thousand Pounds four per Centum consolidated Bank Annuities One thousand Pounds a Year long Annuities and Ten thousand and six Pounds East India Annuities standing in the Accountant General's Name in Trust in the said Cause should be transferred to the said Henry Harford And it was further Ordered that Four thousand eight hundred Pounds three Shillings and eight pence part of the Six thousand four hundred and fifty Pounds five Shillings

and six pence Cash in the Bank standing in the said Accountant General's Name in Trust in the said Cause together with all further Sums of Money which had accrued due for Interest or Dividends of the said Sixty thousand Pounds Four per Centum Annuities One thousand Pounds a Year long Annuities and Ten thousand and six Pounds East India Annuities since the Time of making the said Master's Report of seventh July then last Or which should accrue due for Interest or Dividends thereof until such Transfer should be made should be paid to the said Henry Harford And pursuant to the said Order the said several specific Capital Stocks were soon after transferred and the Sum of Six thousand one

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hundred and fifty Pounds five Shillings and six pence paid to him accordingly by the said Accountant General

Sums that would be large today and represented far more in terms of value in the late eighteenth century, were turned over to Henry Harford.

Now we come to a most interesting part of the Estate Act of 1781, a description of an agreement signed by legatees who had been questioning Frederick Calvert's will. These terms had never been published prior to the writer's 1976 book, *Henry Harford: Last Proprietor of Maryland*.

The following pages publish in full for the first time the complete terms as written in 1780 and reported in the Estate Act of 1781:

AND

WHEREAS by certain Articles of Agreement Quadripartite bearing Date the fifteenth Day of June in the Year One thousand seven hundred and eighty and made or mentioned to be made between the said Henry Harford a Devisee and Residuary Legatee of the said Frederick Lord Baltimore deceased of the first Part the said John Browning the Husband of the said Louisa Calvert One of the two Sisters and Heirs at Law of the said Frederick Lord Baltimore a Lunatic of insane Mind and the said Sir Robert Eden and Dame Caroline his Wife she being the other Sister and Heir at Law of his Lordship of the second Part Sir Cecil Wray Baronet the Committee of the Estates real and personal of the said Louisa Browning the Lunatic appointed by the Lord High Chancellor of the third Part and the said Hugh Hamersley and Peter Prevost two of the Executors and Trustees named in his Lordship's Will of the fourth Part reciting (amongst other Things) the several Instruments of Settlement made on the respective Marriages of the said John Browning and Sir Robert Eden for their Issue respectively the Will and Death of the said Frederick Lord Baltimore and the Possession thereupon of the said Henry Harford of the said Province of Maryland and other the Premises in America by and under the Limitations in the said Will the aforesaid Bill in Chancery

and the Decree Orders and Reports and other the Proceedings thereupon made and had as well in that Court as in the said Court of King's Bench And further reciting that the Interest on the said several Sums of Ten thousand Pounds and Ten thousand Pounds given by the said Frederick Lord Baltimore by his said Will to the said

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John Browning and Louisa his Wife and the said Sir Robert Eden and Dame Caroline his Wife (making together Twenty thousand Pounds) from the said fourth Day of September One thousand seven hundred and seventy one being the Day of his Lordship's Death to the fourth Day of September One thousand seven hundred and seventy nine being for Eight Years amounted to Eight thousand Pounds and being added to the said Twenty thousand Pounds they made together Twenty eight thousand Pounds whereout being deducted the aforesaid Sum of Four thousand Pounds laid out by the Order of the Court of Chancery in the Purchase of three per Centum reduced Annuities in the Names of the said Hugh Hamersley and Peter Prevost as aforesaid the said principal Sum and Interest stood reduced to the Sum of Twenty four thousand Pounds

At this point, the account pauses, as the following portion shows, to allow Robert Eden time, without penalty or interest owed, to complete his financial accounting and reports to the estate of Frederick Calvert, which were due as a part of his duties as recent Governor of Maryland.

Leaving Maryland under pressure, and unable to obtain records of the various government offices, Eden was allowed time to determine and pay amounts due at a later date --meanwhile, certain sums were held pending this final accounting.

And

that it had been agreed between the Parties that for the then present and until the said Sir Robert Eden shall be properly enabled to exhibit and make up a full and compleat Account of all his Receipts and Payments and other Transactions in the Executorship and particularly in his Capacity of Administrator of the Testator's Goods and Effects in the said Province of Maryland or until such Account should be otherwise adjusted under the Authority of the said Court or otherwise And in Order to lay some Foundation for the Accommodation therein after proposed that the said Sir Robert Eden should be considered and deemed to have received and to have then remaining in his Hands unapplied a Surplus of his Testator's personal Estate and Effects in the said Province or from the Revenues and Income of the said Province and elsewhere

(after retaining his said Legacy of One thousand five hundred Pounds and the Interest accrued thereon) and all the

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Debts and Claims on his Testator's Estate by him paid amounting to the Sum of Two thousand five hundred Pounds lawful Money of Great Britain which he thereby submitted to stand charged with accordingly as in Account between him and his Co-Executors and the said Henry Harford but without Prejudice and subject and open at all Times to future revision and discussion so as to be further increased or diminished as Circumstances might require at the requisition of the Parties or as the said Court had then already or should thereafter order or direct And that the several Annuities payable out of the Province had been paid up to the said fourth Day of September One thousand seven hundred and seventy nine the said Annuity of One hundred Pounds to the said Robert Morris only excepted^N And that the said Master Pechell was then preparing to make his general Report in the said Cause respecting the said Province of Maryland and other the granted Premises and the Revenues Income and other Sums received therefrom by the Testator's Executors since his Death But that the same being then already ascertained examined and

NOTE: See the chapter on Frances Mary Harford.

fully understood (save as to the Transactions and Receipts of the said Sir Robert Eden therein for the Reasons aforesaid) it had been agreed that the Execution of the said now reciting Instrument should not be postponed or wait for the completion of the same

As a part of the accounting of Frederick Calvert's estate as it pertains to Maryland, the following lines reveal terms of interest and financial practices in Maryland, and England involving Maryland, in Maryland's final days as a colony.

And that it appeared that several Sums amounting to Two thousand two hundred and twenty three Pounds and eighteen Shillings had been received by Daniel of Saint Thomas Jenifer Esquire The Receiver General of the said Province in the nature of Caution money or Deposit advanced on Sales of Land within the Limits of the said Province to the Westward

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of Fort Cumberland called Back Lands made subsequent to the Testator's Death and by him remitted to the said Hugh Hamersley as being the then Secretary of the said Province and charged with the Correspondence thereof who immediately on the Receipt thereof paid the same into the Hands of Messieurs Hanbury and Company as being

the Bankers to the Estate where the same had ever since lain dead and unemployed as it then did the Sales having never afterwards been approved or carried into Execution And further reciting that over and above the several Sums accruing from the Revenues and Produce of the said Province since the said Testator's Decease which had been received and accounted for by the said Hugh Hamersley and Peter Prevost and otherwise received by the said Sir Robert Eden it was apprehended that several other large Sums of Money had since accrued in respect of the Revenues and Produce thereof and been received by the said Daniel of Saint Thomas Jenifer the Receiver General or by the present governing Powers of the said Province or were otherwise lying unreceived in the Hands of the respective Tenants and which (though no Part thereof had been then remitted) or a great Part thereof it was hoped might be thereafter recovered to the proprietary Estate And that besides the said several Sums of Five thousand and eighty six Pounds thirteen Shillings and six pence and Five hundred and five Pounds and three Shillings Capital three per Centum reduced Annuities the Produce of the said Sum of Four thousand Pounds theretofore accrued in respect of the said several Sums of Ten thousand Pounds and Ten thousand Pounds and laid out pursuant to such

Orders as aforesaid in the Names of the said Hugh Hamersley and Peter Prevost there was a

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further Arrear of Interest accrued due thereon to the tenth Day of October then last And likewise reciting that a Commission in Nature of a Writ de Lunatiro Inquirendo did issue bearing Date on or about the Twenty seventh Day of January in the said Year One thousand seven hundred and eighty under the Great Seal of Great Britain directed to certain Commissioners therein named to enquire into the Lunacy of the said Louisa Browning^N which was executed and an Inquisition thereupon returned bearing Date the Ninth Day of February following finding that she was then a Lunatick and enjoyed lucid Intervals but that she was not sufficient for the Government of herself and her Manors Lands Tenements Goods and Chattles And that she had been in the Same State of Lunacy from the Ninth day of February One thousand seven hundred and sixty

NOTE: Members of the titled upper classes in England were, and had been for centuries, regarded as being under the control and of concern to the Crown, hence the care evinced here in ascertaining the condition of Louisa Calvert Browning, a member of that upper class.

eight^N And also reciting that the before named Sir Cecil Wray had been appointed by Order of the Lord High Chancellor dated the third of March following Committee of the Estates real and personal of the said Louisa Browning the Lunatick And the said John Browning her husband stood in like Manner appointed Committee of her Person the said reciting Articles of Agreement proceeded and set forth that upon a Communication had and several Conferences held between the Parties and after the fullest Consideration had upon the Will of the said Frederick Lord Baltimore together with the Royal Charter and all the Intervening Settlements Dispositions and Assurances made of the said Province and other the Premises and also of all the Arts of Administration and Ownership and other the Transactions of the said Frederick Lord Baltimore concerning the said Province and other the Premises during his Life time and of all the

NOTE: We learn here that Louisa Calvert Browning had been severely ill from 1768 to the date of the Commission of Lunacy in 1780. Control of her person and business affairs was given to her husband when the Commission determined that she was not sane.

It is interesting to speculate upon the course events might have taken had Louisa Calvert Browning enjoyed unimpaired mental health. Would the will of Charles, Lord Baltimore, then have prevailed? Would she have been named Proprietor of Maryland?

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Proceedings carried on in the said Court of Chancery for the establishing Peace and Harmony between the Parties and for putting a final End to all Litigations and other Proceedings respecting the said Province and the Premises therewith granted And for the ascertaining and assuring the undoubted Right and Title to the said Province and granted Premises^N And for the more immediate raising and discharging the said several Sums of Ten thousand Pounds and Ten thousand Pounds and the Interest thereon according to the Testator's Will together with the further Sums of Money therein after provided for and for releasing discharging and extinguishing all other Claims and Demands whatsoever of them the said John Browning and Louisa his Wife and the said Sir Robert Eden and Dame Caroline his Wife upon any of the Estates real and personal of the said Frederick Lord Baltimore deceased and the Profits and Produce thereof they the said Henry Harford and the said John Browning for himself and the said Louisa his Wife and also the said Sir Cecil Wray the Committee of the Estates real and personal of the said Louisa Browning and the said Sir Robert Eden for himself and the said Lady Eden his Wife and also the said Lady

NOTE: And so the matter was settled at last. Henry Harford was officially recognized as the Proprietor of Maryland by the courts of England.

Eden had as far as in them lay and as they were or could be thereto enabled by Law condescended and concluded upon And thereby severally acknowledged and declared their full and entire acceptance of and final and unre-served Consent and Agreement to the several Propositions Stipulations and Agreements Matters and Things therein and herein after expressed and to be accomplished and carried into full Execution

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according to the Tenor Letter and Spirit of the same Instrument of Agreement and the true Intent Meaning and Construction thereof that is to say As well in Consideration of a full entire and absolute Cession and Confirmation of the said Territory District and Province of Maryland and its Dependancies Revenue of Tonnage Port Duties Manors and reserved Lands the aforesaid Lands lying Westward of Fort Cumberland and all other the Lands Tenements and hereditaments theretofore granted and at any Time since held and enjoyed therewith together with the Proprietorship and Ownership thereof And all and singular the Seigniorial Legislative Executive and other Rights Incidents and Appurtenances whatsoever belonging or incident to or at any Time held or enjoyed therewith to be made executed effected and accomplished by or on the Part and

Behalf of the said John Browning and Louisa his Wife and the said Sir Robert Eden and Lady Eden his Wife and by all other Persons claiming or to claim from or under them for themselves severally and respectively and for their and every of their Heirs in Manner therein mentioned As also in further Consideration of such several Acquittances and Discharges to be by them the said John Browning and Louisa his Wife and the said Sir Robert Eden and Lady Eden his Wife respectively signed and executed for the discharging and extinguishing all the Claims and Demands of them and every of them upon all the Estates real and personal of the said Testator Frederick Lord Baltimore and the Produce thereof save and except only in respect of such several Sums of Money as were therein agreed to be severally raised

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appropriated and paid to or for the Benefit of the said John Browning and Louisa his Wife and the said Sir Robert Eden and Lady Eden his Wife as therein mentioned And from and after such Cession and Confirmation should have been so made and effectuated of the said Province and after the Premises and such Releases and

Discharges should have been so executed of all Claims and Demands on the said Testator's Estates real and personal and for other the Considerations therein mentioned

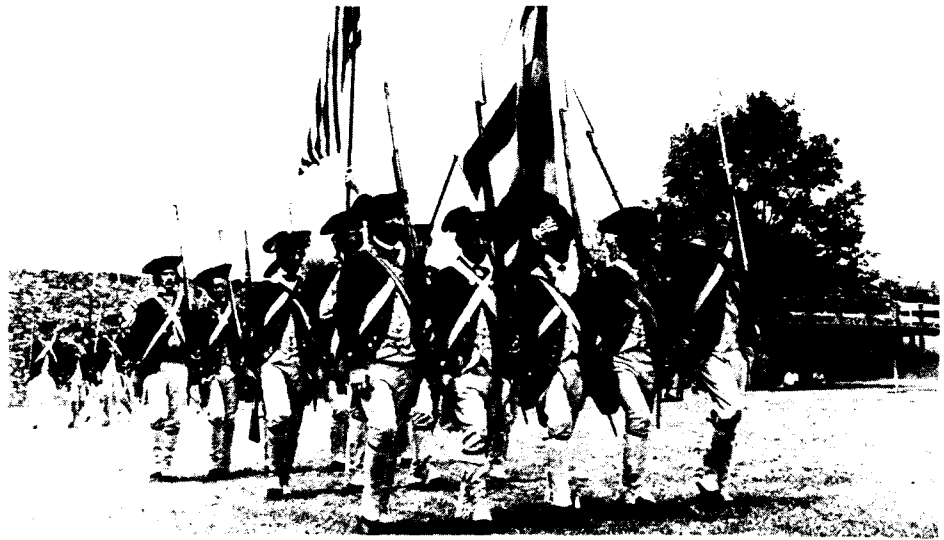
In no uncertain terms, Henry Harford is granted the Province of Maryland, as devised to him by his father's will.

¹⁵It is to be regretted that the Estate Act of 1781 has escaped mention in Maryland histories. Historians might well have benefitted from its full history of the ownership of Maryland; from an accounting of the estate of Frederick Calvert, sixth Lord Baltimore; and the precise details of the transfer of all claims on the proprietorship of Maryland from the sixth, Lord Baltimore's sisters, Louisa and Caroline, the legal heirs under the will of the fifth Lord Baltimore, to the sixth Baron's son, Henry Harford, Esquire.

The document was located by the writer after a first clue as to its existence contained in Charles Browning's book, *An Appeal to the Citizens of Maryland* (Baltimore: n.p., 1821), pp. 8, 9. Some settlement had been made, it seemed from this mention, between the legal heirs and Henry Harford. A further clue emerged during a search of the catalog of the Bodleian Library at Oxford University in a reference to Harford to be found in *An Analytical Table of the Private Statutes Passed, 1727-1812*, compiled by George Bramwell. Unfortunately the library staff was unable to find the volume among their six million books. The writer had better luck at the Law Library, Library of Congress. Once obtained, however, the book gave only a bare listing, indicating that a private act had indeed been passed as a statute by Parliament in 1781. This clue was enough, however, to enable the writer to dispatch a request for a copy of the Act from the Record Office, House of Lords, London. A microfilm copy of the 100-page statute, handwritten on parchment, was sent to the writer in the summer of 1975.

¹⁶Estate Act of 1781, p. 99.

¹⁷Ibid.



Joseph H. Cromwell, C & P Telephone Company of Maryland

Young men, dressed in the uniform of the Continental Army of the days of the American Revolution, parade at historic Fort Frederick, near Hancock, in Western Maryland.

CHAPTER XII

EIGHTEEN CONDITIONS

Eighteen conditions were worked out and agreed to by Henry Harford, his two aunts and their husbands. The Estate Act of 1781 describes these conditions:

FIRST^N that the said John Browning and Louisa his Wife should be absolutely intitled to the said Sum of Ten thousand Pounds so given to them by the said Will of the said Frederick Lord Baltimore deceased freed and discharged from the Conditions in the said Will together with Interest thereon at the Rate of Five Pounds by the hundred by the Year to be computed from the fourth Day of September One thousand seven hundred and seventy one when the Testator died to the fourth Day of September One thousand seven hundred and eighty being nine Years and amounting to the principal Sum of Four thousand five hundred Pounds making together Fourteen thousand five hundred Pounds to be raised and paid in such Manner as therein after mentioned the said Four thousand five hundred Pounds and such further

NOTE: There follows the exact sums to be remitted to John Browning, husband of Louisa Calvert Browning, and the Robert Edens.

Interest as might become due in respect of the said Ten thousand Pounds during the Life of the said John Browning to be his sole Property and the said principal Sum of Ten thousand Pounds and the Interest to accrue due thereon after his Decease to be applied and disposed of for the Benefit of the said John Browning and Louisa his Wife and

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the said Charles Browning their only Child in such Manner as should thereafter be agreed or otherwise provided in that Behalf SECOND that the said Sir Robert Eden and Dame Caroline his Wife should in like Manner be absolutely intitled to the said like Sum of Ten thousand Pounds so given to them by the said Will of the said Frederick Lord Baltimore discharged from the Conditions in the said Will with Interest of Five Pounds by the Hundred by the Year to be computed from the said Fourth Day of September One thousand seven hundred and seventy one when the Testator died to the fourth Day of September One thousand seven hundred and eighty being nine Years^N

NOTE: The matter of the inheritance of the Palatinate of Maryland and its incomes is here shown to have been in litigation from about September 4, 1771 when Frederick Calvert died, to September 1780.

and amounting to Four thousand five hundred Pounds making together Fourteen thousand five hundred Pounds the said Principal Sum of Ten thousand Pounds and so much of the Interest so accrued thereon as had not been then satisfied and to accrue due thereon to be raised and paid as therein and herein after mentioned that is to say the said principal Sum of Ten thousand Pounds and the Interest to accrue due thereon from the Death of the said Sir Robert Eden to be applied and disposed of for the Benefit of the said Dame Caroline and the Children of the said Sir Robert Eden and Dame Caroline his Wife in such Manner as should be therein after agreed or otherwise provided in that Behalf And as to the said last mentioned Sum of Four thousand five hundred Pounds being the Interest to the said Fourth Day of September One thousand seven hundred and eighty the

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Sum of Two thousand five hundred Pounds should be deducted thereout (as already paid to the said Sir Robert Eden) he submitting as at the then present to stand charged therewith as so much by him received from the Testator's Estate beyond what he had paid on Account thereof but without Prejudice and subject to such further Account as therein mentioned And that the Sum of Two thousand

Pounds residue thereof should be paid or otherwise satisfied to the said Sir Robert Eden for his own Use and Benefit and in full Satisfaction of so much of the said Interest accrued due to the said fourth Day of September One thousand seven hundred and eighty as aforesaid in such Manner as therein after mentioned and the future Interest to accrue on the said Ten thousand Pounds during his Life was to belong to him THIRD that the Five thousand and eighty six Pounds thirteen Shillings and six pence Capital three per Centum reduced Annuities in which the Four thousand Pounds part of the Testator's personal Estate paid by the said Hugh Hamersley and Peter Prevost pursuant to the Order of the Twenty third of July One thousand seven hundred and seventy six was invested then standing in their Names should be accepted by the said John Browning and Sir Robert Eden and their Wives as Four thousand Pounds and in Satisfaction of so much Interest of the said several Sums of Ten thousand Pounds and Ten thousand Pounds due on the Fourth of September One thousand seven hundred and seventy five And that one Moiety thereof and also of the said Five hundred and three Pounds and ten Shillings like Annuities purchased with the Dividends of the said Five thousand and eighty six Pounds thirteen Shillings and six pence reduced Bank

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Annuities which became due on the fifth of April One thousand seven hundred and seventy nine And also a Moiety of any other Dividends which should become due on the said several Sums of Five thousand and eighty six Pounds thirteen Shillings and six pence and Five hundred and three Pounds ten Shillings reduced Bank Annuities should be transferred and paid to the said John Browning and the other Moiety to the said Sir Robert Eden FOURTH *that the said John Browning and his Wife should be Considered as in like Manner intitled to the further Sum of Two thousand five hundred Pounds being Interest at Five Pounds per Centum from the said Fourth Day of September One thousand seven hundred and seventy five to the fourth Day of September One thousand seven hundred and eighty on their said principal Sum of Ten thousand Pounds and the like subsequent Interest to accrue on the said Ten thousand Pounds till paid to be raised and paid as after mentioned FIFTH And that the said Sir Robert Eden and his Wife should be considered as intitled to the further Sum of Two thousand five hundred Pounds being the like Interest on their Ten thousand Pounds from the fourth of September One thousand seven hundred and seventy five to the Fourth of September One thousand seven hundred and eighty and the like subsequent Interest till paid But that such Sum of Two thousand five*

hundred Pounds should not be paid to them but should be set off against the like Sum of Two thousand five hundred Pounds owing by the said Sir Robert Eden to the Testator's Estate and should be taken as a Satisfaction thereofⁿ and there would remain due to him and his Wife the said principal Sum of Ten thousand Pounds only with Interest

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from the said Fourth of September One thousand seven hundred and eighty till paid and to the said John Browning and his Wife the like principal Sum of Ten thousand Pounds together with the further Sum of Two thousand five hundred Pounds for the Interest accrued and to accrue thereon from the said Fourth of September One thousand seven hundred and seventy five to the said fourth of September One thousand seven hundred and eighty and the like further Interest from thenceforth to accrue due till paid SIXTH that when and so soon as the said John Browning and Sir Robert Eden and their Wives should become intituled according to the said Agreement to the Payment of the said several Sums of Ten thousand Pounds and Two thousand five hundred Pounds to the said John Browning and his Wife and of Ten thousand

NOTE: Again, Sir Robert Eden's final accounting from his Maryland governorship is mentioned.

Pounds to the said Sir Robert Eden and his Wife the same with the subsequent Interest to accrue thereon respectively from the said Fourth Day of September One thousand seven hundred and eighty should be paid by and out of the said Sum of Forty three thousand nine hundred Pounds Capital three per Centum Consolidated Bank Annuities standing in the Name of the Accountant General of the said Court of Chancery to the Credit of the aforesaid Cause in the said Master's said Report of the fourth Day of August One thousand seven hundred and seventy nine mentioned^N and the Dividends due and to grow due thereon for which Purpose the same Forty three thousand nine hundred Pounds Capital Annuities and the Dividends thereon were from thenceforth agreed to stand

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appropriated and remain in the said Accountant General's Name to the Credit of the said Cause until a proper Application could be made for a Transfer and Disposition thereof or of a sufficient Part thereof for the Purposes aforesaid But in regard such a Transfer could not then be

NOTE: Again and again the Master's Report of August 4, 1779 is mentioned. This report marshalled the amounts involved in the litigation over the proprietorship of Maryland.

made It was further agreed that the said Capital Annuities or such Part thereof as should be so transferred when and as the same should be so respectively transferred should be taken at the Rate of Sixty Pounds for each one hundred Pounds Capital Annuities without regard to the then market Price thereof it being alike the Desire of all the Parties and for the Purpose of general Satisfaction and Conveniency to have the Funds for Payment as well as the Debt ascertained and fixed at the then Period SEVENTH that from and after Payment of the said Two thousand five hundred Pounds to the said John Browning and Application of a sufficient Part of the said Forty three thousand nine hundred Pounds Capital Annuities to answer the said several Sums of Ten thousand Pounds and Ten thousand Pounds and the Interest thereof from the said fourth of September One thousand seven hundred and eighty if any should become due the residue of the said Forty three thousand nine hundred Pounds Capital Annuities and the Dividends to accrue thereon and also the said Sum of Fifteen thousand Pounds four per Centum Annuities then likewise standing in the said Accountant General's Name to the Credit of the said Cause and all

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Dividends due and to grow due thereon and all other Sums whatever which should then remain in the said Accountant General's Name placed to the Credit of the said Cause to the same being part of the Testator's Estate or the Produce thereof not otherwise appropriated by the said Court of Chancery^N and also the said sum of Two thousand two hundred and thirty three Pounds and eighteen Shillings being the Amount of the said Caution money or Deposits remitted by the said Daniel of Saint Thomas Jenifer to the said Hugh Hamersley arising from the Sales of the Back Lands to the Westward of Fort Cumberland and all Port Duties and Arrears of Port Duties and all other Personal Estate of the said Frederick Lord Baltimore and also the said Country Province and Territory of Maryland and the Lands Tenements and Hereditaments thereto belonging And all other the real Estates of the said Frederick Lord Baltimore if any such there should be and all Revenues Income and Produce thereof since the said Testator's Decease and all other Funds arising or to arise from the said Testator's Estates real and personal should go and belong to and be enjoyed by the said Henry Harford the

NOTE: The above lines explain how the sums due Louisa Calvert Browning and Caroline Calvert Eden and their husbands are to be raised, since Maryland is embroiled in the American Revolution and a questionable source of income for the time being.

residuary Legatee and according to the Will of the said Frederick Lord Baltimore freed and discharged from any Right Title Claim or Demand of the said John Browning and Sir Robert Eden and their Wives in any wise whatever save as to the several Sums of Ten thousand Pounds and Ten thousand Pounds therein after mentioned to be paid and secured upon the Events after mentioned EIGHTH That when and as soon as the Act of Parliament therein agreed

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to be applied for should have passed for the several Purposes therein mentioned and all the Legacies Rights Titles Claims and Demands of the said John Browning and Sir Robert Eden and their Wives should have been released discharged and extinguished^N And from and after the said Henry Harford his Heirs or Assigns in Consequence of such Act or of the said Agreement or otherwise should be restored to and in Possession of the said Province and the Premises therewith granted and reinstated in the Receipt and Enjoyment of the Revenues and Produce thereof or of

NOTE: Having narrated how, after sums agreed to have been paid, the residue of sums held in the name of the Proprietor of Maryland shall go to Henry Harford. The Estate Act of 1781 goes on to say that an agent is to be named to attempt to collect amounts due the Proprietor from Maryland.

a competent Part thereof or of the Arrears thereof from the Time he was dispossessed as aforesaid and which were then outstanding or otherwise unaccounted for he the said Henry Harford should and would immediately at the Request of the said John Browning and his Wife and of the said Sir Robert Eden and his Wife or the Survivors or Survivor of them their Trustees Executors or Administrators respectively appoint one or more proper Person or Persons by Writing under his Hand to superintend manage receive and take all the Revenues and Produce which should then be in Arrear and could be got in and also the growing Income and which should from thenceforth become due from the said Province and other Premises the said Person or Persons to account yearly for the Receipts and to divide the clear Surplus after the necessary Deductions into Moieties and to pay one Moiety thereof to the said Henry Harford his Executors and Administrators

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and the other Moiety thereof equally to the said John Browning and his Wife or the Survivor and to the said Sir Robert Eden and his Wife or the Survivor their Executors or Administrators respectively until they should have

respectively received thereout or been otherwise paid the Sum of Ten thousand Pounds each but without Interest clear of all Charges whatever to be paid to them in the Dining Hall of Lincoln's Inn London after Payment whereof such Receiver or Receivers was or were to be discharged or otherwise contained for the Benefit only of the said Henry Harford his Heirs or Assigns^N NINTH Recites that from the great Disorders and Confusions which had prevailed for some Time past and still prevailed in the Province the Receipt and Collection of the Proprietary Revenue and Income Port and other Duties Impositions Dues Alienations and other Fines Rents and Quit Rents Escheats and other Profits and Produce arising from the Province had received a total Interruption for several Years past and there were great Arrears then Outstanding in the Hands of the Tenants Officers Receivers and other Persons (some of whom it was apprehended were solvent and others insolvent) and that it might be a considerable means of facilitating and enlarging the Recovery of such Arrears was there to be a reasonable Indulgence allowed to the Tenants and other the

NOTE: The Estate Act of 1781 above, explained how and where payment was to be paid to the Brownings and Edens. The American Revolution is referred to as "great Disorders and Confusions" which interrupted incomes from Maryland to the Proprietor.

Accountants aforesaid if (in Consideration of the past publick Calamities and from other motives of Favour which the Case and Circumstances of particular Persons might intitle them to) proper Powers and

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Authorities were reserved and given to the Persons or Person to be appointed in the Terms of the last preceding Clause^N to collect and receive the past Arrears of the Income Revenues Profits and Produce for the Purposes therein mentioned to compound reduce adjust and settle such Arrears at a Sum less than the real Amount thereof such Composition being really and bona fide made without favour or partiality upon the particular Circumstances of the Case only and upon Payment to be immediately made or at farthest within six Kalendar Months thereafter of the full Sum to be so accepted in Composition and a publick Entry at the same Time being made thereof in the Office of the chief Agent or Receiver General or other Publick Office in the said Province After which Recitals it was thereby further agreed that it should be

NOTE: Here the Estate Act of 1781 directs that an agent be appointed, as mentioned before, and is to be given power to collect funds due the Proprietor from Maryland businessmen, plus discession allowed the agent as to how to effect this, due to "distresses and public Calamities of the Province."

lawful for the Persons or Person to be so appointed to collect and receive the Revenues Income and other the Profits arising from the Province as well from Motives of Compassion as from such other favourable Circumstances arising from the distresses and publick Calamities of the Province and the particular Situations of Individuals to be by them or him approved in that Behalf And they were thereby authorized and impowered under the Circumstances therein described to compound reduce adjust and settle all and every such proprietary Revenues Income Profits and Produce which should be so found in Arrear or should thereafter become so until the said last mentioned several Sums of Ten thousand Pounds each should have been fully raised and paid and all the proprietary Claims and Demands in

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respect thereof at such Sums below and inferior to the real Amount thereof as to them (the Circumstances aforesaid being duly weighed and considered) should appear just and reasonable in that Behalf such Composition being really and bona fide made without favour or partiality and upon proper Grounds and Motives of Compassion and Necessity only and upon full Payment to be made immediately

or within Six Kalendar Months thereafter of all and every the Sums and Sum of Money to be so accepted in Composition and so as that all Compositions should at the Time be duly Inrolled Registered and Entered in the Office of the Chief Agent or Receiver General or other publick Office in the said Province and under such further or other Terms and Restrictions as the Several Parties thereto should from Time to Time jointly appoint in that Behalf TENTH^N that no further Proceedings should for the then present be had on the said Case so referred to the said Court of King's Bench or in the Court of Chancery relating to the Right and Title to the said Province and Territory of Maryland Port Duties reserved Lands Back Lands and other the Premises or any of them or otherwise in the said Court of Chancery save only for the obtaining and confirming the said Master's intended final Report respecting the said Testator's real and personal Estates to which all Parties should lend their Concurrence and Assistance conformably to the said Agreement so far as

NOTE: The litigants agree not to engage in future lawsuits referring to the ownership, proprietorship, of Maryland.

the same should be advised by Council in the Behalf^N But that an Application should be forthwith made to the Legislature of Great Britain at the joint instance of all Parties

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to the said Agreement^{N2} but at the sole Costs and Charges of the said Henry Harford his Heirs or Assigns for the confirming establishing and effectuating the said Instrument of Agreement and every Matter and Thing therein contained and particularly for the ratifying and confirming all and every the dispositions made in and by the said Will of the said Frederick Lord Baltimore deceased and the several Indentures of Settlement therein recited and referred unto of the said Province and other the Premises and all and every the Limitations Uses Trusts Conditions Matters and Things therein respectively contained and expressed concerning the same (so far as the same should not be varied or otherwise explained or agreed so to be in

NOTE 1: Agreeing to cease litigation, the legatees apply to Parliament in London to waive other laws and precedents and make the agreement between the Frederick Calvert legatees legal and binding.

NOTE 2: Henry Harford agreed to shoulder the costs of the Agreement reached between himself and his aunts.

and by the said Agreement) but subject to the Agreement aforesaid And also for releasing discharging determining and extinguishing all Reversions Remainders Rights Titles Sums of Money (more particularly the Sums before mentioned) and every of them Claims and Demands whatsoever both at Law and in Equity of them the said Louisa Browning and Dame Caroline Eden and each of them and of all and singular Persons claiming and to claim thereafter through them or either of them their Heirs or Assigns in and to the said Province Territory and District of Maryland and its Dependancies Port Duties and all Lands Tenements and Hereditaments whatsoever therewith granted and held with all and singular their Rights Members Incidents and Appurtenances and all Revenues Income Profits Produce and Sums of Money due at the Testator's Death

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or afterwards accrued due therefrom or otherwise by him received during his Life-time And for the vesting established and settling the same freed and discharged from the said Sum of Twenty thousand Pounds so given and directed to be raised by the said Will of the said Frederick Lord Baltimore and all Interest thereon and also from all such Right and Title Claims and Demands whatsoever of them the said John Browning and Louisa his Wife and the

said Sir Robert Eden and Dame Caroline his Wife their Heirs and Assigns and of all other Persons claiming or to claim from or under them any or either of them in and upon the said Henry Harford his Heirs and Assigns to the only proper Use and Behoof of the said Henry Harford his Heirs and Assigns subject nevertheless to and charged and chargeable (in Aid of the other Funds therein after made primarily applicable thereto) with the further several principal Sums of Ten thousand Pounds and Ten thousand Pounds payable to such Persons and such Times respectively (but without any Interest to accrue due thereon in the mean Time) as therein mentioned ELEVENTH That the said first mentioned Sums of Ten thousand Pounds and Ten thousand Pounds agreed to be paid to the said John Browning and the said Louisa his Wife and to the said Sir Robert Eden and Dame Caroline his Wife should be severally paid and disposed of as by the said intended Act of Parliament or by Order of the said Court of Chancery should be directed the Terms of which Agreement were to be inserted in the said Act of Parliament with Proviso TWELFTH^N that nothing therein or in the said intended

NOTE: This twelfth proviso protects Frederick Calvert's bequest of one hundred pounds a year to his executors.

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Act of Parliament should take away invalidate or otherwise affect the said several yearly Sums of One hundred Pounds each so given by the said Frederick Lord Baltimore by his said will to his several Executors proving the same during their respective Lives But that the same should remain on the same footing and no other as if neither the said Agreement had been made nor the said Act was to pass And a further Proviso THIRTEENTH that from and after the passing of the said Act and full Satisfaction and Payment made in Manner aforesaid of the said several Sums of Ten thousand Pounds and Ten thousand Pounds each and of all Interest due and to accrue due on the said several Sums respectively and also of the said Sum of Two thousand five hundred Pounds so due to the said John Browning and Louisa his Wife as aforesaid the said Term of Three hundred Years limited by the Testator's Will of and in the said Province and other Premises should cease and determine or be otherwise assigned to attend the Inheritance of the same Premises as by the said Henry Harford his Heirs or Assigns should be required And also a Proviso FOURTEENTH^N that nothing therein or in the said intended Act

NOTE: This fourteenth proviso anticipates Henry Harford being reinstated as Maryland's Proprietor. Further, Sir Robert Eden's debt to the estate is mentioned with provisions for gaining access to records to clear the matter later. Harford is granted permission to ask repayment of Sir Robert, but without interest being charged.

should preclude or otherwise restrain the said Sir Robert Eden his Executors or Administrators or the said Henry Harford his Executors or Administrators or any of them at any Time within the Space of three Years from and after the said Henry Harford should have been reinstated in the Possession of the said Province and other the granted Premises

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from reviewing examining and again enquiring into and questioning the Receipts and Payments of him to the said Sir Robert Eden in respect of the Testator's Estates real and personal with liberty on the one hand to the said Sir Robert Eden as one of the Executors or Administrators by proper Vouchers to reduce the aforesaid Sum of Two thousand five hundred Pounds with which he then stood charged as indebted to the Testator's Estate (in which Case he was to be repaid by the said Henry Harford his Executors or Administrators the Amount of what should appear to have been so overcharged but without Interest) and on the other Hand to the said Henry Harford his Executors or Administrators if they should discover a proper Foundation for so doing to surcharge the said Sum of Two thousand five hundred Pounds And in Addition thereto to charge the said Sir Robert Eden his Executors or Adminis-

trators with such further Sums as he or they should be able to verify as due from the said Sir Robert Eden to the said Testator's Estates real and personal but without Interest unless in respect of Sums which should appear to have carried Interest at the respective Times of their being received And thereby FIFTEENTH the said Henry Harford agreed to pay the subsequent Costs of all the Parties in the said Cause from the Time of the hearing (to which Time the same had been then already adjusted and paid) reserving to himself full liberty in case the said intended Act should not pass to contend under the Direction of the said Court of Chancery to what Fund the same

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should be carried and more particularly whether the whole or what Part of such subsequent Costs should be charged to and made payable out of the Testator's real Estate And SIXTEENTH It was further Agreed that in the said intended Act should be inserted all such further and other Clauses Articles Stipulations and Agreements for the explaining enlarging or altering as the Case might require and otherwise more fully accomplishing and carrying into Execution the said Agreement and the several Matters and

Things thereby stipulated and agreed upon or otherwise provided for so as the same should be with the reciprocal Privity and Approbation of all the Parties thereto their Counsel or Agents SEVENTEENTH It was also agreed that in Case the said intended Act should not receive the Royal Assent within the Space of Three Years^N to be computed from the first Day of the then next Session of Parliament that then and from thenceforth the said Agreement and every Stipulation Matter and Things therein contained should cease determine and be utterly void to all Intents and Purposes AND LASTLY It was likewise Agreed that in Case any of the Parties should desire the same the said Agreement should be made an Order of the Court of Chancery at the Expence of the Party desiring the same to which all the other Parties should signify their Consent by their Counsel when thereto required with liberty also to any of the Parties either before or after the Recovery of the said Province to Inroll and Record the same in any of the Archives or Registers of the said Province or wheresoever else the same should be deemed fitting and expedient

NOTE: Not only Parliament but the king (King George III) was required to assent to the passage of the Estate Act of 1781 for it to be legal. Both did assent and the Estate Act of 1781 became, for this particular situation, the law.

CHAPTER XIII

THE KING'S SUMMARY

Once the conditions of the Agreement between Harford, the Edens and the Brownings were settled and the Agreement signed, then the Estate Act of 1781 text petitions the King to assent to passage of the Act.

The terms of the Agreement are then entered into the text of the Act, with a review and restatement of the Agreement.

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AND WHEREAS the said Master Pechell hath not yet made his general Report in the said Cause AND WHEREAS the said John Browning the said Sir Cecil Wray as Committee of the said Louisa the Wife of the said John Browning and the said Sir Robert Eden and Dame Caroline his Wife since the Execution of the said recited Agreement have agreed to vary the Disposition thereby proposed to be made with regard to the said two several Sums of Ten thousand Pounds and Ten thousand Pounds so agreed and intended to be raised and paid out of the Revenues Receipts and Produce of the said Province of Maryland and Premises thereunto belonging as herein before and herein after is mentioned or so much thereof respectively as shall be so raised and paid and they have agreed that the said two Sums of Ten thousand Pounds

and Ten thousand Pounds shall be disposed of in such Manner and to and for such Intents and Purposes as is and are herein before declared and contained concerning the same AND WHEREAS it is apprehended it will be a great Benefit and Advantage to the Parties to the said Indenture of Agreement that the same should be accomplished and carried into Execution Wherefore in pursuance of the said Agreement and at the Suit of Your Majesty's most dutiful and loyal Subjects the said Henry Harford and the said John Browning and Louisa his Wife the said Sir Cecil Wray the Committee of the Estate of the said Louisa Browning the Lunatick And also of the said Sir Robert Eden and Dame Caroline his Wife And

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likewise of the said Hugh Hamersley and Peter Prevost May it please Your most Excellent Majesty that it may be Enacted AND be it ENACTED by the King's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the Authority of the same that the said indented Articles of Agreement

Quadripartite^N bearing Date the fifteenth Day of June in the Year of our Lord One thousand seven hundred and eighty and all and every the Covenants Stipulations Agreements Provisoos Clauses Matters and Things therein and thereby respectively entered into agreed upon and contained so far as the same or any of them is or are not in and by this Act varied altered or explained shall be and the same and every of them are hereby ratified established and confirmed and shall be good valid and effectual in the Law to all Intents Constructions and Purposes whatsoever according to the Purport Tenor and true Intent and Meaning of the same Articles of Agreement and of all the said Parties thereunto AND be it further ENACTED by the Authority aforesaid that from and after the passing of this Act the said several Legacies or Sums of Ten thousand Pounds and Ten thousand Pounds lawful Money of Great Britain so given and bequeathed in and by the said last Will and Testament of the said Frederick Calvert Lord Baltimore in the Kingdom of Ireland deceased to the said

NOTE: The date of the Agreement between Henry Harford and the Brownings and the Edens was June 15, 1780. There follows another summary of the terms of the Agreement, couched as a plea for assent to the passage of the Estate Act of 1781 by the King.

John Browning and Louisa his Wife and the said Sir Robert Eden and Dame Caroline his Wife respectively upon the Terms and

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Conditions therein mentioned and to be raised out of the said Province of Maryland and the Premises therewith granted and the Profits and Produce thereof in such Manner as therein mentioned shall be adjudged deemed and taken and be to all Intents and Purposes absolute indefeazible and vested Interests freed and discharged from henceforth of and from all and singular the Terms and Conditions in and by the said Will mentioned expressed and declared of and concerning the same and of and from all other Conditions Breaches thereof Forfeitures and Causes of Forfeiture Questions Litigations and Impeachments whatsoever together with Interest on the said several Sums respectively at the Rate of Five Pounds by the hundred by the Year from the Death of the said Frederick Lord Baltimore on the fourth of September One thousand seven hundred and seventy one and shall be levied raised applied and disposed of to and for the Benefit of the said John Browning and Louisa his Wife and the said Sir Robert Eden and Dame Caroline his Wife and their Issue respectively by such Ways and Means and by and out of such Funds and in such Manner as herein after in and by this Act is expressed and declared of and

concerning the same any Thing in the said last Will and Testament of the said Frederick Calvert Lord Baltimore deceased to the contrary thereof in any wise notwithstanding AND be it further ENACTED by the Authority aforesaid that (subject to and charged and chargeable with the said several Legacies or

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Principal Sums of Ten thousand Pounds and Ten thousand Pounds each and the Interest accrued and to accrue due thereon at the Rate and to be paid and payable to or for the Benefit of the said John Browning and Louisa his Wife and the said Sir Robert Eden and Dame Caroline his Wife severally and respectively in such Manner and Form as in any by this Act is and shall be appointed in that Behalf and also subject to the said Term of Three hundred Years of and in the said Province and other the Premises therewith granted by the said in part recited last Frederick Lord Baltimore deceased granted and devised to the said Sir Robert Eden Hugh Hamersley Robert Morris and Peter Prevost for the better raising and securing the same several Sums of Ten thousand Pounds and Ten thousand Pounds and the Interest thereon respectively as aforesaid) All that the Country Province Lordship Territory District or Tract of Land called Maryland in America And also all the

*Islands Creeks Havens Ports Harbours Dependancies
Manors Lands Tenements Hereditaments Mines Quarries
Quit Rents Customs Imposts Fines Forfeitures Alienations
Escheats Profits Powers Jurisdictions Prorogatives Royalties
Privileges Franchises Immunities Emoluments
Advantages Rights Members and Appurtenances whatsoever
to the said Country Province Lordship Territory
District or Tract of Land called Maryland or to any Part
or Parts thereof belonging incident or appertaining*

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*or accepted reputed deemed taken or known as Part Parcel
or Member thereof or of any Part thereof or therewith
used And also all Tonnage of Ships Port and other Duties
Impositions yearly and other Sum and Sums of Money in
any wise arising due or payable by or from any Planter or
Planters Merchant or Merchants or other Person or
Persons whatsoever for out or in respect of any Planta-
tions Lands Tenements or Hereditaments in the said
Province or any Tobacco or other Merchandizes Goods or
Commodities there from Time to Time growing or being
or which shall be landed there or shipped or exported out
of the same or any Part thereof to Great Britain or any
other Place or Places whatsoever or any otherwise*

howsoever arising or payable And all other the Manors or Lordships Lands Tenements Hereditaments and Premises with the Appurtenances which in and by the said in Part recited Letters Patent bearing Date the Twentieth Day of June in the Eighth Year of the Reign of His Majesty King Charles the First were granted to the said Cecil Calvert Baron of Baltimore or intended so to be with their and every of their Rights Privileges Members and Appurtenances And all other the Manors or Lordships Lands Tenements and Hereditaments whatsoever situate lying and being or increasing growing or renewing or to be had received or taken in within upon or out of the said Province of Maryland or elsewhere in America which in and by the said in part recited last Will and Testament of the said Frederick Lord Baltimore deceased were given devised

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and limited unto and to the Use of the said Henry Harford (by the Description therein mentioned) and the Heirs Male of his Body or intended so to be And the Reversion and Reversions Remainder and Remainders Yearly and other Rents Issues and Profits of all and singular the same Premises and of every Part and Parcel thereof with their and every of their Rights Members and Appurtenances

shall from and after the passing of this Act be settled and vested in the said Henry Harford his Heirs and Assigns to the only Use and Behoof of the said Henry Harford his Heirs and Assigns for ever freed acquitted exonerated and discharged of and from all and all Manner of Rights Titles Uses Estates Trusts Intails and Limitations Reversions Remainders Powers Provisoos Charges and Incumbrances made limited declared raised created directed by or contained in the said several recited Indentures of Release or Settlement bearing Date respectively the thirty first Day of December One thousand six hundred and ninety eight the Eleventh Day of July One thousand seven hundred and thirty the ninth Day of March One thousand seven hundred and fifty three and the thirtieth and thirty first Days of January in the Year One thousand seven hundred and sixty and of and from the Provisions made by the said Settlement of the Eleventh Day of July One thousand seven hundred and thirty for the raising of the several Sums of Five thousand Pounds apiece for the Portions of the said Louisa and Caroline the two Daughters of the said last Charles Lord Baltimore deceased payable in such Manner and with such Interest and

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Maintenance as in the said Settlement is expressed and which have been long since fully paid and discharged as aforesaid And also of and from all manner of Uses Estates Trusts Intails and Limitations Reversions Remainders Powers Provisoos Charges and Incumbrances made limited declared raised created directed by or contained in the said several last Wills and Testaments of the same last Charles Lord Baltimore and the said Frederick Lord Baltimore his Son respectively deceased bearing Date respectively the said seventh Day of November in the Year One thousand seven hundred and fifty and fourth Day of March One thousand seven hundred and seventy and of and from the Provisions made by the said last named Charles Lord Baltimore deceased for the raising and payment of the Sum of Twenty thousand Pounds to his Daughter Caroline (being the aforesaid Dame Caroline Eden) upon the Contingencies therein mentioned And also of and from all and every the Legacies and Sums of Money given and bequeathed in and by the said Will of the said Frederick Lord Baltimore deceased to the several Persons therein respectively named (save and except the aforesaid principal Sum of Ten thousand Pounds and the Interest thereon respectively and the Provisions for raising and recovering the same in and by the last Will made and the

said several Annuities or Yearly Sums of One hundred Pounds so payable to the said Sir Robert Eden Hugh Hamersley Robert Morris and Peter Prevost during their Lives respectively in such Manner

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as in the said Will also mentioned) And also of and from all other Rights Titles Uses Estates Trusts Intails and Limitations Reversions and Remainders Provisoes Provisions Charges Incumbrances Legacies Annuities and Sums of Money whatsoever not herein before excepted or herein after mentioned And all other Rights Titles Claims and Demands whatsoever both at Law and in Equity of them the said John Browning and Louisa his Wife and the said Sir Robert Eden and Dame Caroline his Wife or any or either of them and of all and singular other Persons and Person whatsoever claiming or to claim by from or under them any or either of them or under the said Frederick Lord Baltimore deceased or any of his Ancestors except the Sum of Ten thousand Pounds and Ten thousand Pounds herein after mentioned AND be it further ENACTED by the Authority aforesaid that the aforesaid Sum of Five thousand and eighty six Pounds thirteen Shillings and six pence Capital three per Centum reduced Annuities (in which the Sum of Four thousand Pounds

part of the Personal Estate of the said Frederick Lord Baltimore so paid by the said Hugh Hamersley and Peter Prevost pursuant to the aforesaid Order of the Twenty third of July One thousand seven hundred and seventy six made in the before mentioned Cause was invested) and which now stands in the Names of the said Hugh Hamersley and Peter Prevost And also the aforesaid further Sum of Five hundred and three Pounds ten Shillings like Capital Annuities so

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purchased with the Dividends on the same Five thousand and eighty six Pounds thirteen Shillings and six pence Annuities aforesaid accrued due to the fifth of April One thousand seven hundred and seventy nine and standing in the same Names And also all other Dividends which already have accrued or shall hereafter accrue due on the same several Sums of Five thousand and eighty six Pounds thirteen Shillings and six pence and Five hundred and three Pounds ten Shillings Capital Annuities as aforesaid until the same shall be respectively transferred as in and by this Act is directed shall and may under the Authority and by the Order of the said Court of Chancery be transferred and paid by them the said Hugh Hamersley and Peter Prevost unto the said John Browning and Sir Robert Eden

respectively in equal Moieties or Shares and the same when so transferred and paid shall be deemed and taken and be by them severally accepted and received in right of themselves and the said Louisa Browning and Dame Caroline Eden their Wives in full Discharge and Satisfaction of the said first mentioned Sum of Four thousand Pounds and of all Interest accrued due on the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds from the Day of the Death of the said Frederick Lord Baltimore to the said fourth Day of September One thousand seven hundred and seventy five AND be it further ENACTED by the Authority aforesaid that the further Interest

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accrued on the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds at the Rate aforesaid from the said fourth Day of September One thousand seven hundred and seventy five to the aforesaid fourth Day of September One thousand seven hundred and eighty amounting to the several Sums of Two thousand five hundred Pounds and Two thousand five hundred Pounds shall as to Two thousand five hundred Pounds part thereof be raised and paid forthwith unto and for the Benefit of the said John Browning in right of himself and the said Louisa his Wife in full Satisfaction of their Share of such

Interest accrued due to the Time aforesaid out of such Funds and in such Manner as is herein after appointed in that Behalf But as to the remaining Two thousand five hundred Pounds being the like Interest accrued during the Period last mentioned to the said Sir Robert Eden and Dame Caroline his Wife the same shall not be raised and paid to them or either of them but shall be set off against and be deemed and taken as and for a full Satisfaction and Discharge of the like Sum of Two thousand five hundred Pounds the estimated Debt due from the said Sir Robert Eden to the Personal Estate of the said Frederick Lord Baltimore deceased (subject nevertheless to such further Review Examination and Enquiry within such Time and with such reciprocal Power of Surcharge at the Requisition of the said Sir Robert Eden and Henry Harford or either of them their or either of their Executors or Administrators and with such and the like personal Remedy and no other

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against the said Henry Harford his Executors and Administrators for any Reduction to be made in the said estimated Debt of Two thousand five hundred Pounds if any such there shall be and in such Manner as in and by the said in Part recited Articles of Agreement is agreed and provided

in that Behalf) And that the further Interest to accrue due on the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds at the Rate aforesaid from the said fourth Day of September One thousand seven hundred and eighty shall be paid in equal Shares to the said John Browning and Sir Robert Eden in right of themselves and their said Wives respectively until the same principal Sums and each of them and all Interest and Arrears of Interest thereon respectively due according to the Provisions aforesaid shall be full raised and satisfied by and out of such Funds and in such Manner as is herein after mentioned and provided in that Behalf And in order to facilitate and accelerate the raising and paying the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds and of the said Sum of Two thousand five hundred Pounds payable to the said John Browning as aforesaid (being a Moiety of the Interest so accrued due on the same principal Sums from the said fourth Day of September One thousand seven hundred and seventy five to the fourth Day of September One thousand seven hundred and eighty the other Moiety of the like Interest being so provided for and satisfied as aforesaid) and of the said subsequent Interest so to accrue

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due on the same principal Sums and each of them from the said fourth Day of September One thousand seven hundred and eighty until the same principal Sums and each of them and such subsequent Interest as last mentioned shall be fully paid and satisfied and for the Exoneration of the said Province of Maryland and other the Premises therewith granted and in and by this Act vested in the said Henry Harford and his Heirs as aforesaid that so much of the said Court of Chancery and placed to the Credit of the aforesaid Cause and of the Dividends accrued and to accrue due thereon already received or hereafter to be received by the said Accountant General as shall be adequate and equivalent to answer and pay at the Rate aforesaid the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds and each of them and the said Sum of Two thousand five hundred Pounds to be raised as aforesaid for the said John Browning for Interest of the said Legacy of Ten thousand Pounds from the fourth of September One thousand seven hundred and eighty and all Interest to accrue due on both of the said Sums of Ten

thousand Pounds and Ten thousand Pounds respectively from the

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said fourth Day of September One thousand seven hundred and eighty until such Time as aforesaid shall by one or more Orders of the said Court of Chancery be appropriated set apart transferred paid applied and disposed of accordingly in full Satisfaction and Discharge of the said principal Sums and each of them and of the said Two thousand five hundred Pounds and of all subsequent Interest thereon to such Persons upon such Trusts and in such Manner and Form as in and by this Act is directed and appointed in that Behalf that is to say so much of the same Annuities and Dividends thereon as shall be equivalent to the said Two thousand five hundred Pounds shall be transferred and paid to the said John Browning and so much as shall be equivalent to such subsequent Interest as aforesaid shall be transferred and paid to the said John Browning and Sir Robert Eden in equal Shares and Proportions And so much thereof as shall be equivalent to the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds at the respective Rates aforesaid shall as to one Moiety thereof be transferred and paid by the said Accountant General of the said Court of Chancery to

Frederick Browning Esquire Fellow of King's College Cambridge and William Myddleton of the Inner Temple London Esquire Trustees^{N1} named in that Behalf by the said John Browning on Behalf of himself and the said Louisa his Wife and by the said Sir Cecil Wray the Committee of the Estate of the said Louisa upon such Trusts as herein after by this Act are declared and directed concerning the same and

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as to the other Moiety thereof shall be in like Manner transferred and paid by the said Accountant General of the said Court of Chancery to the Right Reverend John Lord Bishop of Bangor and Sir John Eden of Windlestone in the County of Durham Baronet Trustees^{N2} nominated in that Behalf by the said Sir Robert Eden and Dame Caroline his Wife upon such Trusts and for the Benefit of such Persons and for such several Intents and Purposes and in such Manner as in and by this Act are declared and directed in that Behalf which said several Stocks and Sums of Money to be so appropriated transferred and paid as

NOTE 1: From this passage we gain more information about the trustees of Frederick Calvert's will.

NOTE 2: More trustees are mentioned, acting for the Edens.

aforesaid shall from and after such Appropriation Transfer and Payment thereof respectively be accepted deemed and taken to be in full Satisfaction and Discharge of the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds and each of them and of the said Two thousand five hundred Pounds to the said John Browning and all such subsequent Interest accrued and to accrue due thereon as aforesaid and in Exoneration of the said Province and other the Premises therewith granted and all other the Estates real and personal of the said Frederick Lord Baltimore deceased of and from the same Sums and every of them and every Part thereof respectively AND for declaring the several Trusts of the several and respective Moieties of so much of the same Three per Centum Annuities as shall be so appropriated transferred and paid in Satisfaction of the said several principal Sums of Ten thousand Pounds and Ten thousand Pounds as aforesaid BE in further ENACTED^N by the Authority aforesaid

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that the said Frederick Browning and William Myddleton the Trustees nominated and appointed as aforesaid by the

NOTE: At last authority is given to transfer money and securities to the Edens and the Brownings.

said John Browning and Sir Cecil Wray on Behalf of the said John Browning and the said Louisa his Wife shall from and after such Appropriation and Transfer to be so made to them of one Moiety of the same appropriated Annuities as aforesaid stand possessed of and interested in so much of the said Annuities as after the Rate aforesaid shall be of the Value of the Sum of Seven thousand Pounds and the Dividends thereafter to accrue due on such Annuities upon the several Trusts herein mentioned and expressed of and concerning the same that is to say in Trust to lay out and invest the same in or upon Government or real Securities in their Names or in the Name of the Survivor and from Time to Time to change after and vary the said Securities as they or the Survivor of them his Executors or Administrators (by and with the Approbation of the said John Browning and Sir Cecil Wray or the Survivor) shall think fit and pay the Interest and Dividends from thenceforth to accrue due on the said Annuities of the Value of Seven thousand Pounds during the Life time of the said John Browning unto the said John Browning and his Assigns for his and their sole Use and Benefit during his Life^N and frm and after his Decease

NOTE: There follows here one of those long and curious legal passages in which the makers of the document attempt to control inheritance and to foresee many contingencies.

to and for the sole Benefit and Behoof of the said Louisa Browning his Wife during her Life and from and after the Decease of the Survivor of them the said John Browning and the said Louisa his Wife upon further Trust to transfer and assign the said Annuities of the Value of Seven thousand Pounds unto and for the sole Use and Benefit of all and every the Child and Children of the said John Browning and Louisa his Wife equally to be divided between them and in Case any of such Children shall die in the Life-time of the said John Browning and Louisa his Wife or either of them without leaving Issue

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living at his her or their Deaths the Share or Shares of such Child or Children so dying without leaving Issue shall go and belong to the Survivors or Survivor of such Children equally to be divided and if all such Children shall die without leaving Issue living at their his or her Death in the Life time of the said John Browning and Louisa his Wife then to transfer and assign the same to the said John Browning and Louisa his Wife and the Survivor of them And as to the residue of the said Moiety of the said Annuities in Trust for the said John Browning his Executors and Administrators AND be it further ENACTED and Declared by the Authority aforesaid that the said John

Lord Bishop of Bangor and Sir John Eden the Trustees nominated and appointed as aforesaid by the said Sir Robert Eden and Dame Caroline his Wife shall from and after such Appropriation and Transfer to be so made to them of the other Moiety of the same appropriated Annuities as aforesaid stand possessed of and interested in the said last mentioned Moiety of the same Annuities upon the several Trusts herein after mentioned and expressed of and concerning the same that is to say upon Trust to transfer and pay so much of the said last mentioned Moiety of the same Annuities as shall be equivalent to the Sum of Four thousand Pounds after the Rate aforesaid unto the said Sir Robert Eden his Executors Administrators and Assigns to and for his and their own Use and Benefit And upon Trust that they the said John Lord Bishop of Bangor and Sir John Eden and the Survivor of

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them and the Executors Administrators and Assigns of such Survivor shall and do either continue the Residue of the said last mentioned Moiety of the same Annuities at Interest in the Funds wherein the same are invested or sell out the same or any Part thereof and replace out or reinvest the same (by and with the Consent and Approbation of the said Sir Robert Eden and Dame Caroline his

Wife or the Survivor of them to be signified in Writing under their Hands or under the Hand of the Survivor of them if living or if both of them shall be dead then at the Discretion of the said Trustees) in some of the other Publick Stocks or Funds or upon such Government or real Security or Securities at Interest in the Names or Name of them the said Trustees or the Survivor of them or the Executors or Administrators of such Survivor as Occasion may require or as shall be thought expedient and proper And upon Trust that they the said John Lord Bishop of Bangor and Sir John Eden and the Survivor of them and the Executors or Administrators of such Survivor shall and do pay the Interest Dividends and Annual Produce of the residue of the said last mentioned Moiety of the same Annuities from Time to Time as the same shall grow due unto him the said Sir Robert Eden and his Assigns for his and their sole Use and Benefit during his Life And from and immediately after the Decease of the said Sir Robert Eden (in Case the said Dame Caroline his Wife shall survive him) then upon Trust to

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pay unto the said Dame Caroline Eden and her Assigns during her Life all the Interest Dividends and Annual

Produce thereof as the same shall become due from Time to Time during her natural Life to and for her and their own Use and Benefit And from and after the Decease of the Survivor of them the said Sir Robert Eden and Dame Caroline his Wife then upon Trust that they the said John Lord Bishop of Bangor and Sir John Eden and the Survivor of them and the Executors or Administrators of such Survivor shall and do pay transfer or assign the residue of the said last mentioned Moiety of the same Annuities and Trust Money unto and amongst all and every the Child and Children of the said Sir Robert Eden on the Body of the said Dame Caroline Eden begotten or to be begotten in such Parts Shares or Proportions and to be paid transferred or assigned at such Time or Times and in such Manner and Form and with such Limitations over (such Limitations over being for the Benefit of some or one such Children) as the said Sir Robert Eden and Dame Caroline his Wife at any Time or Times during their joint Lives or as the Survivor of them during his or her Life by any Deed or Deeds Writing or Writings to be by them him or her sealed and delivered in the Presence of and to be attested by two or more credible Witnesses with or without Power of Revocation or as the Survivor of them by his or her last Will and Testament in Writing or any

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Codicil or Codicils to be by him or her signed and published in the Presence of and to be attested by the like Number of Witnesses shall direct declare and appoint and in Default of such Direction Declaration or Appointment and as to such Part and Parts thereof concerning which no such Direction Declaration or Appointment shall be made Upon further Trust that they the said Trustees and the Survivor of them and the Executors and Administrators of such Survivor shall and do pay transfer or Assign the same unto and amongst all and every such Child and Children of the said Sir Robert Eden and Dame Caroline his Wife begotten and to be begotten equally to be divided between or amongst them Share and Share alike and to be paid transferred or assigned to such of them as shall be a Son or Sons at his or their Age or respective Ages of Twenty one Years and to such of them as shall be a Daughter or Daughters upon her or their Attainment to the Age or respective Ages of Twenty one Years or Day or Days of Marriage which shall first happen provided such Age or Ages or Time shall be attained after the Decease of the Survivor of them the said Sir Robert Eden and Dame Caroline his Wife otherwise the Payment Transfer or Assignment to such Child or Children as shall attain such

Age or Ages Time or Times as aforesaid in the Life-times of the said Sir Robert Eden and Dame Caroline his Wife or in the Life-time of the Survivor of them shall be postponed until the Death of such Survivor^N PROVIDED always And be it ENACTED by the Authority aforesaid that in Case of

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no such Appointment by the said Sir Robert Eden and Dame Caroline his Wife or the Survivor of them as aforesaid and in Case any such Child or Children being a Son or Sons shall attain his or their Age or Ages of Twenty one Years or being a Daughter or Daughters shall attain that Age or be married in the Life-times of the said Sir Robert Eden and Dame Caroline his Wife or in the Life-time of the Survivor of them the Share and Shares of him her or them so attaining such Age or Ages Time and Times as last mentioned shall be considered as a vested Interest or as vested Interests in him her or them respectively and shall be transmissible to his her or their respective Representatives although the Payment or Transfer thereof shall be postponed until the Death of the Survivor of them the said Sir Robert Eden and Dame Caroline his Wife PROVIDED also And be it further ENACTED and Declared by the

NOTE: Writers of wills and other documents at this time wrote meticulous provisions for their children.

Authority aforesaid that if any such Child or Children of the said Sir Robert Eden by the said Dame Caroline his Wife being a Son or Sons shall depart this Life before he or they shall attain the Age of Twenty one Years and before such other Time or Times as shall be appointed for Payment or Transfer of his or their Share or Shares under the Power herein before in that Behalf contained or being a Daughter or Daughters shall depart this Life under the Age of Twenty one Years without being or having been married and before such other Time or Times as shall be appointed for Payment of her or

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their Share or Shares as aforesaid then and in every such Case the Share of each such Son and of each such Daughter so dying shall go and accrue to the Survivors and Survivor of such Children and be equally divided between and amongst them if more than one Share and Share alike and be paid and transferred as and when the Original Shares or Share of such Survivors or Survivor shall be payable or transferrable to him her or them respectively And if after any Share or Shares shall have accrued by Survivorship as aforesaid any other or others of such Child or Children

shall depart this Life before he she or they shall become intitled to his her or their Share or Shares as a vested Interest or as vested Interests then all and every the surviving and accruing Share and Shares of him her or them so dying as last mentioned as well as his her and their Original Share or Shares shall go and accrue to the Survivors or Survivor of such Children and be equally divided between or amongst them if more than one Share and Share alike and shall be paid and transferred as and when the Original Shares or Share or such Survivors or Survivor shall be payable or transferrable to him her or them respectively And if there shall be only one such Child then the whole shall go and accrue to such only Child PROVIDED also And be it further ENACTED and Declared by the Authority aforesaid that if at the Time of the Decease of the Survivor of them the said Sir Robert Eden and Dame Caroline his Wife there shall be living any Child or Children of

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him the said Sir Robert Eden by the said Dame Caroline his Wife who being a Son or Sons shall not then have attained the Age of Twenty one Years or being a Daughter or Daughters shall not have attained that Age nor have been married then and in such Case the said John Lord

Bishop of Bangor and Sir John Eden and the Survivor of them and the Executors or Administrators of such Survivor shall and do from and after the Decease of the Survivor of them the said Sir Robert Eden and Dame Caroline his Wife pay apply and dispose of the Interest Dividends and annual Produce arising from the Share of each such Son who shall be so under the Age of Twenty one Years and of each such Daughter who shall so be under that Age and unmarried for and towards his her and their Maintenance and Education until he she or they shall respectively become intituled to the Payment or Transfer of his her or their Share or Shares in the Principal or Capital of the said Trust Annuities or Trust Money AND be it further ENACTED and Declared by the Authority aforesaid that in Case there shall be no Child of the said Sir Robert Eden by the said Dame Caroline his Wife who shall live to become intituled to a vested Interest in the residue of the Moiety of the said Annuities or Trust Money that then and in such Case and from and after the Decease of one of them the said Sir Robert Eden and Dame Caroline his Wife they the said John Lord Bishop of Bangor and Sir John Eden and the Survivor of them and the Executors or Administrators

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of such Survivor shall stand possessed of such residue of the Moiety of the said Trust Annuities and the Interest and Dividends from thenceforth to become due thereon in Trust for the Survivor of them the said Sir Robert Eden and Dame Caroline his Wife his or her Executors Administrators and Assigns and shall pay or transfer the same accordingly AND be it further ENACTED^N and Declared by the Authority aforesaid that from and after full Payment and Satisfaction shall have been made of the said several Sums of Ten thousand Pounds and Two thousand five hundred Pounds and Ten thousand Pounds and the Interest accrued and to accrue due on the said two several Sums of Ten thousand Pounds each at the Rate aforesaid from the said Fourth Day of September One thousand seven hundred and eighty by such Appropriation transfer and payment of so much of the said Forty three thousand nine hundred Pounds Capital three per Centum Bank Annuities and the Dividends on the same Annuities already accrued and received or hereafter to accrue and be received thereon by the said Accountant General of the said Court of Chancery in the mean Time all the rest and

NOTE: It is enacted here in the Estate Act of 1781, that all sums described are to be appropriately paid out.

residue of the said Forty three thousand nine hundred Pounds together with the Sum of One thousand five hundred Pounds residue of the Seventy five thousand Pounds Capital Bank Annuities lately bearing an Interest at Four per Centum per Annum mentioned in Master's Report of the fourth of August One thousand seven hundred and seventy nine and the Dividends thereon which shall so remain in the Hands of the

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said Accountant General subject to the said Sum of One hundred and eighty five Pounds and thirteen Shillings so due to the said John Leeds and also to the said Legacy or Sum of One thousand five hundred Pounds given to the said Robert Morris and the Interest thereon in Case and when and so soon as the said Court of Chancery shall order the same to be paid to him And also subject to the subsequent Costs of the several Parties in the said Cause not otherwise adjusted And also the said Sum of Six thousand seven hundred Pounds other like Capital three per Centum Bank Annuities expectant on the Death of the said Hester Harford the Annuitant^N And all other the Estates real and personal of the said Frederick Lord

NOTE: Hester Harford, Henry Harford's mother, was as mentioned elsewhere, to receive an annual pension. Upon her death the capital sum funding this pension was to revert to Henry Harford.

Baltimore And all Revenues Income and Produce thereof accrued and to accrue thereon since the Death of the said Frederick Lord Baltimore shall be considered and taken as and for and be and remain the sole Property of the said Henry Harford the residuary Legatee and shall go and belong to and be enjoyed by him according to the Will of the said Frederick Lord Baltimore deceased And that it shall and may be lawful to and for the said Henry Harford his Executors Administrators or Assigns to make his or their Application to the said Court of Chancery for the immediate Transfer and Payment to him the said Henry Harford his Executors Administrators or Assigns by the Accountant General of the said Court of Chancery of all such Residue and Remainder of the said Forty three thousand nine hundred Pounds Capital three per Centum Bank Annuities and the Dividends thereon and

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also of the said fifteen thousand Pounds Bank Annuities lately bearing an Interest of Four per Centum per Annum and the Dividends thereon which shall so remain standing in the said Accountant General's Name to the Credit of the said Cause (subject nevertheless to and after Payment and Satisfaction of or an adequate Provision and Security

set apart and made for the said Debt of One hundred and eighty five Pounds and thirteen Shillings Legacy of One thousand five hundred Pounds and Interest in Case the same shall become payable and subsequent Costs of the said Suit or so much thereof as shall then remain due and unpaid) And he the said Henry Harford his Executors or Administrators shall be in like Manner intitled to have and take to his own sole Use and Benefit the said Six thousand seven hundred Pounds like three per Centum Capital Consolidated Bank Annuities so standing in the said Accountant General's Name and placed to the Credit of the said Cause expectant on the Death of the said Hester Harford and from and after her Death and after Payment of all Arrears of her Annuity charged thereon shall be at full Liberty and is and are hereby enabled to apply to the said Court for the immediate Transfer and Payment accordingly to him or them of the same Annuities And all Dividends which shall be then due thereon AND be it further ENACTED^N by the Authority aforesaid that from and immediately after the passing of this Act the Sum of Two thousand two hundred and thirty Pounds eighteen Shillings mentioned in the aforesaid Agreement as

NOTE: The following passages authorize payments to Henry Harford, of sums from the sale of Maryland lands.

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only Two thousand two hundred and twenty three Pounds eighteen Shillings being the Amount of the said Caution money or Deposit remitted by the said Daniel of Saint Thomas Jenifer to the said Hugh Hamersley and by him deposited with Messieurs Hanbury and Company in their Names jointly with his own and which arose from the Sales of the Back Lands to the Westward of Fort Cumberland shall be paid over and satisfied by them the said Messieurs Hanbury and Company and Hugh Hamersley to the said Henry Harford the residuary Legatee of the said Frederick Lord Baltimore deceased his Heirs Executors Administrators or Assigns to and for his and their own sole Use and Benefit And the said Messieurs Hanbury and Company and the said Hugh Hamersley shall be and are hereby indemnified and shall at all Times hereafter remain and be saved harmless in so paying the same by the said Henry Harford his Heirs Executors and Administrators and every of them AND be it further ENACTED^N and Declared by the Authority aforesaid that when and so soon as this Act shall have passed and all and singular the Legacies Estates Interests Rights Titles Claims and Demands of the said John Browning and Louisa his Wife

NOTE: The following passages of the Estate Act of 1781 authorize Henry Harford to take possession of Maryland and its revenues as described on the manuscript pages of the Act, 91 through 94.

and of the said Sir Robert Eden and Dame Caroline Eden his Wife each and every of them their and each and every of their Heirs Executors Administrators and Assigns shall have been so discharged and extinguished in such Manner and Form as in herein before provided in that Behalf And from and after the said Henry Harford his Heirs or Assigns shall in Consequence of this Act or of the said in part recited Articles of Agreement or

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otherwise be restored to or reinvested in the actual Possession of the said Province or Territory called Maryland and other the Premises therewith granted and held as aforesaid or the said Henry Harford his Heirs or Assigns shall be himself or themselves his or their Agents receive any Rents Revenues or Profits which have already accrued and are unreceived or which shall after the passing the Act accrue from the said Province of Maryland or any Part thereof or any Sum or Sums of Money on Account or by reason of his being or having been Proprietary of the said Province or Devisee thereof not already received to the Amount of Five hundred Pounds or upwards (excepting always thereout the before mentioned Sum of Two thousand two hundred and thirty three Pounds eighteen Shillings and the

several Sums of Money already received and accounted for by the said Executors and Trustees and otherwise applied and disposed of as in this Act and the said Indenture of Agreement and in and by the said several Orders and Proceedings of the said Court of Chancery made or to be made relating thereto are or shall be in that Behalf expressed and declared concerning the same) that then and from thenceforth he the said Henry Harford his Heirs or Assigns shall and do forthwith at the request of the said John Browning and Louisa his Wife and of the said Sir Robert Eden and Dame Caroline his Wife or the Survivors or Survivor of them his or their Trustees Executors or Administrators respectively

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constitute and appoint by Writing under his or their Hand or Hands one or more sufficient Persons or Person to be by them and each and every of them approved for that Purpose as and in the Nature of Receivers or Receiver for and in the Name of the said Henry Harford his Heirs or Assigns to superintend manage receive and take all and singular the Revenues Income Produce and Profits already due and in Arrear and which shall remain in Arrear or shall otherwise accrue due from henceforth from the said

Country Province and Territory of Maryland and other the Premises therewith granted as aforesaid (except as aforesaid) until such Time as herein after mentioned which Persons or Person so to be appointed shall be and is and are hereby authorized and required yearly and every Year to account for pay apply dispose of and distribute the clear Surplus to be by them or him received therefrom and from every Part thereof in two equal Moieties that is to say One Moiety thereof to the said Henry Harford his Heirs or Assigns for his and their own Use and Benefit and the other Moiety thereof (but without any Interest or Forbearance Money in the mean Time) in Manner herein after mentioned until by and out of the Revenues Income Produce and Profits of the said last mentioned Moiety or otherwise the several and respective Sums of Ten thousand Pounds and Ten thousand Pounds lawful Money shall be raised (but without any Interest whatsoever) And when and so soon as the said several last mentioned Sums of Ten thousand Pounds and Ten thousand Pounds shall be paid or

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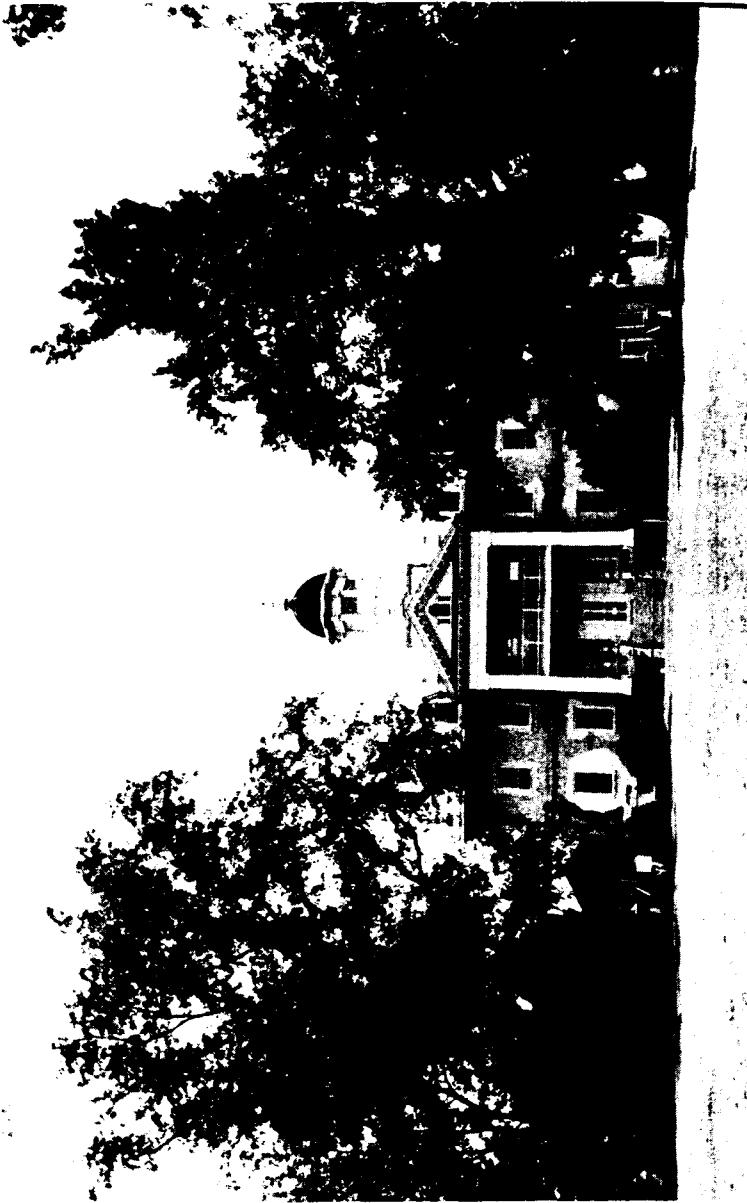
otherwise satisfied such Receiver or Receivers shall from thenceforth be discharged or otherwise continued on the sole proper Account of the said Henry Harford his Heirs

or Assigns or as he or they shall think fitting any Thing herein contained to the contrary thereof in any wise notwithstanding AND be it further ENACTED and Declared by the Authority aforesaid that such Receivers or Receiver to be appointed as aforesaid shall pay and apply from Time to Time one half Part of the said last mentioned Moiety (being one fourth Part of the whole) of the Revenues Income Profits and Produce of the said Province and Territory of Maryland and other the Premises therewith granted and so to be received and divided as aforesaid unto the said Frederick Browning and William Myddleton or the Survivor of them or the Executors or Administrators of such Survivor who shall thereupon stand possessed thereof and of every Part thereof and shall lay out and invest the same at Interest upon Government or real Security and pay apply and dispose of the same and the Interest thereof upon such and the same Trusts and to and for such and the same Intents and Purposes and for the Benefit of such and the same Person and Persons as are herein before mentioned and declared of and concerning the said Annuities of the Value of Seven thousand Pounds so agreed and intended to be transferred to them as aforesaid And that such Receivers or Receiver as aforesaid shall pay and apply from Time to Time the other half Part of the said last mentioned Moiety (being one fourth Part

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of the whole) of the Revenues Income Profits and Produce aforesaid unto the said John Lord Bishop of Bangor and Sir John Eden or the Survivor of them or the Executors or Administrators of such Survivor who shall thereupon stand possessed thereof and of every Part thereof and shall and do (by and with such Consent and Approbation of the said Sir Robert Eden and Dame Caroline his Wife and of the Survivor of them as aforesaid and after the Decease of the Survivor of them then at the Discretion of the said Trustees or the Survivor of them his Executors or Administrators lay out and invest the same at Interest from Time to Time upon Government or real Security or lay out and invest the same in the Purchase of Freehold or Copyhold Lands of Inheritance Tenements and Hereditaments to be situate somewhere in Great Britain free from Incumbrances and shall and do pay apply and dispose of such Money and the Interest thereof And shall and do convey settle and assure the Lands Tenements and Hereditaments so to be purchased (in Case any such Purchase shall be made) upon such and the same Trusts and to and for the Benefit of such and the same Person or Persons Intents and Purposes and subject to the same Powers and Provisoes as are herein before expressed and declared of and

*concerning the Residue of the Moiety of the said Annuities
so agreed and intended to be transferred to them as afore-
said or as near thereto as may be and the Deaths of Parties
and other Contingencies will admit And upon to or for no
other Trust Intent or Purpose whatsoever*



(Joseph H. Cromwell photograph, C & P Telephone Company of Maryland.)

Hampton House, located in Towson, Maryland, was the ancestral home of the Ridgely family. It was built about 1785. It is now designated as a National Historic Site and is open to the public.

CHAPTER XIV

HENRY HARFORD ACKNOWLEDGED AS PROPRIETOR OF MARYLAND

After the restatement of sums to be paid to the Edens, the Brownings, and to their heirs, the Estate Act of 1781 clearly confirms Henry Harford's right to the Proprietorship of Maryland.

Oddly, this definite statement is given here in the Estate Act of 1781 but the Act was not quoted nor published prior to the writer's research and publication in 1974, 1976.

*PROVIDED always And it is
hereby further ENACTED*

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and Declared by the Authority aforesaid that it shall and may be lawful to and for the said Henry Harford his Heirs and Assigns and for the Persons or Person to be so appointed to collect and receive the Revenue Income and other Profits and Produce aforesaid arising from the said Province and other the Premises as well from Motives of Compassion as from such other favourable Circumstances arising from the Distresses and Publick Calamities of the said Province and the particular Situation of Individuals to be by him or them approved in that Behalf And they and he are is hereby authorized and impowered under the

Circumstance herein described to compound reduce adjust and settle all and every such proprietary Revenues Income Profits and Produce aforesaid which shall be so found in Arrear or shall hereafter become so until the said last mentioned two several Sums of Ten thousand Pounds each shall have been fully raised and paid and all the proprietary Claims and Demands in respect thereof finally settled and adjusted at such sums and Sum respectively below and inferior to the real Value and Amount thereof as to them or him (the Circumstances aforesaid being duly weighed and considered) shall appear just and reasonable in that Behalf such Composition being really and bona fide made upon full Payment to be made immediately or within six Calendar Months thereafter of all and every the Sums and Sum of Money to be so accepted in Composition and so as that all Compositions shall at the Time be duly inrolled registered and entered in the Office of the Chief Agent or Receiver General or other publick Office

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in the said Province and under such further or other Terms and Restrictions as shall from Time to Time in that Behalf be appointed any Thing herein contained to the contrary

thereof in any wise notwithstanding PROVIDED also And it is hereby further ENACTED and Declared by the Authority aforesaid that nothing in this Act contained shall in any sort be deemed construed or taken to take away invalidate or otherwise affect the said several yearly Sums of One hundred Pounds each so given by the said Frederick Lord Baltimore by his said Will to his several Executors proving the same during their respective Lives but that the said several Yearly Sums each and every of them shall be and remain upon the same footing and no other as if neither the said Articles of Agreement had been made nor was this Act to pass^N PROVIDED moreover And it is hereby further ENACTED and Declared that from and after the passing of this Act and full Satisfaction and Payment made in Manner and Form aforesaid of the said several first mentioned Sums of Ten thousand Pounds and Ten thousand Pounds each so given by the said Frederick Lord Baltimore by his Will upon the Conditions and charges as therein and herein before mentioned and of all Interest due and to grow due on the said several Sums respectively the said Term of Three hundred Years so limited by the said Will of the said Frederick Lord

NOTE: Again a proviso to protect the amounts willed to his executors by Frederick Calvert.

Baltimore of and in the said Country Province Territory and District called Maryland and other the Premises therewith granted shall cease determine and be utterly void or otherwise assigned to attain the Freehold and

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Inheritance of the said Province and other the Premises as by the said Henry Harford his Heirs or Assigns or his or their Counsel shall in that Behalf be required PROVIDED likewise And it is further ENACTED and Declared by the Authority aforesaid that nothing in this Act contained shall be deemed construed or taken to preclude bar or otherwise prevent or restrain the said Sir Robert Eden his Executors or Administrators or the said Henry Harford his Executors or Administrators any or either of them at any Time within the Space of three Years from and after the said Henry Harford or his Heirs shall have been reinstated in the Possession of the said Province and other the granted Premises from reviewing examining and again enquiring into and questioning the Receipts and Payments of him the said Sir Robert Eden for and in respect of the Estates real and personal of the said Frederick Lord Baltimore deceased with liberty on the one hand to the said Sir Robert Eden as one of the Executors or Administrators

by proper Vouchers to reduce the aforesaid Sum of Two thousand five hundred Pounds with which he now stands charged as indebted to the Estates of the said Frederick Lord Baltimore in which Case he is to be repaid by the said Henry Harford his Executors or Administrators the Amount of what shall appear to have been so overcharged but without Interest and on the other hand to the said Henry Harford his Executors or Administrators if he or they shall discover a proper Foundation for so doing or be so advised to surcharge the said Sum of Two thousand five hundred Pounds and

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in Addition thereto to charge the said Sir Robert Eden his Executors or Administrators with such further and other Sums or Sum of Money as he or they shall be enabled to verify and support as due from the said Sir Robert Eden to the said Estates real and personal of the said Frederick Lord Baltimore or either of them but without Interest unless in respect of Sums which shall appear to have carried Interest at the respective Times of their being received any Thing herein before contained to the contrary thereof in any wise notwithstanding SAVING always to the King's most Excellent Majesty his Heirs and Successors

and to all and every other Person and Persons Bodies Politick and Corporate their respective Heirs Successors Executors and Administrators (other than and except the said John Browning and Louisa his Wife and the said Sir Cecil Wray the Committee of the Estate of the said Louisa the Lunatick the said Sir Robert Eden and Dame Caroline his Wife and the said Hugh Hamersley and Peter Prevost their Heirs Executors and Administrators severally and respectively and all and singular other Persons or Person claiming or to claim by from or under the said John Browning and Louisa his Wife and the said Sir Robert Eden and Dame Caroline his Wife or any or either of them or any of the Ancestors of the said Frederick Lord Baltimore deceased) all such Estate Right Title Interest Claim and Demand of in to or out of the said Province Tract District or Territory of Maryland and other the Hereditaments and Premises aforesaid with the Appurtenances or any Part or Parcel

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thereof as they every or any of them had before the Passing this Act or could have had or enjoyed or might have been intitled to or could hold or enjoy if this Act had never

been made any thing herein contained to the contrary thereof in any wise notwithstanding^N

Soih baillo aner Commisiov.

Ausk Bibe Les Commandsant a July

By the fall of 1781 Harford's hope of being reinstated in Maryland by the British government vanished with the surrender of Lord Cornwallis at Yorktown, Virginia, on October 18, 1781. Still, the work involved in getting the Estate Act of 1781 passed was not wasted, for now the Court of Chancery was able to turn over to Harford, after deduction and payment of the amounts agreed upon in the Act, substantial amounts of cash and securities.¹

Harford's fight for the proprietorship ended in financial reward. He hoped, however, that his proprietorship would render him still more financial gain, either from Maryland or from the government of Britain.

At this point, then, Harford was by no means penniless, yet he wanted even more. He waited only long enough to hear that the Paris Peace Conference was nearing an end, with an agreement between the United States and Britain, before leaving England for Maryland. Harford had more than enough money to live on for the remainder of his days, yet the way in which he was to hurry to Maryland indicates that he did not feel himself rich enough while great additional

NOTE: The last passage of the Estate Act of 1781 order Caroline Calvert Eden and Louisa Clavert Browning and their heirs to renounce all claim to the Province of Maryland.

Certainly this case is unusual in setting aside the long-standing entail and previous wills.

wealth lay to the west to be had for the asking. He believed that the unsold manor lands and reserve lands in Maryland belonged to him and that he should be compensated for their loss. He had reason for his expectations, for in both Pennsylvania and Virginia the heirs to the proprietary families had been compensated to a considerable extent.

¹ Estate Act of 1781, pp. 30, 39, 77.

CHAPTER XV

TWO PRECEDENTS: PROPRIETARY HEIRS IN PENNSYLVANIA AND VIRGINIA

If Maryland would treat Harford as well as Pennsylvania had treated the Penns, his chances of recovering his American lands and revenues were good.

The Pennsylvania Precedent

Following the Revolution John Penn of Stoke, principal heir to the proprietors of Pennsylvania, assessed the value of the estate appropriated by Pennsylvania at £1,536,545. This included the value of 21,592,128 acres of land, arrears in current quitrent payments (over four million acres had been sold by the proprietary prior to the American Revolution), value of unsold lands, plus the value of the quitrent rights, capitalized at twelve years' purchase. Most of the sum was made up of the value inherent in the unsold lands. John Penn of Stoke and the other heirs of Pennsylvania's proprietary family petitioned the Pennsylvania assembly for redress of this loss.¹

The legislature of Pennsylvania, acting in answer to the petition, passed by November 27, 1779, "An Act for vesting the estates of the late Proprietaries of Pennsylvania in the Commonwealth." The act took away all rights of the proprietary to Pennsylvania soil, *yet excepted the private lands and the proprietary tenths, or manors*. Quitrents were cut off, and yet £130,000 *were to be paid*, one year after the war should cease, "to the widow and relict of the said Thomas Penn" or her heirs. The payments were not to be more than £20,000 in any one year nor less than £15,000 a year.² Thus, while the Penns did lose giant tracts of land, the family still had a comfortable 553,784 acres in Pennsylvania which they were permitted to keep. Also, the Penns were to be paid £130,000.

It seems virtually impossible that Harford failed to hear of the restitution awarded the heirs to the Pennsylvania proprietary, yet he does not allude to this fact in his appeal to the Maryland General Assembly, a curious omission. He may have believed the point so well known and taken that it needed no restatement. Knowledge of the Penn family's being paid by the Pennsylvania legislature must almost certainly have been one of the reasons he was willing to come to Maryland in the first place, for it seemed by the precedent set in Pennsylvania that the Maryland legislature likewise might award the heir to their proprietary family similar recompense.

When comparing the claims of the proprietary heirs for recompense for losses in America, one notes that more unsold land remained in Pennsylvania at the outbreak of the Revolution due to the fact that Pennsylvania was four and one-half times the size of Maryland. The Maryland colony had been in existence fifty years longer, and so had opportunity to sell off land that much longer. Still, enough land that could be claimed by the proprietary heirs remained in Maryland to offer a tempting target for Henry Harford's attentions.

The Virginia Precedent

Lands in America inherited by the heirs of Thomas, Lord Fairfax, proprietor of the "Northern Neck" of Virginia, amounted to well over 200,000 acres. The Virginia situation after the Revolution differed from that of the Pennsylvania one in that the Penns received cash compensation for their losses and were allowed to keep certain lands, whereas in Virginia the Fairfax heirs were allowed to retain only manor lands and town lots that formerly had been held by Lord Fairfax and were paid no sums for revenues lost. In both Pennsylvania and Virginia, however, the proprietary heirs were permitted to retain land ownership.

As in the case of Pennsylvania, in Virginia there was a history of long personal contact with the proprie-

tary family. Lord Fairfax of Leeds Castle, England, an amiable bachelor, visited Virginia about 1739 and decided to spend the rest of his life there. He settled in the Northern Neck region, an area now called northern Virginia, to live at Greenway Court Manor, and at a mansion and estate known as Belvoir.³ Before 1747 Lord Fairfax arranged to buy out other members of his family who held interests in the proprietary of the Northern Neck portion of Virginia and became sole proprietor of that part of the colony. At one time, early in the 18th century, he owned an estimated one-quarter of the land in Virginia, around six million acres.⁴

Lord Fairfax proved to be a capable, kindly, and generous landlord in Virginia. He was loved and admired by George Washington whom he had helped in Washington's youth. Washington's Mount Vernon estate was near Fairfax's mansion, Belvoir.⁵ Josiah Dickinson in his work, *The Fairfax Proprietary*, has noted that Lord Fairfax showed such disinterest in the British ascendancy and was so generally beloved and respected that during the American Revolution he met with neither insult nor molestation from either side in the conflict. He was allowed to continue to cultivate his Virginia acres undisturbed.⁶ "So popular was the English lord that when the Revolution broke out, this resident peer was voted all the privileges of Virginia citizens. When the Commonwealth abolished feudal land tenures in 1777, Fairfax's huge holdings were specifically exempted. No attempts were made to interfere with his collection of his rents," notes Virginia historian, Marshall W. Fishwick.⁷

The legislature of Virginia was obliged to work out answers to problems posed by resident Loyalists and those posed by absentee land owners, specifically owners who were British citizens. A sweeping law on land tenure was passed in 1775, abolishing reservations for royal mines, the payment of quitrents, and specifying

that all lands were now to be held in common with those granted by the Commonwealth of Virginia.⁸

Yet even this law did not affect Lord Fairfax, for he held his land as a private owner. He had made it a practice to grant land to himself in the same way he granted it to others, giving himself the same status as that enjoyed by other grantees. Further, his manors were granted first to a nephew and then granted back, a legal device that emphasized the individual nature of his land ownership. This strategem helped his manor lands to pass into the hands of his heirs.⁹ Further, Lord Fairfax, on lands to which he had given title to others, collected quitrents by virtue of an act of the Assembly.

It is said that when Lord Fairfax heard of the surrender of Lord Cornwallis, he commented, "It is time for me to die." He did, in fact, die in 1781, at nearly ninety years of age.¹⁰ Lord Fairfax was buried at the church he had caused to be built in Winchester, Virginia. In his will, dated November 8, 1777, he gave his Virginia manors of Leeds and Gooney Run to a nephew, the Reverend Denny Martin of County Kent, England, on the condition that Martin take the name of Fairfax, which that gentleman did.¹¹

Reverend Denny Martin Fairfax's hopes of inheriting giant tracts of unoccupied Fairfax lands would seem to have been crushed by an act of the Virginia Assembly passed in 1779 which had added provisions against the holding of property by British subjects, at least those who lived outside the United States after April 19, 1775.¹² Denny Martin Fairfax persisted, however, by coming to Virginia in 1786 to attempt to gain ownership of all grants made by the Virginia government in the Northern Neck area! He did not succeed, for the last grant honored to the Fairfax family was dated April 3, 1780, when Lord Fairfax was still living. After that date Virginia took over the granting of unoccupied lands.¹³

All was by no means lost to the Fairfax heir, however, for he was allowed possession of the manors

of Leeds and Gooney Run willed to him by Lord Fairfax. These tracts contained 160,382 acres of land. He was awarded, too, the South Branch Manor lands, another extensive holding. Further, another nephew of the old Proprietor, Thomas Bryan Martin, was allowed to inherit the manor of Greenway Court with 10,000 acres attached to it.¹⁴

The heirs of a proprietor in Virginia, then, lost unallotted land in Virginia, and were not compensated for the loss of quitrent incomes, yet they were vouchsafed undisturbed ownership of the thousands of acres of manor lands the old Proprietor willed them.

In the Virginia case there were two items that differed from the situation in Maryland. As in Pennsylvania there was a pre-Revolutionary relationship with members of the proprietary family that led to a cordial post-Revolutionary climate whereby heirs were able to claim American lands. In Virginia, there was the added factor that Lord Fairfax had taken the precaution of making the titles to his lands legally unassailable.

In view of the precedent set in Virginia wherein the Fairfax heir, Martin, had lived in England during the Revolution it would seem that Henry Harford might logically expect to be granted at least the land held in Calvert manors and some recompense for lands and incomes seized by the government of Maryland.

¹Howard M. Jenkins, "The Family of William Penn," *Pennsylvania Magazine of History and Biography*, Vol. 21, No. 4, 1897, pp. 425, 426.

²*Minutes of the Supreme Executive Council of Pennsylvania*, Vol. 16 (Harrisburg: State of Pennsylvania, 1853), p. 5. See, Jenkins, p. 426. See, Arthur Pounds, *The Penns of Pennsylvania and England* (New York: The Macmillan Co., 1932), p. 306.

³Josiah Look Dickinson, *The Fairfax Proprietary* (Front Royal, Va.: Warren Press, 1959), p. 126.

⁴Moncure Daniel Conway, *Barons of the Potomack and the Rappahannock* (New York: Grolier Club, 1892), p. 215.

⁵Dickinson, p. 126.

⁶Marshall W. Fishwick, *Gentlemen of Virginia* (New York: Dodd, Mead & Co., 1961), p. 262. See Dickinson, pp. 130-131.

⁷Dickinson, p. 126.

⁸*Revised Code of Virginia*, 1819, Vol. 2, p. 375.

⁹Dickinson, p. 23.

¹⁰Conway, p. 250.

¹¹Frederick County Will Book, Frederick County, Virginia, Book 4, p. 583.

¹²Dickinson, p. 17.

¹³Ibid; Fauquier County, Virginia, Record of Land Causes, Book 2, p. 297; Frederick County, Virginia, Will Book 4, p. 583.

¹⁴Frederick County, Virginia, Will Book 4, p. 583.



(Author's 1976 photograph)

The Maryland Inn, Annapolis.

CHAPTER XVI

HENRY HARFORD'S MARYLAND SOJOURN

To understand the situation into which Harford planned to plunge during the summer of 1783, it will be useful to see how Loyalists in general were treated in Maryland, for this was to have a definite bearing on the success of Harford's mission.

Treatment Accorded Loyalists in Maryland

During the Revolution, Maryland members of the new state government debated the question of proper treatment to accord Loyalist Maryland residents and absentee owners of Maryland property who were loyal to Britain. The question was complicated by the many degrees of support given the Crown by Maryland's inhabitants. Some actively resisted the revolutionary movement, joining British Loyalist regiments. Others carried out guerilla-like operations, a choice popular with Eastern Shore Loyalists. Still others fled to British-held American areas or to Britain. A sizeable number, however, simply stayed in Maryland, refusing to lend support to the Revolution yet not hampering the efforts of American patriots. Many made no clear commitment either way.¹

To determine the status of Loyalists in their midst, the Maryland revolutionary leaders passed various laws in 1777 and 1778. These attempted to obtain clear declarations of support for the revolutionary government from the inhabitants of Maryland. Thanks to the constraint exerted by the Maryland Senate upon the more radical House of Delegates, a certain leeway was allowed Loyalists. Even so, the Security Act of December 1777 was a severe one. It required absentee owners of property in Maryland to



(Author's 1976 photograph)

Shown here is a view of Charles Carroll of Carrollton's Annapolis home as it appears today. It overlooks Spa Creek.

return by September 1, 1779. The date set allowed time for the content of the act to become known in England. Upon their return absentees had a month to take an oath of allegiance before the imposition of triple taxes and other penalties. (This option was open to Henry Harford but his loyalty to his king and country made such an action inconceivable.) Those refusing to return and take the oath were to be declared traitors by the Maryland courts and their property seized.² "As finally resolved," Richard Overfield states, "confiscation in Maryland applied only to British property, and absentees were the only Loyalists considered British subjects."³

During the December 1779 session of the Maryland General Assembly, the legislature passed a bill through the lower house authorizing confiscation of British property. Senator Charles Carroll of Carrollton objected, claiming that land speculators would quickly buy up the land since travel during the winter in Maryland was difficult. If passed in the winter season, with property placed immediately upon the market it would, said Carroll, "turn into a private job what might have been intended for public benefit." He opposed confiscation, too, because he saw in the action a violation of respect for private property and believed this would be hazardous to the social and political future of Maryland.⁴ Then, too, Maryland families with property in England, such as the Carrolls, might well expect England to retaliate in that country by confiscating the personal property of Americans there. Still, by June of 1780 Carroll yielded and agreed to confiscation. The summer gave all a chance to travel to the land sales. As he had predicted, however, many speculators rushed to buy up huge tracts of land.⁵ Much of this land had been owned by the Proprietor.

By 1780, then, property owned by British subjects was seized. In the following year after the defeat of Lord Cornwallis, the hopes of those Britons who had expected the return of the old order were dashed.

As late as the summer of 1781, Harford himself held such hopes, for those were expressed in several of the articles of the Estate Act of 1781.⁶

Harford's Maryland Journey

On hearing that the negotiations of the peace treaty between the United States and Britain were coming to a close, Harford left London for Maryland. The Browning and Eden claims were settled. Harford's mother and sister were living comfortably in London, and all in all Harford had set his personal and business affairs in order.

The former Proprietor had every reason to expect at least some success in America. He planned to apply to the Maryland legislature for recompense for 116,642 acres of manor and reserved land, plus consideration for 125,120 acres of reserved lands to the west of Cumberland. These two land claims totaled 241,762 acres. Harford planned to remind the General Assembly that Maryland had realized £116,000 from the sale of a part of these confiscated lands. He also hoped to be compensated for the loss of his quitrents due prior to 1774, an important sum since the annual income from quitrents was estimated by the former Proprietor at £8,518 valued at twenty years' purchase. The total value of the claim that Harford planned to present to the Maryland legislature added up to £327,441. (Later, in Britain, Harford was to set this figure of his total losses at £447,000.)⁷

Sir Robert Eden accompanied young Harford to assist in the negotiations with the Maryland legislature. The two men left England on June 7, 1783, aboard the ship *Harford*.⁸ Nathaniel Richardson, captain of the vessel, acquainted them with recent events in Maryland. Eden spoke of his rollicking days with the jovial members of the provincial gentry. The men discussed the possibility of violence awaiting them in Annapolis; the bitterness of the recent fighting probably still existed, for active hostilities had only just ended.

Upon their arrival in Maryland's capital city their worst fears seemed about to be realized when rough-spoken men ordered Captain Richardson to strike his British flag. They were rescued from the rough attentions of the crowd, however, by a letter from Benjamin Stoddert in Council, Annapolis, who wrote to Richardson assuring him that the Anne Arundel County magistrates had been instructed to restrain the people from interfering with ships of British registry and other foreign vessels.⁹

With Harford's arrival in Maryland came the news that peace negotiations had been completed in Paris. The terms included an agreement between Britain and the United States that Loyalists were not to be harmed and that debts contracted prior to the war were to be paid. Among the terms of the treaty was one that British negotiators had fought to make stronger but without success, concerning property owned by British subjects which had been confiscated during the conflict. This had had to be left ambiguously worded with only the recommendation that the United States consider restoring such property, for the American negotiators refused to give a firm commitment in this matter. In practice, the individual states were to decide the matter.¹⁰

News of the peace treaty agreement and of Harford's arrival may well have caused the members of the Maryland legislature to groan at the realization that they now had to face up to scores of Loyalist claims, including that of the ex-Proprietor, who was to make the largest claim of all.¹¹

Dr. Upton Scott offered Eden and Harford the use of his Annapolis townhouse. Scott was a prominent man in Maryland, a Loyalist who had been allowed to live quietly on his wife's Severn River plantation. While living in Scott's house Eden and Harford heard the news that the treaty of peace had been signed September 3, 1783.¹²

Harford had brought from England deeds to lands, unsold warrants for land, and other documents that

would reinforce his claims to tracts and parcels of land. Eden and Harford computed the amounts due the proprietary before the Revolution in unpaid quitrents. The value to be set on land was easily found for the land had been sold after its seizure and these transactions had been registered in the land offices in Maryland. Once these tasks were done, the pair from England filled their days as well as they could, for it promised to be a long time before they would be heard by the legislature.

The Maryland lawmakers were besieged with urgent matters to be attended to: armies were only now being disbanded; ships were being decommissioned from combat status; and pleas for recompense of every nature were pouring into the General Assembly. Money was an ever-present problem for the Maryland government, yet funds had to be found to pay officials, to make required restitutions, and to operate the various state services. We are struck, upon reading the journals of the legislature at this point in Maryland's history, by the fact that there seemed to be no screening of matters presented for solution to the Assembly. Matters involving a few pounds took up members' time, while at the same time the legislators were obliged to concern themselves over the need for devising and revising new governments at both the state and national level. The legislators somehow coped with it all. While the assembly labored, Harford, Eden, and their attorneys wrote and re-wrote the memorial they planned to present to the General Assembly. Then they waited.

Some of the men's hours were occupied with social events. Business, too, occupied Sir Robert, who spent some of his time in January of 1784 issuing and signing patents for the sale of land claimed by Harford.¹³ This last occupation, however, speedily came to the notice of the legislature, which body quickly ordered Eden to desist, and this he was obliged to do.¹⁴

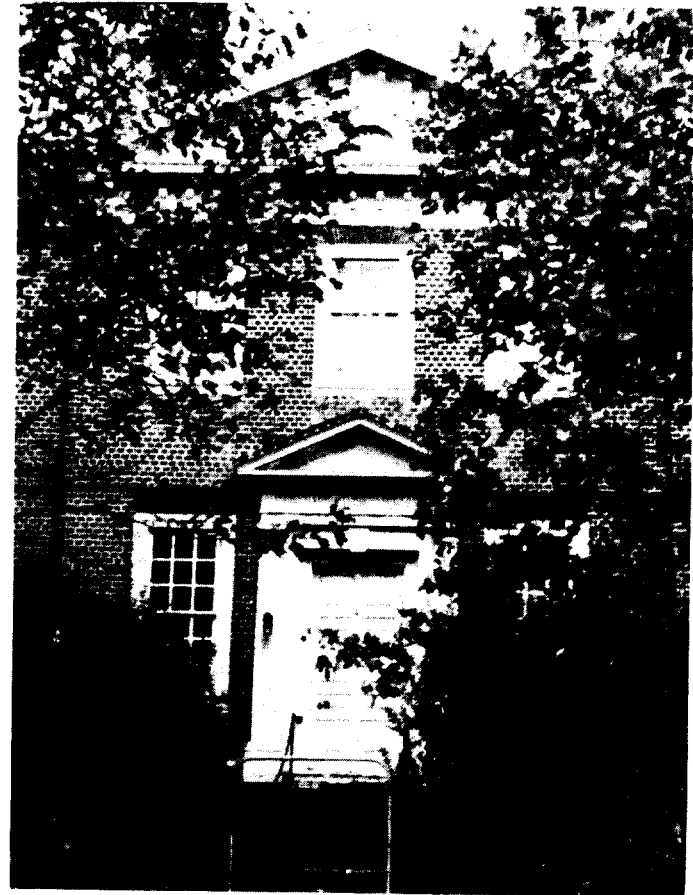
Spring and summer passed and then early in September, 1784, Eden, who had not been entirely well for some time, died at Scott's house at the age of forty-three.¹⁵ Harford was left to wrestle with his problems in Maryland without the guidance and support of the ex-governor. The last Proprietor continued to work on his appeal with the aid of attorney John Clapham, a prominent Loyalist who had returned to Maryland from England at about the same time as had Eden and Harford.¹⁶ Another year passed.

A number of people in Annapolis sympathized with the request of the former proprietor for recompense for his losses. The Treaty of Paris had "earnestly recommended" that American properties be restored to Britons.¹⁷ Harford had reason to hope for success when late in November of 1785, a motion was made in the House of Delegates to consider his case.

Immediately Harford presented his carefully-worded memorial. He asked that the members of the legislature consider that Maryland had originally been settled by the proprietary family, his ancestors, at considerable risk and expense. Further, "Your memorialist respectfully represents, that he was a minor at the commencement of the late war, and placed during his infancy under the guardianship of the Chancellor of Great Britain, which prevented his leaving the kingdom." Harford went on to say that legal suits against him had ended only in July of 1782.¹⁸

Harford attached to the memorial a list of quitrents due and a list of properties to which he laid claim and requested a total sum from Maryland of £327,441.¹⁹ The former proprietor filled his memorial with conciliatory phrases and expressed the hope that "his most sanguine hopes would be realized."

There is no specific mention in Harford's memorial of the precedents established in Pennsylvania and in Virginia with respect to those states' treatment of proprietary family members. This is a puzzling omission and it appears that Harford missed making a telling point by failing to mention these precedents. He



(Author's 1976 photograph)

Dr. Upton Scott's house in Annapolis.

possibly believed that they were too well known to restate. The opening paragraph of his memorial did refer to the "benevolent interposition, which have dignified the acts of former assemblies."

The text of Henry Harford's Memorial to the General Assembly of Maryland follows, along with an account of statements and votes made by the General Assembly:

MEMORIAL OF HENRY HARFORD

Text of the Henry Harford Memorial
and Proceedings thereon.

Published by order of the
House of Delegates
General Assembly of Maryland
January 6, 1786.

Ref.: "Henry Harford, Memorial." MS Division, Vertical Files,
Maryland Historical Society.

BY THE HOUSE OF DELEGATES,

JANUARY 6, 1786.

ORDERED, That the memorial of Henry Harford, Esq; and all the proceedings thereon, be published in the Maryland Gazette and Baltimore Journal, and that the printer strike two hundred copies of the said proceedings for the use of the general assembly.

By order,
W. HARWOOD, Clk.

To the honourable the GENERAL ASSEMBLY of MARYLAND, the
MEMORIAL of HENRY HARFORD, late proprietor.

AN appeal to the dictates of equity and the feelings of humanity is, with peculiar propriety, addressed to the representatives of a free state; and the many instances of benevolent interposition, which have dignified the acts of former assemblies since the revolution, evince, that the genuine principles of liberty are equally averse from unmerited severity and indiscriminate punishment. Emboldened by this consideration, your memorialist hopes, that his fallen fortunes will not be thought unworthy attention, nor a reasonable compensation be deemed incompatible with private justice, or public good.

The difficulties, expence, and dangers incurred by his ancestors, in originally peopling a country, whose inhabitants now rejoice in the smiles of freedom, forbid to him to expect that their exertions will terminate in the ruin of a descendant, whose conduct has never been inimical to the American cause.

Your memorialist respectfully represents, that he was a minor at the commencement of the late war, and placed during his infancy under the guardianship of the chancellor of Great-Britain, which prevented his leaving the kingdom. That during his minority suits were instituted against him by Sir Robert Eden and Mr. Browning, who intermarried with the daughters of Charles lord Baltimore, to recover the government and revenues of Maryland; and which suits were not terminated until the month of July, 1782.

His situation and embarrassments, must therefore forcibly plead against every rigorous-exposition to his prejudice.

Permit him therefore further to observe, that the objects of this address is not to question the policy of any governmental

measures, nor to create uneasiness in the state, but solely with a view to obtain such retribution for his wreck of property, as the justice, generosity, and magnanimity of the general assembly, and the peculiar circumstances of your memorialist, may prompt them to make: An investigation of which, he flatters himself, will manifest the propriety of his being relieved from a law of policy, framed only for the guilty; and he humbly hopes this investigation may be permitted by counsel at the bar, or in such other manner as shall be thought expedient.

Should the result of this application be different from his expectations, your memorialist shall still feel an anxious solicitude for the prosperity and happiness of America, and incessantly wish, that the citizens of Maryland may be gratified in their most sanguine hopes of felicity from the late revolution: But at the same time he cannot yield to the mortifying reflection, that the assembly of Maryland, so distinguished for their benevolence and rectitude, will place him in a situation that might probably make any other person regret an event which has filled the hearts of America with the most lively joy.

HENRY HARFORD.

A State of part of the Loss sustained by HENRY HARFORD, Esq; late proprietor of Maryland.

		Sterling.
The annual amount of his quit-rents for 1777, being the last accounts settled,	8518 6 2	
Manor rents paid to the agent for ditto,	322 11 6	
Ditto, due from the steward in Baltimore county	<u>162 5 10</u>	
	474 17 4	
Amount from the 29th of September 1773 to 29th September 1774	<u>8993 3 6</u>	
Arrears on £. 8993 3 6, from the 29th of September 1774 to the 29th of September 1784, is 10 years,	8993 15 0	
Deduct for payments acknowledged by the agent on account of 1775,	<u>809 13 4</u>	89122 1 8
Annual amount of quit-rents £. 8518 6 2, valued at 20 years purchase,		<u>170366 3 4</u>
	Carried over	<u>259488 5 0</u>
		MANORS

MANORS and RESERVED LANDS, viz.

Brought over 2594388 5

	Acres.			
Monocacy manor and the reserve thereon, as returned by the surveyor,	13148	at 30 ^f	19072	0 0
Gunpowder ditto,	5003	at 10 ^f	2801	10 0
Kent ditto,	3018	at 20 ^f	3018	0 0
Queen-Anne's ditto,	4322	at 20 ^f	4322	0 0
Nanticoke ditto,	4775	at 18 ^f	4297	10 0
Calverton ditto,	3412	at 15 ^f	2559	0 0
Anne-Arundel ditto,	301	at 20 ^f	301	0 0
Woolley ditto,	3131	at 7 ^f 6	1174	2 6
Chapico ditto,	6110	at 12 ^f	3666	0 0
Padgiah ditto,	1101	at 10 ^f	550	10 0
Mill ditto,	1667	at 8 ^f	666	16 0
Snow-hill, St. John's, and St. Barbaras,	774	at 9 ^f	398	3 0
West St. Mary's ditto,	1370	at 6 ^f	411	0 0
Zachariah ditto,	5304	at 10 ^f	2652	0 0
Beaverdam ditto,	7680	at 6 ^f	2304	0 0
Wiccomico ditto,	5950	at 5 ^f	1487	0 0
East and North-east ditto, laid out for 6000 acres, each, Rent charge.	3976	at 9 ^f	1784	4 0
Reserve in Baltimore county (barren land) supposed to contain	45000	at 1 ^f 6	3375	0 0
Four reserves to the westward of Fort Cumberland, containing	125130	at 2 ^f	12513	0 0
			67952	15 6
			£327441	0 6

Part of the above manors, valued in this schedule at about £.42,000 sterling, have been sold by the state's commissioners for upwards of £.116,000 current money. Exclusive of the above, Mr. Harford has also lost the usual caution on all vacant lands, the composition on certificates returned by surveyors, and the royalties.

MONDAY, November 21, 1785.

ON motion, ORDERED, That the memorial of Henry Harford, Esq; referred from the last to the present session, be taken into consideration on Friday the second day of December next, and that he be heard by counsel if required.

FRIDAY, December 2, 1785

The house took into consideration, the order of the day respecting the memorial of Henry Harford, Esq; and after hearing counsel on behalf of the memorialist, the following motion was made, That a message be prepared to the senate to propose a conference on the subject matter of the memorial of the said Henry Harford, Esq; ORDERED, That Mr. Chase, Mr. Hall, and Mr. Carroll, be a committee to prepare the said message.

SATURDAY, December 3, 1785.

Mr. Carroll, from the committee brings in and delivers to Mr. Speaker the following message:

BY THE HOUSE OF DELEGATES, DECEMBER 3, 1785.

MAY IT PLEASE YOUR HONOURS,

THIS house have heard counsel at its bar on the memorial of Mr. Harford, late proprietary of this state, in which he solicits a compensation or retribution from this government, for his confiscated property.

We are fully convinced of the justice, policy, and necessity of the law passed during the late war, which confiscated British property, and that on the principle of retaliation alone, the legislature that made the act, were justified by the laws and practice of all civilized nations.

From the limited wisdom of man, but very few general laws can provide for all cases that may happen, and circumstances will often arise which the legislature would have excepted from the general rule, if they could have been foreseen. A power therefore is always reserved in the legislative body, to make exceptions and provisions for particular cases, as they may occur.

The case of Mr. Harford is attended with such very particular circumstances, as merit, in our opinion, the peculiar attention of the general assembly, and involve such difficulties, as require the united wisdom of both branches of this government to decide.

As this state hath taken rank among the nations of the world, and in its political capacity must be considered as a moral person, under the obligations of justice, humanity, and benevolence, and we now have a national character to acquire and establish, this house, with anxious solicitude wish, that the government may be made known and esteemed by the powers of Europe for its sacred and inviolable regard to justice and humanity, public faith and national honour; and we wish, as far as in our power, to act with liberality and generosity.

Actuated by these principles, this house have retained the memorial of Mr. Harford; and we propose a conference with your honours of the subject matter thereof.

We wish that the cause and calamities of the late war could be buried in perpetual oblivion; and are willing to make a compromise with Mr. Harford, as far as the present very distressed situation of our public affairs will permit. We are involved, in consequence of the late war, in an enormous and very heavy debt, foreign and domestic; and our creditors are very urgent and pressing for payment. Our wishes far exceed our abilities; and we must limit our humanity and beneficence by our necessities.

If your honours agree to the conference, this house will afterwards determine what sum of money our finances will permit to be given to Mr. Harford, and the time and mode of payment. If the conferrees should think proper to receive any proposals from Mr. Harford, it would be agreeable to this house. If the senate accede to the proposed conference, we will nominate some of our members to meet such of your body as you may please to appoint for this purpose; and we hope, that by this mode, such measures may be adopted by the general assembly, as will be satisfactory to them and to Mr. Harford.

Which was read.

TUESDAY, December 6, 1785.

The message respecting Henry Harford, Esq; was read the second time, and the question put, That the house assent thereto? The yeas and nays being called for by Mr. Chase appeared as follow:

AFFIRMATIVE.

Messrs	Lethrbury,	Carroll,	Waggaman,	Quynn,	Joseph Dashiell,	Downes,
	Pearce,	Edmondson,	Chase,	Sewell,	Purnell,	McMechen,

NEGATIVE.

Messrs	Bond,	Taney.	Goldsborough.	Ennalls,	John Seney,	Norris
	Somerville.	Gantt	Bracco,	Baker,	Jackson,	Hughlett
	De Butts,	Fraizer,	Gale,	Oglevee,	Craille,	Stull,
	Maxwell,	Jones,	John Dashiell,	Miller,	Mitchell,	Cellars,
	B. Worthington.	Dent,	Adams.	W. Bowie,	Faw,	Funk,
	N. Worthington.	Stone,	Waters,	R. Bowie,	Beatty,	Oneale,
	Hall,	Ridgely of Wm.	Kirkman,	F. Bowie,	Carey,	Beall.
	Grahame,	Stevenson,				

So it was determined in the negative.

THURSDAY, December 8, 1785.

Mr. Carroll brings in and delivers to Mr. Speaker the following message:

BY THE HOUSE OF DELEGATES, DECEMBER 8, 1785.

MAY IT PLEASE YOUR HONOURS,

THIS house have heard counsel at its bar on the memorial of Mr. Harford, late proprietary of this state, in which he solicits a compensation or retribution from this government for his confiscated property. We esteem the case of Mr. Harford very important, and of such a nature as to require the united wisdom of both branches of the legislature to decide properly thereon, and do therefore propose a conference with your honours on the sub-

ject matter of the said memorial. Should the senate accede to the proposed conference, we will nominate some of our members to meet such of your house as you may please to appoint for the above purpose.

By Order, W. HARWOOD, clk.

Which was read.

The message respecting Henry Harford, Esq; was read the second time, and the question put, That the house assent thereto? The yeas and nays being called for by Mr. F. Bowie appeared as follows:

AFFIRMATIVE.

Messieurs	Bond,	Carroll,	Ridgely of Wm.	Ennalls,	Jackson,	Norris,
	Somerville,	Gantt,	Goldsborough,	Baker,	Chaille,	Hughlett,
	De Butts,	Frazier,	Gale,	Ramsey,	Mitchell,	Downes,
	Maxwell,	Jones,	John Dashiell,	R. Bowie,	Joseph Dashiell,	Stull,
	Lethrbury,	Dent,	Adams,	Chase,	Purnell,	Funk,
	Graves,	Turner,	Waters,	Quynn,	Faw,	Beall,
	Hall,	Stone,	Waggaman,	Sewell,	Carey,	

NEGATIVE.

Messrs.	N. Worthington,	Ridgely,	Miller,	F. Bowie,	Beatty,	Cellars,
	Grahame,	Bracco,	W. Bowie,	John Seney,	Steret,	Oneale,
	Taney,	Oglevee,				

So it was resolved in the affirmative.

Sent to the senate by Mr. Fraizer.

W E D N E S D A Y, December 21, 1785.

Edward Lloyd, Esq; from the senate, delivers to Mr. Speaker the following message and resolution:

BY THE SENATE, DECEMBER 19, 1785.

GENTLEMEN,

UPON the receipt of your message proposing a conference on the memorial of Henry Harford, Esq; we deemed it expedient previously to determine, whether any compensation should be made to the memorialist, for the losses stated in his memorial to have been incurred by him in consequence of the late revolution. For it naturally occurred to us, that it would be mispending time to discuss the quantum and manner of making the compensation, if either house should be of opinion, that no compensation ought to be made to the memorialist. On the fullest inquiry into the subject, and examination of the arguments suggested by the memorialist's counsel in your house (at which most of us were present), and which were again stated to and satisfactorily answered in this house, we are decidedly of opinion, that the memorialist cannot of right ask, or this state, consistently with that justice which

is due to others, grant him, any relief or retribution for the losses he has sustained in consequence of the revolution, and the acts of our legislature. That revolution and those acts were occasioned by the prosecution of an unjust war, commenced against this country by the British government, of which the memorialist is a subject. On that government, therefore, to which he remained attached during the whole war, and with whose success his own interests were so intimately connected, he ought only to rely for compensation for his losses. However rigorous the confiscation of the property of British subjects might appear, abstractedly considered, the act for seizing and confiscating that property, under the circumstances and with the restrictions it was passed, we are convinced, was perfectly justifiable. The severity of the measure long delayed its adoption, and that delay mitigated its severity, by affording to every British subject the opportunity of avoiding the consequences of the confiscation act.

The memorialist came of age in the spring of seventeen hundred and seventy-nine, the act of confiscation passed in the beginning of the year seventeen hundred and eighty one, full twelve months after the measure had been warmly and generally agitated in this state, and must have been known in England. Instead of repairing to Maryland and becoming a citizen, the memorialist, confiding in the power and success of his native country, remained in England, attending on the court of chancery, and waiting the adjudication of suits which were to determine the right to the province of Maryland and its dependences, between the memorialist and the heirs at law of the late lord Baltimore, and which adjudication could have no effect unless America should be conquered by the British government. This state of facts leaves not the smallest room to doubt, that the memorialist, both from interest and inclination, continued a British subject, and devoted to his native country, which, although free, endeavoured, by lavishing its blood and treasures, to deprive us of our freedom. We cannot discover a single circumstance in the case of the memorialist, to distinguish him from other British subjects, and which should induce this government to except him out of the general law of confiscation, or partially compensate the losses, which the revolution, that law, and his own conduct, have brought upon him. Every British subject, who did not bear arms against these United States, and whose property has been confiscated, has an equal if not a better claim to our commiseration.

Legislatures, ought to be governed by general rules and principles; their acts should not be liable to the reproach of partiality, or of an undue pretence. If any retribution should be made by this state to the memorialist, a proportionable compensation ought to be given to every other British subject. Will the state of our fi-

nances, and the heavy debt we have contracted in the defense of our liberty, suffer such application of public monies? The claims of justice must be satisfied, and we ought to attend to the distresses of our own citizens, occasioned by the depredations of the enemy and other causes in the course of the war; but British subjects, if entitled to any compensation for their losses, must seek redress from that government, whose injustice occasioned them, and of which they are citizens. The attachment of the memorialist to the British government, and the great losses he has incurred, may entitle him to the bounty of a British parliament, but can give him no just claim to any compensation from this legislature. The claim to quit-rents, as a subsisting debt recoverable under the treaty, which was urged as a ground for making a compensation to, or compromise with, the memorialist, has also been considered, and appears to us entirely groundless and inadmissible, being, as we conceive, incompatible with the sovereignty and independence of this state; and we cannot, confidently with the duty we owe to our constituents, do, or suffer to be done, any act, that has the most distant tendency to create a supposition, that any power on earth can place the free people of Maryland in the degraded condition of tenants to a superior lord, a foreigner, and a British subject. We are also clearly of opinion, that the quit-rents reserved upon the grants of the former proprietaries, were hereditaments subject to all the rules and consequences of other real estate, and therefore cannot, consistently with law, be held by an alien; and that no part of the treaty of peace can give the smallest colour to a supposition, that these hereditaments, more than others, were saved or reserved. That the claim of the former proprietary to quit-rents ceased upon the declaration of independence, we have not the smallest doubt, and we think the legislature acted wisely in declaring, that the payment of them even to this government should never be exacted, and that the citizens of this state should hold their lands on equal terms with the citizens of the other states.

Having stated our opinions and the reasons for them, it would be an useless waste of time to confer on the memorial of Henry Harford, Esq; especially as we have no cause to surmise that your opinion may be different from ours, as to the principle of making compensation.

To prevent the public councils from being diverted from more important and necessary concerns, and to save the further loss of time upon this subject, we herewith transmit a resolve, unanimously agreed to in this house, which, if adopted by yours, will effectually obviate the inconveniences just mentioned.

We flatter ourselves, gentlemen, that you do us the justice to believe, that we will cheerfully confer with you at all times, and

upon all occasions, in which the public service may be promoted by our assistance, and that our declining the proposed conference, does not proceed from the smallest disrespect, but from an impression and belief, that the mode we have suggested will bring the question of a compensation to the speediest conclusion, and consequently be the most acceptable to both houses.

By order, J. DORSEY, clk.

BY THE SENATE, DECEMBER 19, 1785.

THE memorial of Henry Harford, Esq; stating his losses, and soliciting compensation, being read and considered, the senate were unanimously of opinion, that the memorialist cannot of right ask, or this state consistently with justice to others grant him, any compensation or retribution for the losses he states in his memorial to have been by him sustained in consequence of the revolution and acts of our legislature: Wherefore, RESOLVED, That the memorial and application of the said Henry Harford, Esquire, be rejected.

By order J. DORSEY, clk.

Which were read.

FRIDAY, JANUARY 6, 1786.

On the second reading the message respecting the memorial of Henry Harford, Esq; and the resolution, the question was put, That the house assent to the said resolution? The yeas and nays being called for by Mr. Faw appeared as follow:

AFFIRMATIVE

Messieurs	Key,	Jones,	Edmondson,	Miller,	Chaille,	Wheeler,
	Bond,	Dent,	Goldsborough,	W. Bowie,	Purnell,	Driver,
	De Butts,	Turner,	Bracco,	Digges,	Faw,	Steret,
	B. Worthington,	Stone,	Gale,	R. Bowie,	Beatty,	Stull,
	N. Worthington,	Ridgely,	John Dashiell,	F. Bowie,	Bayly,	Cellars,
	Hall,	Ridgely of Wm. Adams,	John Seney,	Carey,	Funk,	
	Grahame,	Stevenson,	Waters,	Sewell,	Norris,	Oneale,
	Taney,	Roberts,	Hooper,	Joshua Seney,	Love,	Wootton.
	Frazier,					

NEGATIVE

Mes.	Lethrbury,	Carroll,	Ramsey,	Chase,	Quynn,	Joseph Dashiell
	Graves,					

So it was resolved in the affirmative.

Extract from the Journal,
W. HARWOOD, Cl. Ho. Del.

As can be seen (above) by the statements and votes of the members of the Maryland General Assembly, the legislature seemed at first very much inclined to take Harford's claims seriously.

To summarize, by Friday, December 2, 1785, the House of Delegates, after hearing Harford's attorney present information on the ex-proprietor's behalf, made the motion that a message be prepared to be sent to the Senate proposing a conference on the subject of the Henry Harford memorial. Samuel Chase, John Hall, and Charles Carroll of Carrollton were named to a committee and charged with writing the message. The very next day Mr. Carroll delivered a proposed letter to the Speaker of the House.

In brief the message expressed the wish that the Senate would assist the House in the matter of the Harford's request for restitution of his Maryland lands and incomes. The letter advised that the House had heard counsel on behalf of Mr. Harford, "late proprietary of this State," soliciting compensation for his confiscated property.

"The case of Mr. Harford", the letter stated, "is attended with such very particular circumstances, as merit, in our opinion, the peculiar attention of the general assembly, and involve such difficulties, as require the united wisdom of both branches of this government to decide."²⁰

The House letter asserted that the law that allowed the confiscation of British property in Maryland was completely just, but noted also that few laws apply to every case. In the eyes of the world, the letter went on, it is important to discover how a new nation and its new states will comport themselves. Maryland must acquire a national character associated with justice, humanity, and benevolence.

The message concluded:*

*Italics added.

Actuated by these principles, this house have retained the memorial of Mr. Harford; and we propose a conference with your honours on the subject matter thereof.

We wish that the cause and calamities of the late war could be buried in perpetual oblivion; and *are willing to make a compromise with Mr. Harford*, as far as the present very distressed situation of our public affairs will permit. We are involved, in consequence of the late war, in an enormous and very heavy debt, foreign and domestic; and our creditors are very urgent and pressing for payment. *Our wishes far exceed our abilities*; and we must limit our humanity and beneficence by our necessities.

If your honours agree to the conference, *this house will afterwards determine what sum of money our finances will permit to be given to Mr. Harford, and the time and mode of payment.*²¹

The House heard the proposed message December 6th and only eleven members of the body voted for it, while forty-four voted against it. The committee then retired to draft another message. Two prominent men of Maryland, Charles Carroll of Carrollton and Samuel Chase, supported Harford's right to compensation. Peregrine Letherbury and Joseph Dashiell, less prominent but still important men, also favored his application.²²

Harford, his hopes raised by the letter read to the House, then depressed by its rejection by the lower house, did not have long to wait for a revised letter to be offered. Two days after the first message had been rejected, Carroll was back with another, less specific message for the Senate:

May it please Your Honours,

This house have heard counsel at its bar on the memorial of Mr. Harford, late proprietary of this state, in which he solicits a compensation or retribution from this government for his confiscated property. We esteem the case of Mr. Harford very important, and of such nature as to require the united wisdom of both branches of the legislature to decide properly thereon, and do therefore propose a conference with your honours on the subject matter of the said memorial. Should the senate accede to the proposed conference, we will

nominate some of our members to meet such of your house as you may please to appoint for the above purpose.²³

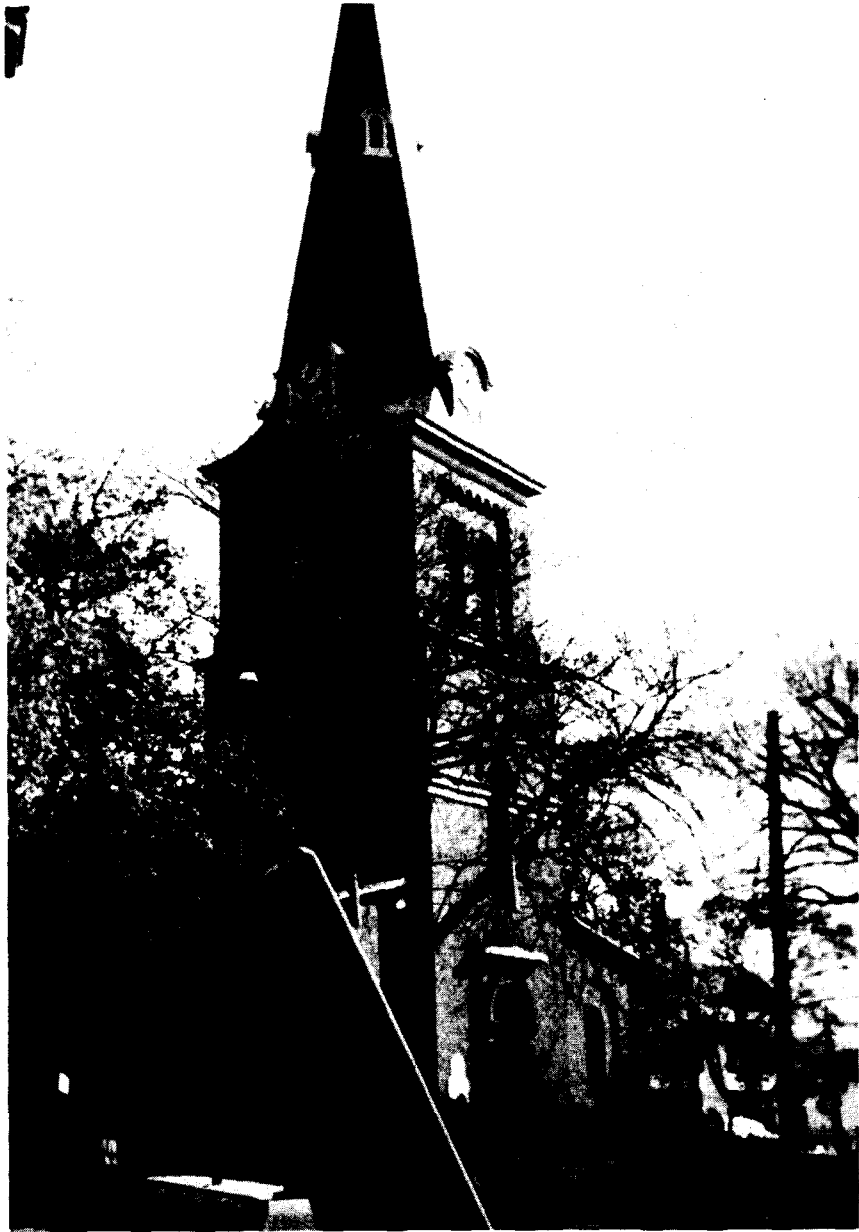
When the House heard this proposed letter read, thirty men swung over to the affirmative; forty-one votes were now for sending the message to the Senate, and fourteen were against the action. Such prominent Maryland names as Goldsborough, Bowie, Stone, and Beall, were found on the list of those opposing the message.

Harford waited for two anxious weeks for an answer to the House message. The Senate then replied to the House in a message dated December 19, 1785. The letter clarified not only Harford's claim but as well, those of other British subjects claiming special recompense from Maryland.

In brief, the Senate message stated that Harford could not rightfully ask of the State of Maryland relief for his losses occasioned by the action of the legislature in passing laws to confiscate British-owned property in Maryland. Adequate time had been allowed by the legislation for news of the proposed confiscation of property to reach England, in order to allow Britons who wished to come to Maryland, to claim their property at that time. Harford, the Senate letter continued, had chosen to remain attached to the British government, had remained in Britain during the whole war, and ought now to seek recompense from Britain. He had had ample time to come to Maryland and claim his property and to make an oath of loyalty to the revolutionary government:²⁴

The memorialist came of age in the spring of 1779, full twelve months after the measure had been warmly and generally agitated in this state, and must have been known in England . . .

This state of facts leaves not the smallest room to doubt that the memorialist, both from interest and inclination, continued a British subject, and devoted to his native country, which, although free, endeavored by lavishing its blood and treasure, to deprive us of our freedom. We cannot



(Author's 1976 photograph)

St. Anne's Church, Church Circle, Annapolis, where Sir Robert Eden was interred.

discover a single circumstance in the case of the memorialist, to distinguish him from other British subjects.²⁵

Likewise, the Senate sternly rejected the former proprietor's claim for quitrents past the date of Maryland's declaration of independence from Britain. Debts incurred and due to Harford previous to this date were apparently allowed by this statement. The Senate blandly assured the House that it would always be happy to confer with that body, but that in this instance it would be a waste of time.²⁶ The message ended with a bald Senate resolution that the "memorial and application of the said Henry Harford, Esquire, be rejected."²⁷

House members heard the message from the Senate with its accompanying resolution, and adjourned for the Christmas and New Year holidays without further action on the matter.²⁸ This holiday season must have held little cheer for Harford, allowing him only an overabundance of time in which to contemplate to what a sorry state the great Calvert name and fortune had fallen in Maryland. There was little reason to hope that the House would oppose the Senate in the matter.

When the legislature reconvened on January, 1786, Harford's case again came before the House. House members heard the entire message read again on January 6th, and a vote was called for. The result was overwhelmingly against the former proprietor. Forty-nine members of the House voted not to consider the Harford appeal further, seven doggedly voted to review the matter. Among the seven Harford supporters remained the names of Carroll, Chase, and Letherbury.²⁹ So the matter was closed and Henry Harford was denied all recompense for his losses in Maryland.

There is a curious absence of Harford's name in the newspapers of Maryland during the time of his visit. These gossipy journals, usually so quick to report every move of members of the gentry, totally ignored

Harford after only two early mentions in 1783. It seems that pressure must have been brought to bear on the Maryland editors by powerful men in Maryland for such a total absence of news to have occurred. This indicates that powerful opposition and hostility existed toward Harford. No item noting his departure is to be found in the *Maryland Gazette*, for example, though there is little doubt that Harford did depart wearily enough for England, early in 1786.

Harford left agents behind him in Maryland to collect the few debts allowed him by the laws of Maryland, sums due prior to the Declaration of Independence in Maryland.³⁰ These payments of relatively small amounts continued until the year 1818.³¹

Why Harford Failed in Maryland

Harford came to America in 1783 with every right to expect at least some compensation for his losses in Maryland because of the examples set by the state legislatures in Virginia and Pennsylvania toward the heirs of their proprietary families. Yet Maryland's ex-proprietor left the state two years later without a pound of payment, save for those few debts contracted to him prior to the Declaration of Independence.

To summarize, it appears that the reasons for his lack of success were: his illegitimacy, his minority at the time he became Proprietor, the fact that he was not the legal heir to the province, his refusal to consider coming to Maryland when he came of age to join the rebels, his own mild character, the loss of Eden's assistance, and most harmful to his chances of all—the hostile climate left for him by his father's poor management of the province of Maryland. Calvert's disgraceful life style had done nothing to create loyalty in Maryland. Also, hostility remained, directed

at English citizens in general, due to the recent fighting of the Revolution.^N

The heirs to the Pennsylvania and Virginia proprietary property in America fared better because they were legitimately born and were unquestionably the legal heirs of the proprietaries. Harford's being a minor gave him scant opportunity to come to Maryland to live and create friendships and loyalties, whereas both the Penns and Lord Fairfax had a long and cordial personal relationship in Pennsylvania and Virginia with the inhabitants of those former provinces.

Harford's education and background made it impossible for him to consider leaving his king and his country to join the rebels when he came of age. Yet, neither the Penn nor Fairfax heirs joined the rebellion against England. Members of each family, in the Virginia case Lord Fairfax himself, did stay in America during the war, however, on a neutral basis.

The personality of Henry Harford apparently was not forceful or charismatic enough to rally support.

All these factors eventually dealt a death blow to Harford's hopes of regaining a part of the Calvert fortune from Maryland. He could now only turn his back on his American failure and sail eastward toward his home, family, and friends in England.

NOTE: There also may well have been reasons of personal gain, for friendships involved with those in Maryland hoping to acquire lands formerly belonging to the Proprietor. In such a closed society of leaders in colonial Maryland, it would be surprising if this were not so.

¹Richard A. Overfield, "The Patriot Dilemma: The Treatment of Passive Loyalists and Neutrals in Revolutionary Maryland," *Maryland Historical Magazine*, Vol. 79, No. 2 (Summer, 1973), p. 140.

²*Ibid.*, p. 147.

³*Ibid.*, p. 150.

⁴Ronald Hoffman, *A Spirit of Dissension* (Baltimore: Johns Hopkins University Press, 1973), pp. 258, 259.

⁵*Ibid.*, pp. 260, 268. Still, a summer sale offered a more equal opportunity to the public than had the proposed winter sale.

⁶By 1781 "certain Articles of Agreement," were made between Henry Harford and his two Calvert aunts, legal heirs to the Calvert family palatinate. This was done by means of one of those private acts of Parliament that allowed certain cases to be settled, rather than to drag on indefinitely. George Bramwell, *An Analytical Table of the Private Statutes Passed, 1727-1782* (London: n.p., 1837), unpaginated, Harford entry. LC JN 688B8. Edward Jenks, *The Book of English Law* (Athens, Ohio: Ohio University Press, 1967), pp. 260-262. Also, Charles Browning, *An Appeal to the Citizens of Maryland* (Baltimore: n.p., 1821), pp. 8, 9.

⁷J. Thomas Scharf, *History of Maryland*, 3 vols (Hatboro, Penna.: Tradition Press, 1967, a facsimile reprint of the 1879 edition), II:392-395; also Henry Harford Memorial, Appendix B, p. 2.

⁸*Maryland Gazette*, August 14, 1783, noted: "On Monday last arrived here the ship *Harford*, capt. N. Richardson, from London. She left England the 7th of June, and brings London prints to the fifth, but they contain nothing new. In this ship came several passengers, among whom are the late proprietor and governor of Maryland."

⁹*Archives of Maryland*, Vol. 48, pp. 446, 447.

¹⁰Mary Beth Norton, *The British Americans: The Loyalist Exiles in England, 1774-1789* (Boston: Little, Brown, 1972), pp. 178-180.

¹¹*Maryland Gazette*, August 14, 1783: "Yesterday the brig *Peace and Plenty*, captain Bradstreet, arrived in this port from England. Captain Bradstreet informs, that he understood the definitive treaty was signed a few days before he sailed." Also Scharf, II:496.

¹²*Ibid.*

¹³*Archives of Maryland*, Vol. 47, preface, p. 447.

¹⁴*Archives of Maryland*, Vol. 48 pp. 506, 508, 509, 517, 518.

¹⁵Lady Matilda Ridout Edgar, *A Colonial Governor in Maryland* (London: Longmans, Green and Co., 1912), p. 277. An Annapolis lady writes: "Sir Robert Eden seems in bad health. He no longer flirts. . . . They are very agreeable neighbours to us. . . . They live in Doctor Scott's House. The Doctor himself is in a state of ill health."

¹⁶Scharf, II:502.

¹⁷Norton, pp. 178-180.

¹⁸Memorial of Henry Harford, Appendix, B.

¹⁹*Ibid.*

²⁰*Ibid.*

²¹*Ibid.* Emphasis added.

²²*Ibid.*

²³*Ibid.*

²⁴*Ibid.*

²⁵*Ibid.* Note the comment made in the Memorial with reference to Henry Harford's age which confirms his birth in 1758.

²⁶Memorial of Henry Harford, Appendix B.

²⁷*Ibid.*

²⁸*Ibid.*

²⁹*Ibid.*

³⁰*Maryland Gazette*, March 2, 1786:

Annapolis, Feb. 15, 1786.

The agent for the late PROPRIETARY of this state having returned, many of the farmers of quit-rents, and others in receipt of his then revenue, in arrears—to avoid expense and trouble, those concerned are requested to make immediate payment to

JOHN and JONAS CLAPMAN

Attornies for Henry Harford, Esquire.

³¹Account book of Jonas Clapham for May 21, 1785, to Jan. 21, 1718. Scharf Papers, MS Div., Maryland Historical Society.

CHAPTER XVII

HARFORD APPEALS TO THE BRITISH GOVERNMENT

In Britain, Harford was vastly more successful in obtaining recompense for the loss of his Maryland lands and incomes. When the British Parliament had passed the Estate Act of 1781, Harford was made, without any reservation, Proprietor of Maryland. This gave him firm legal grounds to expect equal treatment with others claiming compensation for losses from the British government, sustained as the result of the American Revolution. Aided by his own persistent efforts and his considerable wealth, Harford managed to extract thousands of pounds from the British treasury.

Harford's First Appeals to Britain

Parliament passed a Compensation Act in July of 1783. This resulted in a five-man board being set up as a commission to judge claims filed by ". . . all such persons who have suffered in their rights, properties and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his majesty and attachment to the British government."¹ The commissioners set to work, reading claims presented to them, and by 1785 payments began.²

Henry Harford received about £90,000. This was computed upon a figure of £447,000, which Harford claimed was the value of his losses in Maryland. Further sums of £10,000 each were paid to two other claimants, one sum to Sir Robert Eden and his wife Dame Caroline, and the second sum to John Browning and his wife Louisa.³

Ironically, Maryland did have to make some compensation to her former proprietor, albeit an involuntary payment. The Bank of England held stock, in

Maryland's name, purchased before the American Revolution and valued at £29,000.⁴ Years of litigation over possession of this stock followed the American Revolution. The case was finally settled and much of the stock was returned to Maryland, but only after the deduction of 10,000 pounds paid to Henry Harford and after the discharge of several other claims.⁵

Harford's Later Appeals to the Government of Britain

Five Loyalist claimants, Henry Harford, John Tyn-dale Warre, William Cuninghame, Henry Glassford, and John Nutt Davisson, claimed under the various treaties made between Britain and the United States regarding the collection of debts contracted prior to the American Revolution in both America and in Britain, the sum of two and one-half million pounds. The king, however, agreed to accept in cancellation of all these claims against Americans £600,000. As the claimants expressed it:

It thus appears, That by the Convention of 1802, His Majesty was pleased, *in consideration of 600,000 pounds to cancel and annul the 6th Article of the Treaty of 1794*, whereby America would have been bound to pay to the Petitioners, 1,420,000 pounds (this amount derived from action of Parliamentary, House of Commons Committee appointed to parcel out the 600,000 pounds, who found that the claimants should receive 1,420,000 pounds); and by the same Convention, His Majesty's Government was pleased, on the other hand, to stipulate, that Great Britain should, nevertheless, pay to American Citizens, the *full amount of their demands under the 7th Article*; and these demands have been discharged by Great Britain, to the extent of 1,369,448 pounds. . . .⁶

The Petitioners have, therefore, applied to Parliament, for Compensation, on account of the heavy loss they have sustained, by the above Convention—having as yet received only 659,493 pounds, instead of 1,420,000 pounds, to which they have been found justly entitled . . .

The Claimants commenced this statement, by asserting,—that their Claim is *not* for a Loss occasioned by War.—And it

should be known, that besides the Loss now claimed, *arising solely in time of Peace*, and occasioned by America's violation of the Treaty of Peace, they have actually sustained Losses, to the amount of several millions, by the American War, for which they do not ask any Compensation whatever.⁷

The case of the British American Claimants, quoted above, began years before. In January of 1802, armed with the knowledge that the British American claimants would agree to settle with the Americans for £2,500,000, the king's agents agreed to accept a payment "from America," as the United States was often termed, of £600,000 in complete settlement of the British claims. The claimants were not consulted and soon objected to this state of affairs. They were to be paid by a committee, appointed in April 1803 by Act of Parliament, their various shares of the £600,000. The committee, however, came up with a total due the claimants of £1,420,000! Finally, £659,493 were paid out to the claimants.

The "American claimants," that is, Britons claiming more compensation for debts in America cancelled out by the British government, petitioned Commons on January 22, 1812, where the matter went into committee, emerging in March 1, 1813. The five claimants then wrote a letter to the Earl of Liverpool, dated May 8, 1813, advising him that their case was to be submitted before the House of Commons on May 13th, and asking for the support of the Prince Regent's Government.⁸ The case duly came before Commons and on May 20, 1813, a motion was made "that the petitioners have established such a case as forms an equitable ground for Parliamentary relief."⁹ The motion was defeated in the Commons, however, and no further action was taken.¹⁰

How much did Harford realize out of these various petitions to Parliament? He was originally adjudicated £43,401 by the commission appointed in April 1803 to apportion out the £600,000 from the United States.

All in all, though the commission's total rose to £1,420,000—only £659,493 were dispersed. Since £659,493 is a little less than 47% of £1,420,000, we may estimate Harford's share as being paid at 47% of £43,401, or approximately £20,398. This was paid to Harford after the committee eventually made its report in May 1811.

Summary of Reparations

In negotiations lasting from 1786 until 1813 the persistent Harford gained £90,000 from the British government for losses incurred by his loyalty to that government during the American Revolution; £10,000 indirectly from Maryland through the action of the British government in deducting that amount before returning Maryland's Bank of England stocks; and an estimated £20,398 from the British government and the government of the United States to compensate him for losses due to uncollectable debts in the United States. Thus, Harford garnered from the British government the munificent total of £120,398.

¹Mary Beth Norton, *The British Americans: The Loyalist Exiles in England, 1774-1789* (Boston: Little, Brown, 1972), pp. 192; J. Thomas Scharf, *History of Maryland*, 3 vols., (Hatboro, Penna.: Tradition Press, 1967, facsimile reprint of the 1879 edition), II:392-393.

²Norton, p. 192; Scharf, II:394, 397.

³Scharf, II:394.

⁴Scharf, II:504.

⁵Scharf, II:504, 505, 506.

⁶Case of the British American Claimants, MS Room, British Museum, London, document #38252.F.352, and document #38252.F.353. See Appendix C.

⁷Ibid.

⁸Ibid.

⁹Letter, H. S. Cobb, Deputy Clerk of the Records, Record Office, House of Lords, London, to Vera Rollo, Lanham, Maryland, July 24, 1975. See Appendix C.

¹⁰Ibid.

The texts of the actual documents, summarized above, follow:

CASE OF
THE BRITISH
AMERICAN
CLAIMANTS

Claimants' Letter and Case

(1813)

The Undersigned Committee of British American Claimants present their respectful compliments to the Earl of Liverpool and beg leave to intimate to this Lordship that it is intended on the part of the Claimants that a motion shall be submitted to the House of Commons on Thursday the 13th Instant to the effect of acknowledging - That the Claimants have made out such a case as affords an equitable ground for Parliamentary relief:—

The Committee of Claimants confidently trust that a motion of the above general nature will not meet with opposition upon the part of His Royal Highness the Prince Regent's Government.

Old Broad Street —
8th May 1813

Henry Harford
Wth - Birmingham
Henry Gladford
John Nutt
C. Davison
J. F. Warr

CASE

OF THE

BRITISH AMERICAN CLAIMANTS.

VARIOUS misconceptions, with regard to the case of the Claimants, having gone abroad, they think it necessary, to state shortly, the Facts, as established by the Report of the Select Committee of the House of Commons.

The Claim of the Petitioners, is *not* for Losses by War, *but* for Losses occasioned—by the violation, on the part of America, of the Treaty of Peace concluded in 1783; by her subsequent violation of the Treaty of Amity concluded in 1794; and by the Convention between His Majesty and the United States in 1802.

Before the American War, in the year 1776, the relations between Great Britain and her American Colonies, were those of fellow-subjects; and when the War commenced, immense Sums were due from the Colonists, to British Subjects residing in Great Britain, and to such Loyal Subjects of Great Britain residing in America, as took part with the Mother Country, in the Contest which ensued. The present Claimants, consist of both these descriptions of British Subjects.

While the American War continued, the recovery of these Debts was impossible.

By the 4th Article of the Treaty of Peace, it was stipulated, that "Creditors on either side, should "meet with no lawful impediment to the recovery of Debts theretofore contracted."—But this solemn stipulation was violated by America, her Courts of Judicature still remaining closed against British Subjects.—*The evils of War were thus protracted with respect to the Petitioners, while the British Empire enjoyed profound Peace.* When at last, the American Courts were opened, after a lapse of several years, many of the Debtors who had been solvent at the Peace, were found to have become insolvent during this interval, and the Debts were thereby lost for ever to the British Creditors.

By the 6th Article of the Treaty of Amity between Great Britain and the United States, concluded in 1794, America agreed to make *full and complete Compensation*, to British Subjects, for the Losses, which her violation of the former Treaty had thus occasioned.—And by the 7th Article of the said Treaty of 1794, Great Britain, on the other hand, agreed, to make full and

complete Compensation to American Citizens, who had sustained Losses, by illegal or irregular Captures of their Vessels and Property, during the then existing War between Great Britain and France.

The Treaty of 1794, was negotiated by Lord Grenville, on the part of His Majesty, and by Mr. Jay, on the part of the United States; and it was in the view of both these Negotiators, that a principle of Reciprocity should be established, by the 6th and 7th Articles, the one, containing stipulations in favour of the Subjects of Great Britain, and the other, containing stipulations in favour of the Citizens of the United States.

A Board of British and American Commissioners met at Philadelphia, in May, 1797, to ascertain the amount, payable under the 6th Article, by the United States, to the British Creditors; but the appointment of this Board was rendered ineffectual, and its proceedings were first interrupted, and afterwards, entirely defeated and closed, by the secession of the American Commissioners. The conduct of the British Commissioners, during the whole of the proceedings of this Board, was approved most highly by the British Government.

When the British Government was apprised of this interruption of the proceedings at Philadelphia, they immediately suspended the execution, on the part of Great Britain, of the 7th Article of the Treaty. And many representations were made by the Petitioners, urging the extreme hardship of their case, and calling on His Majesty's Ministers, to take measures for procuring their just demands from America, and stating, that if this was not done, they must throw themselves on the National Justice, by an application to Parliament.

The Petitioners, at the same time, stated to Government, that in the event of a Compromise being thought advisable, they were willing to take, if properly guaranteed, 2,500,000*l.* in full of their Claims.

In, or soon after December, 1800, during the Negotiation which led to the Convention of 1802, Mr. M^cDonald, who had been First Commissioner at Philadelphia, at the request of the United Secretary of State for Foreign Affairs, communicated to him, that he conceived, a Sum of between a Million and a Half, and Two Millions, would be a fair Sum to be demanded from America, under the stipulations of the 6th Article of the Treaty of 1794. And afterwards, on 14th May, 1801, Mr. M^cDonald, in answer to certain verbal enquiries, made a further communication to Mr. Hammond, that he imagined a fair execution of the Sixth Article of the Treaty of 1794, would have made *good about Two Millions of the sums claimed.*

On the 8th January, 1802, a Convention was signed between His Majesty and the United States, whereby His Majesty, *without the concurrence or privity of the Petitioners*, consented to accept, for the use of the persons described in the 6th Article of the Treaty of 1794, (who are the present Petitioners), the sum of 600,000*l.* Sterling, in satisfaction and discharge, of the Money which the United States might have been liable to pay to them, under the said 6th Article, which His Majesty, *thereby, declared to be cancelled and annulled.*

But by the said Convention, the Stipulations of *the 7th Article* of the Treaty of 1794, *in favour of American Citizens*, were reserved whole and entire: the Commissioners for executing that Article, recommended their sittings, and the Sum of 1,369,448*l.* has been paid to American Citizens, under its provisions.

The considerations, which led to this Convention, are stated in the Evidence of the Earl of Liverpool, by whom it was negotiated, to have been partly of a national nature; and his Lordship further states, that the suspension of the said 7th Article, might certainly have been continued.

As soon, as the Petitioners were apprised of the Convention, they expressed their dissatisfaction, and intimated their intention of applying to Parliament, for Compensation; and in March, 1802, having waited on Mr. Addington, (then First Lord of the Treasury, and Chancellor of the Exchequer), they protested against the Terms of the Convention. Mr. Addington admitted the case of the Petitioners to be a hard one, and said, he had no objections to their applying to Parliament, though he meant to give no opinion on the merits of the Claim. But he thought that Parliament would not entertain any Petition, till the amount of their losses was ascertained. The Petitioners, in consequence, did not then present any Petition to Parliament.

In April, 1803, an Act of Parliament was passed, appointing Commissioners for apportioning and distributing the said Sum of 600,000*l.* among the persons who should be found entitled. These Commissioners finished their Adjudications in May, 1811, and by such Adjudications, the Claims of the Petitioners were fully established, and were found to amount to 1,420,000*l.* as on the first June, 1804.

It thus appears, That by the Convention of 1802, His Majesty was pleased, *in consideration of 600,000*l.* to cancel and annul the 6th Article of the Treaty of 1794*, whereby America would have been bound to pay to the Petitioners 1,120,000*l.*; and by the same Convention, His Majesty's Government was pleased, on the other hand, to stipulate, that Great Britain should, nevertheless, pay to American Citizens, the *full amount of their demands under the*

7th Article; and these demands have been discharged by Great Britain, to the extent of 1,369,448*l.*, as above mentioned.

It is not for the Petitioners, to call in question the wisdom of His Majesty's Government, in concluding this Convention. But they must again observe, that they (the Petitioners), were not privy to it, nor at all consulted, during its progress—That they gave no consent, directly or indirectly, to the conclusion of such a bargain—That they entered their Protest against it, as soon as it was made known to them—That the rights of which they were thereby deprived, were vested rights, coming within the description of Private Property, in the strictest sense of the word—That His Majesty's Government were fully aware, that the Property thus sacrificed, would probably amount to nearly Two Millions Sterling; and that this sacrifice of the rights of the Petitioners, was thus made to the United States, at the same time that a Fund existed in the bands of Great Britain, due to America under the 7th Article of the Treaty, which, in conformity in the principle of Reciprocity between the 6th and 7th Articles, might justly have been retained, in satisfaction of the demands due to the Petitioners, under the 6th Article.

Under such circumstances, it must be presumed, that His Majesty, exercising his undoubted right, of alienating the property of a part of his Subjects, for the public good, had in view, to compensate them for the sacrifice, according to those principles of Public Law, which are universally acknowledged, and have been invariably acted upon by Great Britain.—A reference to former cases, will show, that the claim of the Petitioners, is fortified by analogous Precedents; and they believe, that no similar instance can be adduced, in which Compensation has not been granted.

The Petitioners have, therefore, applied to Parliament, for Compensation, on account of the heavy loss they have sustained, by the above Convention—having as yet received only 659,493*l.*, instead of 1,420,000*l.*, to which they have been found justly entitled.

It is far from the wish of the Petitioners, to press upon the national resources, by a demand of payment at the present moment—they are willing to accept Debentures, or other Securities, to be made payable, at such periods, as may best suit the convenience of the State.

The Claimants commenced this statement, by asserting,—that their Claim is *not* for a Loss occasioned by War.—And it should be known, that besides the Loss now claimed, *arising solely in time of Peace*, and occasioned by America's violation of the Treaty of Peace, they have actually sustained Losses, to the amount of several millions, by the American War, for which they do not ask any Compensation whatever.

Letter, House of Lords, Record
Office. Outcome of the Case.

(1975)



Record Office,
House of Lords,
London, SW1A 0PW.

24th July, 1975.

Dear Miss Rollo,

Thank you for your letter of the 16th July. The American Loyalists' Petition was presented to the House of Commons on the 22nd January 1812, and was referred to a Committee which reported on the 25th March of that year (Commons Journal, Vol. 67, pages 54-5, 112 and 234). The report of the 25th March 1812, was again referred to a Committee on the 26th February 1813, and the Committee reported on the 1st March. On the 20th May 1813 there was a motion in the Commons "that the petitioners have established such a case as forms an equitable ground for Parliamentary relief". This motion was defeated in the Commons, and no further action was taken (Commons Journal, Vol. 68, pages 242, 244 and 505).

According to the report of 25th March 1812 the Commissioners dealing with American claims had made adjudications in favour of various claimants to the amount of £1,420,000 and had divided amongst the claimants the sum of £659,493. The claimants were therefore petitioning for the payment of the difference between these two sums, and this was disallowed.

The report contains a list of the individual claimants and sums allowed to them, and I enclose a copy of this.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "A.S. Gell", written over a horizontal line.

Deputy Clerk of the Records

Miss Vera F. Rollo,
9205 Tuckerman Street,
Lanham,
Maryland 20801,
U.S.A.

Excerpt from Report of March 25, 1812
Ref.: Commons Journal, Vol. 67, pp. 54-55, 112, and 234.

the same, the first of the said instalments to be paid at the expiration of one year, and the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratification of the said Convention, and to be paid in money of the said United States, reckoning four dollars and forty-four cents to be equal to one pound sterling: And whereas it is expedient that Commissioners should be appointed for the apportioning, dividing and distributing such sum of money, amongst the several persons who shall by such Commissioners be found entitled to receive compensation out of the same, in proportion to their several and respective claims, so far as the same shall by such Commissioners be approved or adjudged to be good; May it therefore please Your Majesty; that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That Thomas Macdonald, Esquire, Henry Pye Rich, Esquire, and John Guillemard, Esquire, shall be and they are hereby constituted and appointed Commissioners for the purposes aforesaid; and that the adjudication of such Commissioners, or any two of them, as to all claims made for compensation out of such money, and also as to the apportionment and distribution thereof as aforesaid, shall be final and conclusive.

Commissioners appointed.

Sect. 7. And be it further Enacted, That no claim or request of any person or persons under this Act shall be received after the 1st day of June 1804 .

No Claim to be received after June 1. 1804.

Sect. 8. And be it further Enacted, That the said Commissioners shall from time to time, at their discretion, or as often as they shall be

Commissioners shall give an account of their Proceedings to the Treasury. &c.

thereunto required, and as soon as possible for the determination of their examinations and proceedings by virtue of this Act, without any further requisition, give an account of their proceedings in writing to the Lords Commissioners of His Majesty's Treasury, and to His Majesty's principal Secretaries of State for the time being.

Sect. 12. And be it further Enacted, That when and so soon as the said Commissioners, or any two of them, shall have approved and adjudged the claim of any person or persons to any such compensation as aforesaid to be good and valid, in the whole or in part, and ascertained the amount of any dividend or proportion of money to which any such person is, or persons respectively are then entitled, the said Commissioners, or any two of them, shall make out or cause to be made out, in such form as they shall think fit, an Order or Orders for the payment of such sum or sums respectively as shall have been so ascertained as aforesaid, or of such part thereof as shall be in proportion to the amount of the money which shall then have been remitted from America, and paid into the Bank of England in manner hereinbefore directed, and shall annex their hands and seals, or the hands and seals of any two of them, to such Order or Orders, and shall cause the same to be delivered to the person or persons duly authorized, on such receipts acquittances or designments being delivered duly executed by such person or persons, to the extent of the money be by such person or persons respectively received, as the said Commissioners, or any two of them, shall have directed or required.

When Claims are
ascertained, orders
shall be made out for
Payment.

Appendix, No. 39

LIST of ADJUDICATIONS by the Commissioners
appointed under the
Act 43d Geo. III. cap. 39.

GLASCOW CLAIMS.

	£	s.	d.
John Alston, for Alston, Young, and Co.	6,000	—	—
D' --- John Alston and Co.	4,800	—	—
Buchanan, Hastie, and Co.	61,500	—	—
James Baird, for John Hay and Co.	7,000	—	—
John Buchanan and G. Lawson .	15,000	—	—
Bonar, for Allan, Love, and Co. .	6,000	—	—
John Ballantine and Co.	3,000	—	—
G. Brown and J. Lawrie	7,000	—	—
Buchanan and Milliken	200	—	—
Andrew Buchanan, for G. and A. Buchanan	7,000	—	—
J. Buchanan, for C. Ried and Co.	4,800	—	—
Cochrane, Donald, and Co.	6,200	—	—
Margaret Coates	5,000	—	—
W ^m Calderhead, for Jamieson, Campbell, and Co.	3,500	—	—
Duncan Campbell's Executors ..	4,000	—	—
W ^m Cuninghame and Co.	88,000	—	—
Cuninghame, Findlay, and Co. .	5,600	—	—
Alexander Donald and Co.	7,200	—	—
Dinwiddie, Crawford, and Co. . .	18,000	—	—
66.			
	£	s.	d.
Dreghorn, Murdoch, and Co.	5,820	—	—
Colin Dunlop and Son, and Co. . .	13,300	—	—
Thomas and Alexander Donald and Co.	5,500	—	—
James and Robert Donald and Co.	50,500	—	—
Dunlops and Crosse	4,000	—	—
Donald Scott and Co.	20,500	—	—
Dunmore, Blackburne, and Co. .	8,000	—	—
Alexander Donald	800	—	—

Dreghorn,

	£.	s.	d.
Glassford, Gordon, Monteath, and Co.	15,500	—	—
Glassford and Henderson	13,500	—	—
John Glassford and Co.	26,500	—	—
James Gaunnet	5,000	—	—
Henderson, M ^c Call, and Co.	32,500	—	—
Archibald and John Hamilton ..	48,150	—	—
James Hunter and Co.	1,000	—	—
George Keppen and Co.	28,150	—	—
George Lothian, for N. Menzies Trustees, &c.	5,700	—	—
Isabella Logan	2,110	—	—
Murdoch, Donald, and Co.	10,000	—	—
James Murdoch, for James Murdoch and Co.	2,500	—	—
D ^o --- for Thomas Yuille, James Murdoch and Co.	3,500	—	—
Rob ^t Muirhead, for Aitcheson Hay and Co.	1,500	—	—
M ^c Call, Dennistown, and Co.	5,440	—	—
M ^c Call, Smellie, and Co.	10,000	—	—
George M ^c Call and Co.	3,500	—	—
M ^c Dowall, Stirling, and Co.	13,500	—	—
John M ^c Dowall and Co.	16,000	—	—
Helen, M ^c Call, and others	7,000	—	—
William Ogilvy	1,380	—	—
Oswald Dennistown and Co.	16,800	—	—
James Ritchie and Co.	26,500	—	—
James and Henry Ritchie	2,000	—	—
Ramsay Monteath and Co.	3,000	—	—
John Robertson, for P. Telfer's Trustees	1,000	—	—
William Robertson, for Cuming, M ^c Kenzie and Co.	12,500	—	—
Andrew Sym and Co.	4,500	—	—
Archibald Speirs, John Bowman, and Co.	87,000	—	—
Archibald Speirs	500	—	—
Thomson, Snodgrass and Co.	7,000	—	—
George Thomson, for Andrew Thomson and Co.	400	—	—
James Wilson and Sons	1,800	—	—
Amount of the Glasgow Claims ...	£.783,650	—	—

ENGLISH CLAIMS

	£.	s.	d.
The Rev ^d Bennett Allan	2,524	—	—
Andrew Allen	6,977	15	9
Gerard G. Beckman	505	16	3
Garstang Bradstock	110	—	—
Thomas Bell and Joseph Stanfield	1,400	—	—
John and Jane Backhouse	12,000	—	—
Thomas Bibby	2,000	—	—
Daniel Coxe	1,800	—	—
The Rev ^d Rob ^t Cooper	3,000	—	—
Mary Cowper	4,958	4	8
Abraham Cuyler	4,152	8	9
Sir W ^m Douglas and others	13,000	—	—
Oliver De Lancey	4,500	—	—
Daniel Dulany	14,193	—	—
Crawford Davison, Executor of J. Simpson	10,072	1	1
D ^o ---- of Storr	3,355	18	5
Samuel Donaldson	17,500	—	—
Samuel Douglas's Executors	7,000	—	—
Matthew Dobson	5,000	—	—
George Folliott	26,099	8	10
General Edmund Fanning	1,800	—	—
Judith Foxcroft	274	14	6
Samuel Gist	5,200	—	—
Adam Gordon	8,818	4	8
Edmund Granger	1,669	10	2
Henry Harford	43,401	—	—
William Hannay	16,187	3	10
James Holmes	834	5	—
James Hume	1,518	—	—
John Harford	1,353	2	7
Mary Hatch, Executrix of Elizabeth Hatch	550	—	—
William Higginson	86,500	—	—
Richard Hanson	3,000	—	—
Capel Hanbury and others	934	5	—
Thomas Hutchinson	300	—	—
Sir Hugh Inglis and Edward Antrobus	12,833	13	10
The Right Rev ^d C. Inglis	1,711	12	3
Ann Jones	1,500	—	—
John Jameson's Executors	2,800	—	—
William Jauncey	37,000	—	—
The Rev. Cavalier Jouet	5,000	10	7

	£.	s.	d.
John Kane	2,000	—	—
J. H. Littler	9,000	—	—
Richard Lechmere	600	—	—
John Lane, for Massachusett's Bay Notes,			
Tho ^s Palmer ---- £.475 8 — ..	} 2,784	5	6
Tho ^s Hutchinson -- 260 17 —			
Robert Livie	2,525	19	9
Isaac Low	6,000	—	—
William Robertson Lidderdale ..	4,000	—	—
Samuel Lyde	1,000	—	—
J. Lloyd, surviving Partner of Hanbury & Co.	3,000	—	—
D ^o -- Executor of Osgood Hanbury	5,000	—	—
John Lane, for Jon. W ^m Simpson	2,000	—	—
D ^o -- for Anthony Lechmere ..	5,000	—	—
Jon. Mallet, Executor of Kemp ..	2,300	—	—
P. Martin, for the creditors of J. Bland	9,000	—	—
William Molleson's Executors ..	15,000	—	—
Joseph Martyr	250	—	—
James Moss	3,500	—	—
Catherine Flood M ^c Call	10,000	—	—
Thomas Main, Executor of Hyndman	1,200	—	—
D ^o -- and Robert Bunn	1,700	—	—
William Masterman and Richard Chester	4,000	—	—
John Miller's Executors	700	—	—
C. M ^c Ivers, Executor of M ^c Ivers	4,000	—	—
Richard Miles and others, Executors of Shoolbred	4,000	—	—
John Nutt	23,639	4	8
Nicholas Ogden	7,439	—	—
Rebecca Ogilvie	4,872	13	—
R. W. Powell	19,000	—	—
John Page and Elias Vanderhost	3,000	—	—
Robert Palmer	294	10	—
Pearke and others, Executors of Waterman	800	—	—
John Rogers and others	15,000	—	—
Morris Robinson's Executors ..	8,500	—	—
Joseph Rutherford	685	—	—

	£.	s.	d.
Colin Ross, Administrator of			
Jardine	1,500	—	—
Stephen Skinner	9,000	—	—
D ^o --- for Kearney	945	7	2
Joseph Stanfield, Assignee of			
Syme	1,200	—	—
Anna Jane Simpson	800	—	—
Strahan and M ^c Kenzie	2,500	—	—
Charles Shaw	650	—	—
Rob ^t Sheddon & Co.	2,500	—	—
Jon. Simpson's Executors	1,821	9	6
John Savage's Executors	1,171	12	9
W ^m Taylor's Executors	500	—	—
Abraham Walton, Administrator			
of Phillips	6,000	—	—
Wakelin Welsh	8,500	—	—
John Weatherhead	1,136	1	6
John Tyndale Warre	35,000	—	—
Ann White and others,			
Executors of Thomas White ..	6,000	—	—
W ^m Walton, Administrator of			
Walton	2,000	—	—
Amount of English Claims	£.636,350	—	—
Total amount of ADJUDICATIONS	£.1,420,000	—	—

CHAPTER XVIII

FRANCES MARY HARFORD

Henry Harford had a sister, Frances Mary Harford, whom we mentioned earlier in this narrative. Her father was Frederick Calvert and her mother Hester Rhelan. She was born, a year and eight months after the birth of her brother, on November 28, 1759.¹

Twelve years of age when her father died, she became by his will the heir to an outright cash gift of £30,000. The will also provided that she was to be Proprietor of Maryland should her brother be unable to assume the proprietorship. Upon Lord Baltimore's death, Frances Mary Harford and her brother were placed under the care of the executors of his will: Robert Eden, Hugh Hammersley, Robert Morris, and Peter Prevost.

Robert Morris took special interest in the young heiress. He placed her in an English boarding school, visited her frequently, and wrote notes to her. He was apt to descend upon her at school, or when she was visiting friends, to carry her off to balls, public gardens, and all sorts of outings.² This courtship was enough to turn the head of any young girl.

It appeared that another delightful outing was in prospect one day in May, 1772, when Morris drove her away once more in his carriage from the home of a Mrs. La Touche. Yet the journey soon resolved into more than an afternoon's jaunt. Morris insisted that his ward accompany him to France. In Bologne, she began to have second thoughts about a romantic elopement, being only thirteen years old. Quite naturally she began to weep and to wish that she were home again. She begged Morris to take her back to England, whereupon he terrified the girl by saying that he would kill himself if she did not stay with him. Where

NOTE: This chapter explains references denying payment to Robert Morris made in the Estate Act of 1781.

now, she must have wondered, was the smiling gallant who had taken her to dinners and balls so protectively? At any rate she went with him. They arrived in France on May 16th and on the 21st of May, 1772, they arrived at Ypres where they were married by a chaplain in the Dutch garrison before two witnesses and other persons.³

News of the abduction of Frances Mary Harford reached Maryland, as the following letter from Daniel (3d) Dulany, Jr. in London, written to Walter Dulany in Maryland, reveals:

London June 13, 1772

. . . before this reaches you, you will have heard of the most villainous Breach of trust of R. Morris, in running away with his ward, Mifs. Harford. Whether he's actually married to her or not is uncertain, but it is very confidently reported that he is. The young Lady I understand is between thirteen and fourteen . . .⁴

The pair stayed a night in Ypres and then moved on. Doubtless Morris was uneasy, for it was certain that the other guardians of his child bride would soon have agents hot on his heels. True enough, the other three executors of Lord Baltimore's will were sending men hither and yon in an attempt to find their young ward. So it was that Morris took his wife to Lisle, then into Holland, and later to Hamburg and "other places."

Just to be certain that there was no question as to whether or not he were well and truly married to his ward, Morris caused still another marriage ceremony to be held on January 3, 1773, at Ahrensburgh, by virtue of a license from the king of Denmark, granted December 5, 1772. The marriage took place at a private house in the presence of four witnesses. Since the bride was above twelve years of age, the legal age of consent in England at the time, Morris had reason to believe that having been married once in a church and once by private marriage via a special license, the legality of the event could withstand any scrutiny and challenge.⁵



(Courtesy the Frick Collection, New York)

Frances Mary Harford. This portrait was painted by George Romney.

Now Robert Morris himself wrote to England and let his location be known. Agents sent by Lord Baltimore's executors then pursued the pair and, by means not made clear, took possession of Frances Mary and brought her back to England. A long legal suit was begun in the courts to have the marriage annulled.

Attorneys arguing for Miss Harford contended that she was taken away without the consent of either her mother or of her guardians, married abroad, and, further, was not legally married because Morris provided foreign authorities with false information as to his place of residence and the age of his bride. Frances Mary, the attorneys argued, was taken by force and caused to marry Morris through fear of what he would do.⁶

Combating these statements, lawyers for Robert Morris argued that Frances Mary was above the legal age of consent and voluntarily took part in the elopement and marriages. They stated that foreign marriages had long been recognized as legal and gave several precedents to bolster this assertion.

Having heard the pleas of both sides, the judge ruled (December 2, 1776) that Frances Mary had no grounds for annulment and that the marriages appeared to be legal.⁷ Morris must have exulted, for he believed himself to be gaining control over his young wife's fortune. Yet he could not seem to get his hands on her money. He was displaced as her guardian, as executor of Lord Baltimore's will, and so lost the substantial amount willed him by Lord Baltimore.

So matters stood for several years. Frances Mary, a wealthy young woman, lived in London. She and her brother must often have discussed their future. Maryland loomed large in their minds, for once England succeeded in suppressing the American rebels, the Harfords fully expected to gain great wealth and status from the proprietorship of that province.

Between 1780 and 1783 Frances Mary sat for portrait artist George Romney. Her portraits reveal a

pretty young woman with a gentle, appealing expression. She had light brown hair, brown eyes, and a complexion of English perfection.⁷ According to the number of sittings recorded by Romney, several portraits must have been painted, yet only two, one at the Frick Galleries in New York, and another belonging to the estate of Frederick McCann, New York, have been discovered. Romney also painted a portrait, or several, of Henry Harford but these have not yet been identified.⁸

NOTE: Further inquiry may well locate the so far missing, portrait of Henry Harford.

The lovely young Englishwoman, in spite of her illegitimate birth, held a high position in English society. She was the recognized daughter of the sixth Baron of Baltimore and was officially allowed to use his family crest, "with suitable alterations."⁹ She was wealthy and sister to the affluent Henry Harford, Proprietor of Maryland. Once plucked from the arms of Robert Morris, she lived in London probably with her mother, Mrs. Hester Rhelan Harford Prevost.

In time she attracted a young officer of the prestigious Coldstream Guards, William Frederick Wyndham, the youngest brother of George, third Earl of Egremont. Young Wyndham's interest in her, it appears, caused the courts to take a less adamant stance, for upon reapplication to the High Court of Delegates for the annulment of her marriage to Morris, the case was at last settled, and in May, 1784, at twenty-five years of age, Frances Mary was free to marry. As *Gentleman's Magazine*, May, 1784, editorialized:

This day the great cause that has been so long depending, and has furnished an ample harvest to the doctors, proctors, etc., of the civil law, in which Mifs. Harford was complainant, and Mr. Morris defendant was finally determined, and judgement given. That both *pretended* marriages were void: That Mifs. Harford, falsely in the libel called Morris, was at full liberty to marry again; and that Mr. Morris was at full liberty to marry again.¹⁰

At the time her court case was concluded, her brother was in America. With the assistance of a bat-

tery of legal advisors a long marriage settlement was negotiated without his on-the-scene assistance.*

Since her husband-to-be was of such a distinguished family and since she had by this time £36,000 in her own right to bring to the marriage, the marriage settlement was an involved document. It spelled out the nature of the various trusts to be established for children that might arrive as a result of the marriage. The exchange and disposition of various amounts were agreed upon by both parties.¹¹

On the heels of her being granted an annulment in May, Frances Mary married the Hon. William Frederick Wyndham on July 21st, by special license.¹²

The man she married had much to offer her. When he was born, April 6, 1763, his father was the Secretary of State, second Earl of Egremont, and his mother, Lady of the Queen's Bedchamber. King George and Queen Charlotte had personally stood as sponsors when William Frederick was christened by no less a personage than the Bishop of Bristol.

After a childhood spent under the supervision of a number of tutors and at exclusive schools, young William Frederick obtained a commission in the Coldstream Guards. He resigned this commission to marry Frances Mary in 1784.¹³

The couple lived unemployed at Bignor, near Petworth, the Wyndham family estate, and spent much of their time abroad. When at Petworth, Frances Mary no doubt listened to the family horror story with which the very existence of her husband was linked. The story goes: Miss Florence Wadham married John Wyndham in 1558. The following year the young woman became ill and fell into such a deep coma that she was believed to be dead. With suitable ceremony she was interred in the family vault. The night of the funeral, carrying a lantern, the sexton who knew she was wearing three valuable rings, went to rob the cof-

*It was from this document, incidentally, that we discovered that he was definitely in America at this time.



(Author's 1974 photograph)

Petworth House backs against the village of Petworth. As one circles and passes through an iron gate the grand, and rather forbidding front of the mansion is revealed. Frances Mary Harford, after her marriage to William Frederick Wyndham, may have strolled to the hilltop shown here. From here she could view the mansion, the ornamental lake, and the fields surrounding the luxurious seat of the Earls of Egremont.

fin. To get at one ring he cut at one of her fingers and sprang away terrified when blood poured from the slash and the body moved. Horror stricken, he fled, leaving his lantern.

His would-be victim, poor Florence Wyndham, then picked up the lantern and made her way a half mile through the night to her home. Arriving dressed in her burial garments, nursing her bloodied hand, she beat upon the door, faint with relief at having regained her doorstep. But her family was afraid to open the door and refused to let her in for some time. At length, they were convinced that she was no ghost.

Some time afterwards she bore a son, her only child, from whom almost all the later family were descended. Except for the birth of this son the male line would have ended, although distant cousins, immigrants to America, did exist.¹⁴

Frances Mary lived at Bignor and probably visited Petworth House nearby. It seems possible, too, that Henry Harford may have viewed the mansion at times during his sister's marriage to William Frederick Wyndham. An interesting place, the manor of Petworth was old when the Normans invaded England in 1066. Via marriage it descended to Elizabeth Percy, along with a mansion containing a great library and a collection of paintings. In 1682 she married the Earl of Somerset, who set about rebuilding Petworth House on a quite impressive scale with her money. He transformed the mansion from a fortified house with medieval undercrofts into a grand, symmetrical building of French design.

The Wyndhams became Earls of Egremont and heirs to Petworth House in 1750, again as the result of family links and marriages. At the time Frances Mary married in 1784, Petworth House was owned by the third Earl of Egremont (1751-1837), a remarkable man albeit quite an eccentric one. He was a most hospitable person, entertaining in particular many artists and literary figures of the day. He chose to play but little part in political life, preferring to spend most

of his time at Petworth. He used his huge income to indulge in his passion for farming, friends, and art. He shared his palatial home with Elisabeth Iliffe, a daughter of the librarian of Westminster Abbey. Her portrait, which hangs in Petworth House today, shows her expression one of mingled kindness and patience. George O'Brien Wyndham, the third Earl, did not marry her until 1801, and so their six children, born prior to this date, were not legally able to inherit the title. His earldom passed to a nephew, as we shall presently see.¹⁵

Frances Mary while visiting Petworth House saw there the elaborate series of reception rooms, the marvelous carved curtains of wood in the chapel, the ceilings and walls adorned with rosy maidens and cherubs. Quite possibly, too, she may have been present at some of Lord Egremont's annual feasts for his tenants and workers.

With ample wealth and high social status assured her by her marriage, all should now have been well with Frances Mary. Her illegitimate birth, her youthful elopement, the long legal battle to annul her marriage to Morris, were all behind her now. Certainly she and her husband were happy over the birth of the first child, George Francis, on October 30th, 1785.

Her husband was pleased, too, by his appointment as envoy extraordinary to the Court of Florence in 1794.¹⁶ By this time three daughters had been born to the Wyndhams, Frances, Laura, and Julia. Yet for all the promise of the marriage, it proved to be a tempestuous and unhappy one. According to a Wyndham family history, "Frances Mary was a frail human craft having neither rudder or anchor. She was miserable at Bignor and not less so in Florence."¹⁷

Another boy was born, in Florence in 1794, and named William. The child soon died, however, casting Frances Mary into a deep depression.

Motherhood did not quench Frances Mary's romantic nature for William Frederick was obliged to fight a duel over a slur cast upon his wife's name while

they lived in Italy.¹⁸ Next his rebellious wife contracted an alliance with a man described by a Wyndham ancestor as the "erratic Lord Wycombe." The family chronicler continued: "William, however, was non-suited in the action he brought against his supplanter, while his wife was reduced by her new consort to a state bordering on mental derangement."¹⁹

Frances Mary, beset by both husband and lover, chose to live apart from them both and set up a domicile in Florence.

"Wyndham," officially George Francis Wyndham, son of Frances Mary and William Frederick, entered the Royal Navy in 1799 at the age of fourteen. Eight years later he married. In 1837, since his uncle (George O'Brien Wyndham, third Earl) had no legitimate children, Wyndham inherited the title and became the fourth Earl of Egremont. With the title came large incomes and the estate Orchard Wyndham along with other estates in Somerset and Devon. He and his wife had no children, therefore, upon his death in 1845 at the age of sixty, the title lapsed.

Although his uncle had had to allow the title and certain estates to be inherited by Wyndham, a great deal of the third Earl's wealth went to his children, mentioned earlier. This family was granted a title and descendants of the third Earl live at Petworth House today.

Frances Mary meanwhile lived on in Italy, probably for the most part in Florence. There her life was a dim but recognizable likeness to that of her father. Surrounded by persons attracted by her wealth; she enjoyed the beauty and ease of life in Italy.

That lady died in Florence, March 18, 1822, leaving a short will devising £15,000 to her daughter, Mrs. Laura Wyndham Boulton. Small sums were left to her retainers. Silver plate, gold plate, ". . . a very few diamonds, . . .", carriages, and personal effects were mentioned in the will.²⁰ So a most adventurous life closed.

Frances Mary Harford had eventually come to live a life of ease, fully independent of husband or protector, no small feat in her day. She married worth £36,000 in her own name, and as we have seen, she married very well. In her lifetime, too, she attracted the love of several men. She seems to have survived the adventurous life she led with much of her fortune intact, for she died with a substantial estate worth approximately £20,000.²¹

Was she lonely in a foreign land surrounded by her paid companion, her servants and a religious advisor? Or did she live in Italy fully independent and quite content? Should letters written to her brother in England come to light one day, then we may know the answers to these questions. *[N]*

Her husband went on after their separation to carry out many important and adventurous assignments for his government in Europe. He served his country well through several evacuations, wars and rebellions that occurred during this unsettled period. He formed an alliance with the widow of a Polish nobleman, the Comtesse de Spyterki, Julia Konstancia de Smorzewska. When news of Frances Mary's death reached him, he then married the comtesse.²²

So it was that the lady who might have been Proprietor of Maryland died, survived by her former husband, her children, and by her brother, Henry Harford.

²¹*English Consistory Report: 1788-1821* (London: n.p., n.d.), p. 792. Maryland Historical Society vertical files, Manuscript Division.

²²*Ibid.*, p. 793.

³*Ibid.*

⁴Letter of Daniel (3d) Dulany, Jr. to Walter Dulany, from London to Annapolis. MS. Div., Dulany Papers, filed under "1792."

⁵*English Consistory Report: 1788-1821*, p. 792.

⁶*Ibid.*, pp. 792-794.

⁷*Ibid.*, p. 797.

⁸T. H. Ward and W. Roberts, *Romney*, London, np, 1904, II, p. 71.

⁹"Portrait of Miss Harford," *Maryland Historical Magazine*, Vol. 35, No. 1, p. 87.

¹⁰*Gentleman's Magazine*, Vol. LIV, (May, 1784), p. 383.

¹¹Marriage Agreement between Frances Mary Harford and William Frederick Wyndham, Petworth House Archives, file 3027.

¹²*Gentleman's Magazine*, Vol. LIV (July, 1784), p. 556; *Gentleman's Magazine*, Vol. XCVIII (April, 1828), pp. 363-364.

¹³Hugh Archibald Wyndham, *A Family History: 1688-1837. The Wyndhams of Somerset, Sussex and Wiltshire*, London: Oxford University Press, 1950, p. 226.

¹⁴W. A. Barron, "A Famous Sussex Family," *Sussex County Magazine*, XXIV, No. 9 (September, 1950), pp. 392-393.

¹⁵Information gathered from visit to Petworth House, England. Also: *The Life and Letters of George Wyndham*, London: Hutchinson & Co., 1925, Vol. I, pp. 1-38.

¹⁶*Gentleman's Magazine*, LXIV (March, 1794), p. 286.

¹⁷H. A. Wyndham, p. 227.

¹⁸*Ibid.*, pp. 227, 263.

¹⁹*Life and Letters of George Wyndham*, p. 10.

²⁰Will of Frances Mary Harford, Appendix F. This will located in the Petworth House Archives by Mrs. Patricia Gill, County Archivist, courtesy the present Lord Egremont and acknowledgments to the West Sussex Record Office, File No. Petworth House Archives, 3027, and 1608.

²¹*Ibid.*

²²H. A. Wyndham, p. 227; also *Dictionary of National Biography*, London: Smith, Elder and Company, 1889, pp. 240-243.

NOTE: The will of Frances Mary Harford Wyndham, a copy of which follows the Notes section at the end of this chapter, gives us a glimpse of her life in Italy and an insight into the status of privileged English women.

WILL OF
FRANCES MARY
HARFORD WYNDHAM

Petworth House Archives, Document
#PHA 1608.

COPY from

The following exact copy of the last Will of the late Honble Mrs. Wyndham was taken by Anthony Andrew one of the subscribing witnesses to the said Will on Monday the eighteenth of March 1822 a few hours after the Decease of the Testatrix at Florence.

COPY

I, the Honble Frances Mary Wyndham at this time residing in Florence in perfect Health of Body and Mind do give and bequeath by this my last Will and Testament to my Daughter Mrs. Laura Boulton the Sum of £15,000 Sterling which according to my Marriage Settlements I have a right to dispose of after my Death among my Children in such proportions as I think fit. I repeat, I give the above mentioned Fifteen thousand pounds Sterling to my Daughter Laura Boulton on the following Conditions— That she pays to Lord Holland a Debt I owe him of two hundred pounds Sterling or to his Heirs—likewise that she pays annually to the Abbé Jean Blaise Biagini a Suchese Priest who manages my Affairs and is a perfectly honest Man, the Sum of one hundred Sequins, each Sequin making two Scudi of ten Pauls each, and during his Life— The payment of the above mentioned Debt of £200 Sterling to Lord Holland and the above mentioned Pension of one hundred Sequins to the Abbé Jean Blaise Biagini, are to commence from the time in which Mrs. Laura Boulton is in Possession of the above mentioned £15,000 Sterling—The Pension to the Abbé Jean Blaise Biagini is to be paid half yearly.

I have at this time between Four and Five thousand Tuscan crowns placed out at Interest—I have besides some Trinkets, a very few Diamonds—I have household Furniture, some Plate, Linnen [sic] Procelaine clocks V.Vc which I dispose of in the following way

To Madame Josephine Fournier a French Lady at this time residing with me, I give the Sum of One thousand crowns—all my Household Furniture, Linnen,

Books, musical Instruments, Porcelaine, both useful and ornamental—Miniatures framed and half my plate— I say I give to Madame Josephine Fournier one thousand crowns and the beforesaid Articles—But it is in Case and provided that she is still residing with me at the time of my Death, should she have left me, all I give to her, is to be sold and the produce to belong to my Daughter Mrs. Laura Boulton, whom I give everything I die possessed of and which I have not bequeathed by this my last Will and Testament to other Persons. I give the Abbé Jean Blaise Biagini half my Plate—my carriages are to be sold. My Maids are to have my Clothes divided between them except Shalls [shawls] and Lace—and three months wages— There is a Will of mine at Drummonds my Bankers in which I have bequeathed to Mrs. Laura Boulton the £15,000 Ster'g, which this will confirm. She must pay my funeral expenses and whatever debts I may have at the time of my Death, and spend one hundred Sequins for a Stone or an Urn where ever I am buried— AND, I appoint Executors of this my last Will and Testament, my Son George Wyndham and Mr. Boulton, Husband of my Daughter Laura Boulton.

Florence Nov. the 1st, 1820
/s/S/ Frances Mary Wyndham

Witnesses—

[Indecipherable name] of Hoveton Hall, Co. Norfolk in the Commission of the Peace for that County.

John Biddulph of Burton Park Sussex.

/s/ Geo. Anthony Andrew Halfpay 20th Lt. Dragoons
Certified to be a correct Copy— Florence 20 March
1822 E. S. Dawkins

H.M. Charge D'affaires in Tuscany

CHAPTER XIX

HENRY HARFORD'S LIFE IN ENGLAND 1785-1834

Henry Harford was a well-educated, wealthy man in his thirties in the 1790s. In spite of his illegitimate birth he held a high social standing, in London society. He lived at this time in a luxurious New Cavendish Street home in London, and planned to marry Louisa, daughter of Peter Pigou, Esquire, of Berners Street. The marriage took place in London in June, 1792.¹

Marriage settlements were made only when there was wealth involved. It was this sort of document that Henry Harford and the representatives of Miss Pigou wrote and signed in the presence of witnesses prior to their marriage. The financial standing of possible children to be born of this union was carefully delineated in the settlement.²

As it happened, the Harford's first child was a boy, born October, 1793, and christened with pride and joy, "Henry Harford." Sadly, this infant son did not survive. In 1794 another child, Louisa Anne, was born. Two years later another daughter, Frances, arrived. This choice of name indicates, incidentally, that Harford was on good terms with his sister in 1796. Frances Mary Harford by this time had left her husband and was living in Italy.* Yet another daughter was born in 1797, and named Frederica Louisa Elizabeth, in honor of her grandfather and her mother.³

There followed a period of about five years in which the Harfords had no children indicating that Louisa Pigou Harford may well have suffered a long period of ill health. Indeed, following the birth of her last child,

*This continuing affection between Henry Harford and his sister indicates that many letters must have been written between them. None have been found, however, to date.

the long-awaited heir, Frederick Paul, born in 1802, Louisa died at Exmouth, near Exeter. This small town was favored as a resort by persons suffering from respiratory diseases. She was buried in the Exeter Cathedral.⁴

Henry Harford returned from the elaborate funeral to live with his three young daughters and infant son in London.

Three years later Harford decided to marry again. With this marriage he linked his name to that of the wealthy and socially prominent family of Sir Nelson Ryecroft, Baronet of Farnham, Surrey, by marrying Sir Nelson's sister, Esther. The marriage took place on June 5, 1806, Harford's second June wedding.⁵

A period of calm in Henry Harford's life followed, if one can so term the arrival of five more children. To the four children in the household at the time of the marriage, Henry and Esther Harford added two boys and three girls. The children arrived in fairly close sequence: George Harford born May 9, 1807; Charlotte Penelope born June 30, 1808 (but did not survive her father); Esther Harford, born February 23, 1810; Charles, born March 1, 1811; and finally, Emily, born February 4, 1814.⁶

Harford could well afford his brood of children, for he was a very wealthy man. Further, both his wives brought him comfortable doweries.⁷

To provide a more spacious, healthful environment for his family, in 1807 Harford purchased a country home, "Down Place," located about four miles outside the towns of Windsor and Eton.⁸ He bought considerable acreage with the home and obtained other parcels of land nearby, as well.⁹ Down Place was a pleasant country seat for the Harfords, located as it was by the Thames River and having broad fields about it. Nearby were several outbuildings to shelter carriages and horses and to provide space for various activities outside the main house. Roman ruins were located on the site where Harford's children may have dug hop-



(Photograph courtesy Florence M. and Pamela V. Harford)

Thames side of Down Place, near Windsor, the country home of Henry Harford and of three generations of the Harford family that followed him.

ing they would find coins or skulls. Harford retained his New Cavendish Street home in London.¹⁰

All through the years Henry Harford stayed on good terms with his stepfather Peter Prevost, for when that gentleman died, his will contained a small bequest for Henry Harford.¹¹

Prevost left Harford's mother, Hester Rhelan Harford Prevost, 500 guineas and all their household belongings. Another bequest, a small one, was left to Elizabeth Rhelan, his wife's sister.¹² The will suggests warm family ties between Peter Prevost, his wife and her sister, and Henry Harford.

Prevost had had during his lifetime his £100 a year from Lord Baltimore's estate, and Hester's £200 a year from that same estate. Apparently the pair had lived on these incomes and had managed to accumulate little capital.¹³

Henry Harford's mother survived her husband by about twenty-three years, dying early in 1812 while living near Bath, England. Her short will bequeathed, ". . . all the goods, chattles, personal Estate and Effects which I may be possessed of unto Henry Harford of New Cavendish Street, park and place, Son and Esquire . . ." Simply, Hester Rhelan Prevost noted that her son was to be her executor and to have all that she owned.¹⁴ Her daughter, Frances Mary, is not mentioned; whether from an estrangement between them or because the daughter was well enough provided for, we cannot know. The simple language and the brevity of this will indicates that Harford's mother died possessed of no complex properties or extensive wealth. Her death did cause Harford to receive a large sum of money, however, for he then came into possession of the £6,800 capital sum which had provided her annual income.¹⁵

Henry Harford's Will: A Revealing Document

Maryland's sixth and last Proprietor died at Down

Place, December 8, 1834.* He was buried in the churchyard of the Church of St. Michael, parish church of Bray, a small village not far from his country home.¹⁶

During his lifetime Henry Harford had inherited over 100,000 pounds from his father, and had realized over 120,000 pounds reparations for losses of Maryland lands and incomes. A great deal of this money must have been transferred to his son during Harford's lifetime, as was the custom, via marriage settlement. Large settlements, too, were no doubt made to his other children. In his will, dated July 16, 1829, he provided his wife with an outright and immediate cash gift of £1,000. She was also to receive, her personal jewels, plate up to 1,200 ounces, carriages, wines, spirits, and all household effects and furnishings. She was provided with a home at Down Place. In his will he at first provided her with an annual legacy of 500 pounds a year, but in a codicil dated June 1, 1833, this was revoked.¹⁷ The reason is not given. It could have been that she neither wanted nor needed the income, Harford's business affairs could have suffered a decline, or he may have become annoyed with his wife. The principal sum of the Calvert fortune, then, by no means came to Esther Ryecroft Harford.

The four children resulting from Henry Harford's first marriage inherited a capital sum of £10,000. This was due to a legacy left them by Frederick and Jemima Pigou, their maternal grandparents. Again indicating that Frederick Paul Harford had adequate funds, Harford directed that this £10,000, "shall go in equal one-thirds" to Frederica Elizabeth Harford (Mrs. Robert Thomas John Glyn)*, to Louisa Ann Harford, and to Frances Harford the sum was not to be paid to them, but rather held for them and they were to receive only the interest.

*John Penn of Stoke, former proprietor of Pennsylvania, also died in the year 1834. Both proprietors died in the same year, something of a coincidence.

*Descendents of the Glyns live in England today.

NOTE: A copy of Henry Harford's will follows this chapter. A study of the will offers many avenues of investigation to interested scholars.



(Illustrations courtesy the Vicar of Bray)

The Church of St. Michael at Bray in 1760 from an old drawing.



(Illustrations courtesy the Vicar of Bray)

The village of Bray, from an old print.

Due to a marriage settlement with Esther Rycroft, dated 4 June 1806, Harford noted that he had been holding a £7,000 trust in 3% annuities for the children of his second marriage. These securities were to be turned over to the four surviving children born to Harford and his wife Esther, in four equal amounts. All of the bequests to his minor children carried the condition that the child must be twenty-one years of age in order to inherit the money. An exception was made in the case of the females, who were allowed to receive their inheritance upon the date of their marriage, even though this took place prior to their twenty-first birthday.

Frederick Paul Harford, the oldest son, inherited a major fortune, though the will is not specific as to the details. A marriage settlement had settled a considerable amount on him, as a phrase in his mother's will indicated later,¹⁸ while in his father's will he is simply devised the residue of the estate after certain bequests are satisfied. Frederick Paul was to inherit Down Place, though his mother was entitled to live out her life there.

Henry Harford left to his other children:

Louisa Ann	£4,000	
Frances	£2,000	
Frederica Elizabeth (Mrs. Glyn)	£2,000	(As promised in her marriage settlement, dated June 29, 1829.)
George	£5,000	
Charles	£5,000	
Esther	£3,000	
Emily	£3,000	

These were the major sums left to the heirs of the man who had been Proprietor of Maryland. Though substantial sums, the Calvert fortune passed down to Henry Harford was greatly reduced by the time of Harford's death.

Lesser sums were left, as well, £500 to George William Killett Potter, one of Harford's executors, as

payment for execution of the trusts described in the will. Three servants were to have a year's wages, *if* they were still in Harford's service at the time of his death. Also, there is a person named in Harford's will whose name will tantalize historians of the Calvert family. Harford left to Henrietta Emily Calvert, Spinster, a bequest of £100 per year.

From the amounts left by Harford, it is difficult to see more than a comfortable life style and financial position. Gone were the days of bequests and trusts of tens of thousands of pounds, dowries of £30,000. The effects of the loss of Maryland to the former proprietary family are obvious. Where had the great wealth gone that Harford inherited? Gone in legal suits to obtain more wealth, gone in years of luxurious living, gone in providing for eight children? So it would seem, for his total estate was valued at only £60,000.

Esther Rycroft Harford: Her Legacies

Nearly twenty years after the death of Henry Harford, his wife Esther died at Down Place, May 17, 1853, at the age of 78.¹⁹ Her children were all grown, her duties as a mother faithfully carried out.

Esther Harford's will shows that she had relatively little wealth in her own name, in itself a comment on the customs of the times with regard to the transmission of wealth and to the status of women. Her will documented her love for her own children and her stepchildren, as well. Various bits of jewelry were left to all the Harford children, and to Frederick Paul, as the head of the family, "all the family diamonds consisting of necklace, earrings, and sprig."²⁰

Esther Harford made several small cash bequests to her step-children, as well as to her own children. The largest sum she had at her command, £800, she left to her son George.

The total value of the estate, aside from her jewelry, was about £1,000.²¹ This is a modest estate for a woman of position:

Where had the tens of thousands of pounds gone? We can speculate that Harford's legal expenses had been heavy in the long litigation involved in his securing the proprietorship. Much money no doubt was turned over to his children in various settlements while he lived. Raising eight children and educating them, too, must have occasioned considerable expense. Also, Harford and his family lived well. They maintained two luxurious homes. There were dozens of servants and other workers to be paid. All in all, since Frederick, Lord Baltimore, died in 1771, Henry Harford had managed his affairs well enough to provide a luxurious life style for himself, and later for his dependents, for sixty-three years. Further, he left his family very comfortably off. It was no mean achievement.

¹*Etoniana*, Vol. 109 (December, 1950), p. 136.

²Harford family pedigree. College of Arms, London. The information regarding Henry Harford's children was copied from a parchment pedigree in the possession of the Misses Harford, great-great-granddaughters of Henry Harford at their home in Buckinghamshire, England, in the summer of 1974, by the writer.

³*Ibid.*

⁴*Gentleman's Magazine*, Vol. 73 (November, 1803); J. W. Hewett, *A Complete Monumentarium of the Cathedral Church of St. Peter, Exeter* (Exeter: Exeter Diocesan Architectural Society, 1849), p. 24.

⁵*Gentleman's Magazine*, Vol. 76 (June, 1806), p. 582.

⁶Harford family pedigree; also Harford family Bible in the possession of the Misses Florence M. and Pamela V. Harford, Buckinghamshire, England. The writer copied entries from the fly leaf of this large old Bible. The names written there begin with Frederick, Lord Baltimore. Louisa Calvert's name is jaggedly cut out as though in anger, and the Harford names follow.

⁷Will of Henry Harford, Appendix D.

⁸Charles Kerry, *The History and Antiquities of the Hundred of Bray* (London: n.p., 1861), p. 132.

⁹Extract from the Bray Inclosure Award Map of 1817. Berkshire Record Office, Shire Hall, Reading, England.

¹⁰*Ibid.*; also *Burke's Genealogy and Heraldic History of the Landed Gentry*, 1937 edition, p. 1055.

¹¹Will of Peter Prevost, Public Record Office, London. Probate Div., Ref. Prob.11/1176/page 109.

¹²*Ibid.*

¹³*Ibid.*

¹⁴Will of Hester Rhelan Harford Prevost, Public Record Office, London. Probate Div., Ref. Prob.11/1530/page 91.

¹⁵Will of Frederick Calvert, Appendix A; also Estate Act of 1781, p. 56.

¹⁶Burial Register of Parish of Bray. Burials 1813-1837. D/P23/1/11. "Henry Harford, Esq., Down Place, [buried] Dec. 16, 1834, age 77." Ceremony performed by W. Levette, Vicar; also, *Gentleman's Magazine*, Vol. 3, New Series, (Jan.-June, 1835), p. 218. "Obituary: Berks.—Dec. 8, Aged 75, Henry Harford, esq., of Down-place."

Note the disparity in birth date assumption. The old lie told by Frederick Calvert that Harford was born in 1760 persisted for over seventy years.

Henry Harford is sometimes described as, "Sir Henry Harford," and his will is recorded in that manner in the Public Record Office, London. In a letter, however, from the Society of Genealogists, dated 28 October 1974, to Vera F. Rollo, and signed by the Secretary of that Society, C. M. Mackay, this was found to be a courtesy title only:

London 10.28.74

It seems fairly clear that Henry HARFORD was styled, 'Esquire' always and there is no foundation for the idea that he was 'Sir Henry.' He is not mentioned in Shaw's *Knights of England* and was certainly not created a baronet. The addition of the title must have been a flight of fancy on the part of someone else.

¹⁷Will of Henry Harford, which follows.

¹⁸Will of Esther Harford, Public Record Office, London. Probate Div., ref. Prob. 11/2174. (See Chapter XXI.)

¹⁹Burial Register of Parish of Bray. Burials: Jan. 1850-Oct. 1860. #252 entry in register, page 32: "Esther Harford, Down Place, [buried] May 24, 1853, age 78." Ceremony performed by I. Edw'd Austen Leigh.

²⁰Will of Esther Harford. The will was dated 9 March 1849, and proved 16 June 1853.

²¹Ibid.

CHAPTER XX

WILL OF
HENRY HARFORD,
ESQUIRE

Date of Will, July 16, 1829.

Codicil Added, Dated June 1, 1833.

Will Proved in London, January, 1835.

Ref.: Prob. 10/5516/Sir Henry Harford, C 10977.

Public Record Office, London.

The following is a transcription of the will of Henry Harford, Esquire, made in 1974, from a photocopy of the official copy of the original will. The will was written on parchment, with each page being signed by Henry Harford. The will was obtained from the Public Record Office in London, reference: Prob. 10, Box 5516 Sir Henry Harford. C 10977. Harford's Codicil to his will may be found under the same reference number.

Underlines are added. "Indec.", in brackets, indicates that the preceding word was not clear.

Hyphenations to divide words at the end of a line were not used in the original document. Such hyphenations were introduced by the author. Spaces at the end of lines in the original document were filled in with a graceful line so that extraneous words could not be introduced.

[Cover Sheet]

16 Jan 1835

[From: REGISTER of January 1835 page 241, PROBATE 8/228. British Record Office, Chancery Lane, London.]

HENRY HARFORD, ESQ. 60,000 pounds.

On the sixteenth day [Jan] the Will with a Codicil of Henry Harford late of New Cavendish Street in the Parish of Saint Marylebone in the County of Middlesex and of Down Place in the County of Berks., Esquire deceased was proved by the Oaths of Robert Lambert, Robert Richard Pigou, George William Gillett Potter Esquires the Executors to administration was granted having been first sworn duly to administer.

WILL OF HENRY HARFORD, ESQUIRE

THIS IS THE LAST WILL AND TESTAMENT of me HENRY HARFORD of New Cavendish Street in the Parish of Saint Mary le bone in the County of Middlesex Esquire IN the first place I direct that all my debts funeral expenses and the charges of proving this my Will be paid out of my personal Estate by my Executors hereinafter named I give and bequeath

unto my dear Wife Esther Harford the sum of One Thousand pounds to be paid to her immediately after my decease. I also give to my said dear Wife all her Jewels trinkets and other ornaments of her person with such part of my plate as she shall choose not exceeding One Thousand two hundred Ounces and all my carriages and also all the wine and spirits at my house in New Cavendish Street and likewise the household goods and furniture linen and china pictures books and glasses there to and for her own use I give and bequeath unto George William Killett Potter of Coleman Street London Gentleman the sum of Five hundred pounds for the trouble he may have in the execution of the Trusts of this my Will I give and bequeath unto John Lund, Christian Bouchardt and John Locke three of my Servants or to such one or more of them as shall be living with me at the time of my decease one years wages each I give devise and bequeath unto and to the only proper use and behoof of Robert Lambert Esquire Admiral in His Majestys Navy Robert Richard Pigou of Wimpole Street in the County of Middlesex Esquire and the said George William Killett Potter their heirs and assigns All that my capital messnage [menage] or mansion house called Down Place situate at Water Oakley near Windsor in the County of Berks lately purchased by me of John Huddleston Esquire together with the out-buildings lands and appurtenances thereto belonging UPON TRUST nevertheless that they the said Robert Lambert Robert Richard Pigou and George William Killett Potter or the survivors or survivor of them or the heirs or assigns of such survivor do and shall as soon as conveniently may be after my decease at their or his discretion absolutely sell and dispose of the said hereditaments and premises and the fee simple and inheritance thereof either by public sale or by private Contract and either together or in parcels and at their or his discretion from time to time to buy in and resell the same or any part or parts thereof either by public sale or private contract and either

together or in parcels without being subject to any loss that may arise thereby and unto any person or persons that may be willing to purchase the same or any part thereof and for the most money and best price or prices that can or may be reasonably had or obtained for the same And for facilitating such sale or sales I do hereby authorize and empower my said Trustees or the survivors or survivor of them or the heirs or assigns of such survivor to make and execute all such lawful acts deeds conveyances and assurances in the Law as shall or may be necessary or as Counsel shall advise for conveying and assuring to or vesting in such purchaser or purchasers his her and their heirs and assigns or as he or they shall direct the hereditaments and premises so to be purchased by him her or them respectively and I declare that the receipt and receipts of my said Trustees or the survivors or survivor of them or the heirs and assigns of such survivor shall be from time to time a good and sufficient discharge and good and sufficient discharges to all and every such purchaser or purchasers for such sum and sums of money as in such receipt or receipts shall respectively be expressed to be received and that such purchaser or purchasers having paid his her or their purchase money or purchase monies or any part thereof respectively to my said Trustees or the survivors or survivor of them or the heirs or assigns of such survivor and taken such receipt or receipts as aforesaid shall not afterwards be answerable or accountable for the loss misapplication or nonapplication of any sum or sums of money in such receipt or receipts expressed to be received or be in any wise concerned or obliged to see to the application thereof or any part thereof And I direct that all monies to arise by such sale or sales shall after payment and deduction of all expenses attending such sale or sales and all other expenses attending the execution of the aforesaid Trust become and make part of my personal Estate. I give and bequeath unto the said Robert Lambert Robert Richard Pigou and George William Kellett Potter their Executors Administra-

tors and Assigns All that my leasehold messnage or tenement two sets of Stables yard and premises in New Cavendish Street in the County of Middlesex and all my Estate and interest therein upon trust to permit my said dear Wife Esther Harford personally to reside therein or in case she shall decline so to do to permit and suffer her to receive the Rents and Profits thereof during her life or widowhood she paying all rent and taxes in respect of the said premises keeping the same in repair and performing the covenants contained in the Leases thereof during her residence therein and also whether she reside therein personally is to enjoy the rents and profits thereof aforesaid indemnifying my Executors and Estate from such rents taxes repairs and covenants respectively and from and immediately after the decease or marriage of my said Wife or not paying such rents or taxes or any part thereof respectively as aforesaid or not Keeping the same premises in repair or not performing the covenants contained in the said Leases during her residence therein or not indemnifying my Executors and Estate as aforesaid whichever shall first happen Upon Trust that they my said Trustees or the survivors or survivor of them or the Executors or administrators of such survivor do and shall sell and dispose of the same by public sale or private contract and from time to time at their and his discretion do and shall buy in and resell the same either by public sale or private contract without being subject to any loss that may arise thereby and unto any person or persons that may be willing to purchase the same for the most money that can be reasonably obtained for the same And for facilitating such sale I do hereby authorize and empower my said Trustees or the survivors or survivor of them or the Executors or administrators of such survivor to make and execute all such lawful acts deeds conveyances and assurances as shall be necessary or as Counsel shall advise for assigning and assuring to or vesting in such purchaser or purchasers his her or their executors or administrators or as he or

they may direct the said Leasehold hereditaments and premises And I declare that the receipt and receipts of my said Trustees or the survivors or survivor of them his Executors or administrators shall be a good and sufficient discharge and good and sufficient discharges to such purchaser or purchasers for so much money as in such receipt or receipts shall be expressed to be received and that such purchaser and purchasers having paid his her or their purchase money and any part thereof to my said Trustees or Trustee and taken such receipt or receipts as aforesaid shall not afterwards be answerable for the loss misapplication or nonapplication of any sum or sums of money in such receipt or receipts respectively expressed to be received or any part thereof And I direct that all monies to arise by such sale or sales shall after payment and deduction of all expenses attending such sale or sales and all other expenses attending the execution of the aforesaid Trust become and make part of my personal Estate AND WHEREAS under and by virtue of a certain deed of gift and declaration of Trust bearing date on or about the thirtieth day of March One Thousand eight hundred and thirteen under the hands and seals of Sir Nelson Rycroft Baronet Henry Rycroft Esquire and George Burley Gentleman It is declared that as to Two thousand pounds like annuities then standing in their names in the Books of the Governor and Company of the Bank of England they should stand possessed thereof Upon Trust to pay the dividends thereof unto my said dear Wife Esther Harford and her assigns for her life for her sole use notwithstanding her coverture and after her decease Upon Trust to transfer the same unto me the said Henry Harford my Executors Administrators or Assigns NOW I DO hereby in virtue of all powers in me vested give and bequeath limit and appoint the said Two Thousand pounds four per cent annuities unto my said Wife Esther Harford her Executors and Administrators to and for her and their own use absolutely AND

WHEREAS Frederick Pigou late of Wimpole Street Cavendish Square in the County of Middlesex Esquire deceased did by his last Will and Testament in writing bearing date the thirty first day of May One Thousand eight hundred and four give to Frederick John Pigou Robert Richard Pigou and the said Robert Lambert the sum of Four thousand pounds UPON TRUST to invest the same in the public stocks or funds of Great Britain or on real securities in England at interest and from time to time to alter vary and transpose the same And upon further Trust to pay the interest and dividends thereof to me the said Henry Harford during my life and after my decease to pay or transfer the said sum of Four thousand pounds or the stocks funds or securities on which the same should be invested unto or amongst all and every or such one or more of the children of me the said Henry Harford on the body of his the Testators Daughter Louisa my late Wife deceased begotten at such age or time or respective ages or times and in such shares and proportions and subject to such conditions and limitations over such limitations over being for the benefit of some or one of such children as I the said Henry Harford by deed or will executed in the presence of and to be attested by two or more credible witnesses shall direct or appoint And the said Testator also gave unto his Brother William Henry Pigou, me the said Henry Harford, and the said Robert Lambert, the residue of his personal Estate UPON TRUST after the decease of his the Testators Wife Jemima Pigou* to raise thereout the sum of Thirty thousand pounds and to stand possessed of Six thousand pounds part thereof Upon Trust to invest the same in the public stocks or funds of Great Britain or on real securities in England at interest with liberty of transposing the same when and as often as they or he should deem it expedient and to stand possessed thereof and of the dividends or interest of the same upon such of the same Trusts as he the said Testator

*[Note: Underlines added to indicate items of particular interest.]

had before directed to be performed with respect to the said Legacy of four thousand pounds before given for the benefit of me the said Henry Harford and my children by the said Louisa my late Wife deceased and the stocks funds or securities on which the same should be invested and the dividends and interest arising therefrom or such or so many of them as should be subsisting or capable of taking effect AND WHEREAS I have four children by my said late Wife Louisa Harford deceased that is to say Frederick Paul Harford Louisa Ann Harford Frances Harford and Frederica Elizabeth Harford AND WHEREAS my Son Frederick Paul Harford is amply provided for under the settlement made on my marriage with my said late Wife Louisa Harford and otherwise by this my Will AND WHEREAS the said sum of Four thousand pounds does now consist of forty shares of one hundred pounds each in the capital stock of the Globe Insurance Company in London AND WHEREAS by a deed Poll or Instrument in Writing under the hand and seal of me the said Henry Harford bearing date the twenty seventh June One thousand eight Hundred and twenty nine and sealed and delivered by me in the presence of two credible witnesses by virtue and in part execution of the power and authority to me for that purpose given by the hereinbefore in part recited Will of the said Frederick Pigou Have directed and appointed that the one third equal part of the said forty shares of the said capital of the said Globe Insurance Company (subject to the life interest of me the said Henry Harford) and the one third equal part of the said sum of Six thousand pounds subject to the life interest of her the said Jemima Pigou and me the said Henry Harford should go and be in trust for my Daughter Frederica Elizabeth now the Wife of Robert Thomas John Glyn Esquire and be an interest vested in her immediately after the sealing and delivery of the said Deed Poll now in recital NOW THEREFORE I the said Henry Harford in further exercise of the powers to me given by the said Will of the said

Frederick Pigou deceased and of all other powers in me thereto enabling do by this my Will duly made and published for that purpose give direct and appoint the two remaining equal third parts of the said forty shares of the said Capital of the said Globe Insurance Company and also the remaining two equal third parts of the said sum of Six thousand pounds subject as aforesaid and the stocks funds and securities in which the same are or shall be invested and all interest dividends and accumulations thereof unto and between them my said daughters Louisa Ann Harford and Frances Harford in equal shares and proportions and to be an interest vested or interests vested in her or them immediately after my decease AND WHEREAS by Indenture bearing date the fourth day of June One thousand eight hundred and six and made between me the said Henry Harford of the first part Esther my now Wife then Esther Rycroft Spinster of the second part Sir Nelson Rycroft Baronet Henry Rycroft Esquire and Robert Richard Pigou Esquire of the third part (being the settlement made previous to and in contemplation of the marriage which afterwards took effect between me and my said now wife) It is (amongst other things) declared that they the said Sir Nelson Rycroft Henry Rycroft and Robert Richard Pigou should stand possessed of Seven thousand seven hundred pounds Bank three pounds per cent reduced annuities therein mentioned to have been transferred into their names Upon Trust after the decease of the survivor of them the said Henry Harford and Esther his now wife that they the said Trustees or the survivors or survivor of them his executors or administrators should pay transfer and assign the said trust monies stocks funds and securities and the interest dividends and annual produce thereof unto all and every or such one or more exclusively of the Child or Children of the said Henry Harford by the said Esther his now Wife or unto all and every or such one or more exclusively of the others or other of the issue born in the lifetime of the said Henry Harford and Esther his

now wife or the survivor of them of any of the said Children or both unto such one or more of the said Children and such one or more of their or any of their issue born in the life time of the said Henry Harford and Esther his now wife or the survivor of them at such ages or respective ages from fifteen inclusive to twenty one inclusive happening after the decease of them the said Henry Harford and Esther his now Wife or at any age or ages happening in the life time of the said Henry Harford and Esther his now wife or the survivor of them in such manner and if more than one in such shares and proportions as I the said Henry Harford by Deed in writing to be executed as therein mentioned or by my last Will and Testament in writing to be by me signed and published in the presence of and attested by two or more credible witnesses should from time to time direct or appoint AND WHEREAS I have four children by my said present Wife now living that is to say George Harford Esther Harford Emily Harford and Charles Harford NOW I the said Henry Harford in exercise of the powers to me given by the said recited Indenture of Settlement and of all other powers in me thereto enabling do by this my Will duly made and published for that purpose give direct and appoint that from and after the decease of the survivor of me the said Henry Harford and Esther my now wife the said seven thousand seven hundred pounds Bank three per cent annuities and the stocks funds and securities in which the same are and shall be invested shall be paid transferred and assigned unto and amongst all and every of them the said George Harford Esther Harford Emily Harford and Charles Harford in equal shares and proportions and to be an interest vested or interests vested in the said George Harford and Charles Harford on the day next before he or they shall attain his or their age or ages of twenty one years and in the said Esther Harford and Emily Harford on the day next before she or they shall attain her or their age or ages of twenty one years or on the day or respec-

tive days of her or their marriage which [ever] shall first happen but not to be payable to him her or them respectively until after the decease of the survivor of us the said Henry Harford and Esther my now Wife I GIVE AND BEQUEATH to the said Robert Lambert Robert Richard Pigou and George William Killett Potter so much of my personal estate as will be sufficient to purchase twenty one thousand eight hundred and thirty three pounds six shillings and eight pence three pounds per cent consolidated Bank annuities clear of all deductions for Legacy duty Brokers Charges and other expenses Upon Trust that they my said Trustees do and shall as soon as conveniently may be after my decease therewith purchase and cause to be transferred into their names or name of the survivors or survivor of them his executors or administrators twenty one thousand eight hundred and thirty three pounds six shillings and eight pence three pounds per cent Consolidated Bank annuities and do and shall stand possessed thereof and of the interest dividends and annual produce thereof upon and for the trusts intents and purposes herein after mentioned that is to say UPON TRUST by and out of the interest dividends and annual produce of the said trust fund from time to time as the same interest dividends and annual produce shall be received to pay the several annuities or yearly sums herein after mentioned that is to say ONE annuity or clear yearly sum of five hundred pounds to my said Wife Esther Harford during her natural life if she shall so long continue my Widow such annuity to cease immediately after her death or marriage which shall first happen and such annuity to be paid to the said Esther Harford personally or to such person as she shall by writing from time to time appoint to receive the same such writing to be from time to time signed after the respective days on which the dividends shall become payable and not by way of anticipation ONE other annuity or clear yearly sum of thirty pounds to Elizabeth Broughton of

Windsor in the County of Berks during her natural life ONE other annuity or clear yearly sum of twenty five pounds to my late Servant Sarah Lish during her natural life ONE other annuity or clear yearly sum of One hundred pounds to Henrietta Emily Calvert— Spinster during her natural life ONE other annuity or clear yearly sum of fifty pounds to my Servant John Parrot during his natural life if he should be living with me at the time of my decease ONE other annuity or clear yearly sum of twelve pounds unto my Servant Christopher Parsons during his natural life if he should be living with me at the time of my decease, such several annuities to be paid to the said Elizabeth Broughton Sarah Lish and Henrietta Emily Calvert John Parrot and Christopher Parsons respectively or to such person or persons as they shall respectively from time to time by writing under their respective days on which the dividends of the said Trust funds shall from time to time become payable and not by way of anticipation it being my intention that such several annuities shall be for the sole and separate personal use of them the said Elizabeth Broughton Sarah Lish and Henrietta Emily Calvert [names are inserted but then crossed out: John Parrot and Christopher] respectively free and independent of any present or future Husband or Husbands of them respectively and not to be subject to the debts engagements disposal or control of any such husband or husbands AND I declare that the several receipts and discharges of the said Elizabeth Broughton Sarah Lish and Henrietta Emily Calvert John Parrot and Christopher Parsons or of such persons as they shall respectively from time to time appoint as aforesaid shall from time to time be good and effectual discharges to my Trustees for so much money as in such receipts shall be respectively acknowledged to be received AND I do hereby direct that from time to time from and immediately after the ceasing of any of the annuities herein-before directed to be paid to my said Wife Esther Harford or to the said Elizabeth Broughton Sarah Lish and Henrietta

Emily Calvert John Parrott and Christopher Parsons respectively in manner aforesaid such part of the Capital of the said trust fund as shall be unnecessary to be reclaimed for securing the payment of the remaining annuities or annuity charged on the said trust fund shall become part of the residue of my personal estate and shall be paid or transferred by my said Trustees or the survivors or survivor of them his executors or administrators to such person or persons and in such manner as is directed with regard to the said residue of my personal estate I GIVE and BE-QUEATH unto the said Robert Lambert Robert Richard Pigou and George William Killett Potter and the survivors and survivor of them the sum of twenty four thousand pounds sterling free of Legacy duty Upon Trust that they my said Trustees do and shall as soon as conveniently may be after my decease lay out the same in the names or name of my said Trustees or the survivors or survivor of them his executors or administrators in some or one of the public funds or parliamentary stocks of Great Britain or at interest upon Government or real Securities in England and do and shall alter and vary the same from time to time as to them or him shall seem meet — And do and shall pay assign and transfer the said trust monies stocks funds and securities unto and amongst all the every of them my said Sons and Daughters Louisa Ann Harford Frances Harford and Frederica Elizabeth the wife of Robert Thomas John Glyn and George Harford Esther Harford Emily Harford and Charles Harford in such shares and proportions and manner as hereinafter as immediately mentioned that is to say to Louisa Ann Harford four thousand pounds to Frances Harford two thousand pounds to Frederica Elizabeth the wife of the said Robert Thomas John Glyn two thousand pounds (this last mentioned sum of Two thousand pounds I direct my said Trustees or Trustee for the time being to pay to the Trustees or Trustee named in and appointed by a certain Deed bearing date the twenty ninth day of June one thousand eight

hundred and twenty nine being the Settlement made previous to the marriage of my Daughter the said Frederica Elizabeth with the said Robert Thomas John Glyn as it is my intention that the same shall be in full satisfaction and discharge of the Covenant therein entered into by me for payment of a sum of two thousand pounds on or before the expiration of six months, next after my decease to George Harford five thousand pounds to Charles Harford five thousand pounds to Esther Harford three thousand pounds and to Emily Harford three thousand pounds AND as to the shares and proportions of my four last mentioned Sons and Daughters I direct the same to be an interest vested and interests vested in the said George Harford and Charles Harford at his or their age or ages of twenty one years (and in the said Esther Harford and Emily Harford at her or their age or ages of twenty one years) or day or respective days of marriage which shall first happen and in case these events shall happen to my said Sons and Daughters in my lifetime then immediately on my decease the above mentioned proportions of my said Daughters Louisa Ann Harford Frances Harford and Frederica Elizabeth the wife of the said Robert Thomas John Glyn to be an interest vested in them immediately on my decease PROVIDED ALWAYS that if any one or more of them my said sons and daughters shall depart this life before the share or shares of him her or them so dying of and in the said trust funds and premises shall have become vested THEN I direct that the share intended to be hereby provided for each son and daughter so dying of and in the said trust funds and premises or so much thereof as shall not have been raised and paid or applied for the preferment or advancement in the World of any such son or daughter or sons or daughters so dying in pursuance of the power or authority for that purpose herein after contained shall sink into and become part of the residue of my personal estate PROVIDED ALSO and I hereby declare that it shall and may be lawful to and for my said Trustees and the sur-

vivors and survivor of them his executors and administrators at any time or times and from time to time when and as often as they or he shall think fit to raise by said disposal or transfer of the said trust monies stocks funds or securities or any part or parts thereof any sum or sums of money for each Child not exceeding in the whole for any one Child the share to which each such Child if a son or sons would be entitled to on his or their attaining his or their age or ages of twenty one years and if a daughter or daughters to which each such Daughter would be entitled to on her or their attaining her or their age or ages of twenty one years or day or days of marriage which shall first happen and to pay and apply the sum or sums so from time to time to be raised for each such child in and for the preferment advancement or benefit of each such Child in such manner and so often as they my said Trustees or the survivors or survivor of them his executors or administrators shall in their or his discretion think fit notwithstanding the share or shares of such child or children shall not have become vested or payable PROVIDED ALSO and I do hereby direct and declare that it shall and may be lawful to and for my said Trustees and the survivors and survivor of them his executors and administrators by and out of the interest dividends and annual produce of the said trust monies stocks funds and securities to pay and apply for the maintenance and education of my said sons and daughters in the mean time and until his her or their share or shares of and in the said trust monies stocks funds and securities shall become vested and payable such yearly sum and sums of money as they my said Trustees or the survivors or survivor of them his executors or administrators shall in their or his discretion from time to time think fit and do and shall lay out and invest the residue of such interest dividends and produce if any in augmentation of the principal of the said trust monies stocks funds and securities which augmentation I do hereby direct shall be considered as part of the said trust monies

stocks funds and securities and shall be paid applied and disposed of to and amongst the same persons and in such and the same manner as is by this my will directed with respect to the said principal trust monies funds and securities AND AS TO all the rest residue and remainder of my real and personal estate whatsoever and wheresoever and of whatever nature or kind the same may be I GIVE DEVISE and BEQUEATH the same unto and to the only proper use and behoof of my said Son Frederick Paul Harford his heirs executors and administrators to and for his and their own use and benefit AND I DO hereby bequeath the custody or guardianship of the persons of such of my children as shall be under the age of twenty one years at the time of my death to my said present Wife Esther Harford the said Robert Lambert Robert Richard Pigou and George William Killett Potter during the minorities of my said Children respectively AND I do hereby nominate and appoint the said Robert Lambert Robert Richard Pigou and George William Killett Potter Executors of this my WILL hereby revoking all former Wills by me at any time heretofore made PROVIDED ALWAYS and I do hereby declare it to be my Will and intention that (in order to facilitate the execution of the several dispositions and trusts herein in this my Will contained) it shall and may be lawful to and for my said Trustees and the survivors and survivor of them and the heirs executors administrators and assigns of such survivor and also to and for the Trustees or Trustee for the time being to be appointed and acting under this my Will as hereinafter mentioned at their or his discretion either by public sale or by private contract to make sale and dispose of and to buy in and resell all or any part of the aforesaid trust estates mortgages funds or securities and to lay out and invest the money arising by any such sale or disposition or resale in the names or name of them the said Trustees or Trustee for the time being acting under this my Will either in the public funds or parliamentary stocks of Great Britain or at interest

upon Government or real securities in England and to alter vary and transfer the same as to them or him shall from time to time seem meet and reasonable AND I do hereby direct that the receipt or receipts in writing of them the said Trustees or Trustee for the time being acting under this my Will for any sum or sums of money whatever payable or to be paid as or for the consideration money for the sale of any lands tenements or hereditaments to be sold by virtue of the powers contained in this my Will or for the sale of any stocks funds or securities or for any mortgage or other money laid out at interest or for any other sum or sums of money whatsoever shall effectually discharge the persons to whom such receipt or receipts shall be given from seeing to the application or being answerable for the misapplication of the money therein to be mentioned to be received or from inquiring into the necessity or expediency of any such sale or transfer PROVIDED ALWAYS and I do hereby direct and declare that if the Trustees hereby nominated and appointed or any of them their or any of their heirs executors administrators or assigns or any future Trustee or Trustees to be appointed in the place of them or any of them as hereinafter is mentioned shall happen to die or be desirous of being discharged of and from or refuse or decline or be incapable of act in the trusts hereby in them respectively reposed or shall reside abroad before the said trusts shall be fully executed Then and in such case and when and so often as the same shall happen it shall be lawful to and for the said Trustees or the survivors and survivor others and other of them acting under this my Will their his or her heirs executors administrators or assigns by any writing or writings under their his or her hands and seals or hand and seal and to be attested by two or more credible witnesses from time to time to nominate substitute or appoint any other person or persons to be a Trustee or Trustees in the stead or place of the Trustee or Trustees so dying or desiring to be discharged or refusing declining or becoming incapable

to act or residing abroad as aforesaid TO THE INTENT there may be always three Trustees acting under this my Will and that when and so often as any new Trustees or Trustee shall be nominated and appointed as aforesaid all the trust estates monies and premises which shall then be vested in the Trustee or Trustees so dying or desiring to be discharged or refusing declining or becoming incapable to act or residing abroad as aforesaid either solely or jointly with the other Trustee or Trustees shall be thereupon with all convenient speed conveyed assigned and transferred in such sort or manner and so as that the same shall be legally and effectually vested in the surviving or continuing Trustee or Trustees of the same trust estates monies and premises respectively and such new or other trustee or trustees Or if there shall be no such surviving or continuing Trustee as aforesaid then in such new Trustee or Trustees only to the same uses and upon the same trusts as are herein before declared of and concerning the same trust estates monies and premises respectively the Trustee or Trustees whereof shall so die or be discharged or refuse decline or be incapable to act or reside abroad as aforesaid or such of them as shall or may be then subsisting or capable of taking effect AND I do hereby direct and declare that every such new Trustee or Trustees jointly or solely as herein before is mentioned shall and may in all things act and assist in the management carrying on and execution of the trusts to which he or they shall be so appointed in conjunction with the other then surviving or continuing trustee of the said Trust estates monies and premises respectively if there shall be any such surviving or continuing Trustee if not then by himself and themselves respectively as fully and effectually and with all the same power and powers authority and authorities whatsoever as if he or they had been originally in and by this my Will nominated or appointed Trustee or Trustees and as the trustee or trustees herein named his or their heirs executors or administrators in or to whose place such new Trustee or

Trustees shall respectively come or succeed are or is enabled to do or could or might have done under or by virtue of the powers herein contained if then living and continuing to act in the trusts hereby in them reposed anything herein contained to the contrary thereof in anywise notwithstanding PROVIDED ALSO and I do hereby direct that the several trustees hereby nominated and appointed and such future Trustee and Trustees to be appointed as aforesaid and each and every of them and the heirs executors administrators and assigns of them each and every of them shall be charged and chargeable respectively only for such monies as they shall respectively actually receive withstanding his their or any of their giving or signing or joining in giving or signing any receipt or receipts for the sake of conformity and any one or more of them shall not be answerable or accountable for the other or others of them or for the acts receipts neglects or defaults of the other or others of them but each and every of them for his and their own acts receipts neglects and defaults respectively and that they or any of them shall not be answerable or accountable for any Banker Goldsmith broker or any other person with whom or in whose custody or hands any part of the said trust estates monies and premises shall or may be deposited or lodged for safe custody or otherwise in the execution of the trusts herein contained and that they or any of them shall not be answerable or accountable for the defect of title of any lands tenements or hereditaments or for the insufficiency or deficiency of any security or securities stocks or funds in or upon which the said trust monies or any part thereof shall be placed out or invested or for any loss on the buying in and reselling all or any part of the said trust estates stocks funds or securities or for any other misfortune loss or damage which may happen in the execution of the trusts herein contained or in relation thereto except the same shall happen by or through their own willful default respectively and also that it shall and may be lawful to and for them my said

Trustees or Trustee and such future Trustee and Trustees to be appointed as aforesaid and every and any of them their and every of their heirs executors administrators and assigns by and out of the monies which shall come to their respective hands by virtue of the trusts aforesaid to retain to and reimburse himself and themselves respectively and also to allow to his and their co-trustee and co-trustees all costs charges damages and expenses which they or any of them shall or may suffer sustain expend disburse be at or be put unto in or about the execution of the aforesaid trusts or in relation thereto IN WITNESS whereof I the said Henry Harford the Testator have to this my last Will and Testament contained in sixteen sheets of paper set my hand and seal that is to say my hand to the first fifteen sheets thereof and my hand and seal to this sixteenth and last sheet thereof this sixteenth day of July — in the year of Our Lord One thousand eight hundred and twenty nine.

/s/ Henry Harford /seal/

SIGNED SEALED PUBLISHED AND DECLARED by the said Henry Harford the Testator as and for his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereto subscribed our names as witnesses hereto — the alteration in the Top of the 3d page being previously made

/s/ Charles Collingridge of Coleman Street London Gentleman

/s/ Joseph Price of the same place Gentleman

/s/ Benj^m Price of the same place Gentleman

Turn this Sheet up to
preserve the SEAL.

[End of parchment page 16.]

[Codicil added - Cover Sheet]
CODICIL TO THE WILL OF HENRY HARFORD ES-
QUIRE

Prob 10 Box 5516 Sir Henry Harford.
WILL CODL Middx
 of
 Berks

28(?)
HENRY HARFORD
Esquire
January 1835

35
/110/

Reg^d

J.H.

[indecipherable initials]

[The above information is shown on the cover sheet for the Codicil to the will of Sir Henry Harford. Note — he is specifically labeled "Sir Henry" — here. The Codicil is filed in the Public Record Office, London, under reference: Prob. 10 Box 5516 Sir Henry Harford C. 10977]

[Codicil of the will of Henry Harford.]

[Undecipherable word]

THIS IS A CODICIL TO THE LAST WILL and TESTAMENT of me Henry Harford of New Cavendish Street in the parish of Saint Marylebone in the County of Middlesex Esquire bearing date the Sixteenth day of July One thousand Eight hundred and twenty nine and which I desire may be considered as part thereof WHEREAS by my said Will I gave devised and bequeathed unto and to the only proper Use and behoof of Robert Lambert Esquire Admiral in His Majestys Navy Robert Richard Pigou, Esquire and George William Killett Potter Esquire their heirs and assigns ALL that my Capital messnage, or Mansion house called Down Place situate at Water Oakley near Windsor in the County of Berkshire lately purchased

by me of John Huddleston Esquire together with the Outbuildings lands and Appurtenances thereto belonging Upon certain trusts and with such powers of Sale as therein is mentioned. Now I do hereby revoke and make void such powers of Sale as therein is mentioned and bequeath the same Capital Messnage or Mansion House hereditaments and premises unto and to the only proper use and behoof of the said Robert Lambert Robert Richard Pigou and George William Killett Potter their heirs and assigns UPON TRUST to permit and suffer my dear Wife Esther Harford to have the Use thereof and personally to reside therein in and during the term of her natural life or Widowhood if she shall think fit so to do She the said Esther Harford keeping the same Estate and Premises in a proper state of repair And from and immediately after the decease or marriage of my said Wife or in case of her decline to reside in the same premises UPON TRUST that my said Trustees or the Survivors or Survivor of them or the heirs or assigns of such Survivor do and shall at their or his discretion absolutely sell and dispose of the said hereditaments and premises and the fee simple and inheritance thereof either by Public Sale or by Private Contract and either together or in parcels and at their or his discretion or from time to time to buy in and resell the same in any part or parts thereof either by public Sale or private contract and either together or in parcels without being subject to any loss that may arise thereby and unto any person or persons that may be willing to purchase the same or any part thereof and for the most money and best price or prices that can or may be reasonably had or obtained for the same AND for facilitating such Sale or Sales I do hereby authorize and empower my said Trustees or the Survivors or Survivor of them or the heirs or assigns of such Survivor to make and execute all such lawful Acts Deeds Conveyances and Assurances on the Same as shall be or may be necessary or as Counsel shall advise for conveying or

assuring to and vesting in Such Purchaser or Purchasers his her or their heirs and assigns or as he or they shall direct the hereditaments and premises so to be purchased by him her or them respectively AND I declare that the receipt and receipts of my said Trustees or the Survivors or Survivors of them or the heirs or assigns of such Survivors shall be from time to time a good and sufficient discharge and good and sufficient discharges to all and every such purchaser and purchasers for such Sum and Sums of money as in such receipt or receipts shall respectively be expressed to be received AND that such purchaser or purchasers having paid his her or their purchase money or purchase monies or any part thereof respectively to my said Trustees or the Survivors or Survivors of them or the heirs or assigns of such Survivor and Taken [?] such receipt or receipts as aforesaid shall not afterwards be answerable or accountable for the loss misapplication or nonapplication of any Sum or Sums of money in such receipt or receipts expressed to be received or be in any wise concerned or obliged to see to the application thereof or any part thereof AND I direct that all monies to arise by such Sale or Sales shall after payment and deduction of all expenses attending the execution of the aforesaid Trust become and make part of my personal Estate And Whereas by my said Will I Give and bequeath unto the Said Trustees therein named then Executors administrators and assigns All that my Leasehold messnage or tenement two sets of Stables Yard and Premises in New Cavendish Street in the County of Middlesex and all my Estate and interest therein Upon certain Trusts therein mentioned NOW I do hereby revoke and make void so much of such bequest as respects the permission of my said dear Wife Esther Harford to reside on the Said Premises during her life or Widowhood AND I do hereby direct that they my said Trustees or the Survivors or Survivor of them or the executors or administrators of such Survivor as soon as conveniently may be after my decease do and shall sell and dispose of the

same by Public Sale or Private Contract in the manner as the same is in my said Will directed to be done hereby confirming all such part and parts of my said Will as related to such Sale or Sales the giving receipts and indemnification of my Trustees and the Purchasers of such Property And I direct that all money to arise by such Sale or Sales shall after payment and deduction of all expenses attending such Sale or Sales and all other expenses attending the execution of the aforesaid Trust become and make part of my personal Estate AND WHEREAS by my Said Will I Gave and bequeathed to my said Trustees so much money as would be sufficient to purchase Twenty One Thousand Eight hundred and thirty three Pounds Six Shillings and Eight pence Three Pounds per Cent Consolidated Bank Annuities UPON Trust that they my said Trustees should as soon as conveniently might be after my decease purchase or cause to be purchased [word crossed through] transferred into their Names or the Names or Name of the Survivors or Survivor of them his Executors or Administrators Twenty One thousand Eight hundred and Thirty three Pounds Six Shillings and Eight pence Three Pounds per Cent Consolidated Bank Annuities AND should stand possessed thereof and of the interest dividends and annual produce UPON TRUST (amongst other things, to pay one Annuity or clear yearly Sum of 500 pounds to my said Wife Esther Harford during her natural life if she should so long continue my Widow and to be paid to her at such times and in such manner as therein mentioned. NOW I do hereby revoke and make void such bequest AND WHEREAS since the date and execution of my said Will Emily Harford therein named has intermarried with The Reverend William Henry Wentworth Bowyer Clerk NOW my Will and intention is that such bequests as made for the said Emily Harford in my said Will shall not be paid to her but I do hereby give and bequest unto the said Trustees in my Will

named and the Survivors and Survivor of them his executors and administrators all or any Legacies Sum or Sums of money which she the said Emily now the Wife of the said William Henry Wentworth Bowyer Clerk — may become entitled under and by virtue of my said Will — as the sum bequeathed to her — UPON TRUST that they my said Trustees do and shall as soon as conveniently may be after my decease lay out the Same in the names or name of my said Trustees or the Survivors or Survivor of them his executors or administrators in some or one of the Public funds or Parliamentary Stocks of Great Britain or at Interest on real Securities in England and do and shall alter and vary the Same from time to time as to them or him shall seem meet AND do and shall stand possessed thereof and of the interest dividends and annual produce thereof UPON (and for?) the trusts intents and purposes hereinafter mentioned that is to say UPON TRUST to receive and take the interest dividends and annual produce of such Stocks funds or Securities and to pay the same into the hands of the said Emily Bowyer for her sole and separate use or to such person as she shall by writing direct or appoint AND not to be subject to the debts control or engagements of the Said William Henry Wentworth Bowyer or any husband with whom she may intermarry AND I do hereby direct that the receipt or receipts of the said Emily Bowyer or of such person or persons as she shall direct to receive the Same shall be a good and sufficient discharge and good and sufficient discharges to my said Trustees or the Survivors or Survivor of them his Executors or Administrators for such Sum or Sums of money as in Such receipt or receipts shall be respectively acknowledged to be received and from and immediately after the decease of the said Emily Bowyer to pay assign and transfer the said Stock funds and Securities and the interest dividends and annual produce thereof into and amongst such person and persons and in such parts shares and proportions as She the said Emily Bowyer shall by her last Will and

Testament in writing or any Codicil or Codicils thereto or any thing in the nature of her last Will and Testament such last Will or Codicils thereto to be executed in the presence of two or more Witnesses shall direct limit and appoint AND in default of any such direction limitation or appointment to pay assign and transfer the said Trust monies, Stocks funds and Securities unto and amongst all and every Child and Children ~~which shall be living~~ [words written, then elided] of the said Emily Bowyer which shall be living at her decease (if any) and to be equally divided between or amongst them if more than One (share and share alike and if but one such Child to such One) but if there shall be no such Child or Children of the Said Emily Bowyer living at her decease and she shall make no appointment of the said Trust fund then UPON TRUST to pay and assign over the said principal Stocks funds or Securities Interest and dividends unto the said William Henry Wentworth Bowyer if he should Survive the Said Emily Bowyer and in default thereof to her next of kin AND I do hereby ratify and confirm my said Will in all respects not hereby revoked or altered AND I declare this to be Codicil to my last Will and Testament bearing date the Sixteenth day of July — One thousand Eight hundred and Twenty nine IN WITNESS whereof I have put my hand to the first three Sheets thereof and my hand and Seal to this fourth and last sheet thereof this First . . . day of June — One thousand eight hundred and thirty three.

Sealed published and declared by me Henry Harford as a Codicil to my last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our Names and Witnesses hereto

/s/ Rupert Raries [Last name is unclear]
of Lombards Street London

Sol^r [Solicitor]

/s/ Cha^s Collingridge Basinghall Street London

(SEAL)

Solr

/s/ Benjamin Price Clk to Potter & Collingridge
of the same place

/s/ HENRY HARFORD

[End of Page 4 of the Codicil.]

Papers referring to proving of Henry Harford's Will
and its Codicil following his decease.

File number Prob. 10, Box 5516, Sir Henry Harford,
Public Record Office, Chancery Lane, London. Ref. C
10977

January 9th 1835

~~Richard~~ [corrected] Robert Lambert Esquire, ~~a line~~
~~Admiral in His Majesty's Navy~~, [corrected] Robert
Richard Pigou Esquire and George William Killett
Potter Esquire, the Executors named in this Will were
sworn to the Trust and due Performance thereof and of
the Codicil thereto and as usual; also that the Testator
died on or about the Eighth day of December last and
that his Goods Chattels and Credits do not amount in
value to Sixty Thousand Pounds

Before me

Pritchard

Sub 60,000 pounds. Cav
Com
Col /s/ [A blurred signature -
Indecipherable]

16 January

The Testator Henry Harford was late of New
Cavendish Street in the Parish of Saint Marylebone in
the County of Middlesex and of Down Place in the
County of Berks Esquire, and died at the latter place.

PROVED at LONDON (with a Codicil) 16th
January 1835 before the Worshipful Jesse Ad-
dams Doctor of Laws and Surrogate by the Oaths
of Robert Lambert Robert Richard Pigou, and
George William Killett Potter Esquires the
Executors to whom Administration was granted

having been first sworn duly to administer.

(Not to be Registered)

In the Prerogative Court of Canterbury

In the Goods of HENRY HARFORD Esquire deceased

(STAMP)

(crown)

Appeared personally Charles Collingridge of Basinghall Street in the City of London Solicitor and made Oath that he was present at the Execution of and is one of the subscriber Witnesses to the last Will and Testament with one Codicil thereto of Henry Harford late of New Cavendish Street in the Parish of Saint Marylebone in the County of Middlesex and of Down Place in the County of Berks Esquire deceased the said Will being now hereunto annexed and beginning thus — "This is the last Will and Testament of me Henry Harford" ending thus "in the Year of our Lord One Thousand eight hundred and twenty nine" and thus subscribed "Henry Harford" and having the following Obliterations and Interlineations therein and words written on Erasures or otherwise in addition to the said Will as originally written viz an erasure at the beginning of the eleventh line of the first Sheet of the said Will and the word "Ounces" written on part of such erasure the partial obliteration of the word "or" at the end of the fifteenth line of the second Sheet of the said Will and the word "and" written immediately over such obliteration, the words "or in case she shall decline so to do to permit and suffer her to receive the rents and profits thereof" — written immediately over that which was originally the first line of the third Sheet of the said Will and Words "if she shall think fit so to do" partially obliterated in the line which was originally the second line of the said third Sheet the words "whether she reside therein personally or enjoy the Rents and profits thereof as aforesaid" interlined between the lines which were originally the fourth and

fifth lines of the said third Sheet the partial obliteration of the words "or in case of her declining to reside in the said Messnage or Tenement and Premises" in the lines which were originally the seventh eighth and ninth lines of the said Third Sheet the word or name "Paul" interlined between the twenty fifth and twenty sixth lines and also between the twenty seventh and twenty eighth lines of the fifth Sheet of the said Will the Erasure at the beginning of the twenty second line of the eighth Sheet of the said Will and the words "thereof upon and" written on such Erasure the Interlineation of the Words "as the same" between the twenty third and twenty fourth lines of the said eighth Sheet the partial obliteration of the words "John Parrot and Christopher" between the twentieth and twentieth first Lines of the ninth Sheet of the said Will an erasure in the twenty sixth line of the eleventh Sheet of the said Will and the Word "each" written thereon the interlineation of the Word or name "Paul" between the twenty seventh and twenty eighth lines of the twelfth Sheet of the said Will and the interlineation of the word "sixteenth" between the twenty third and twenty fourth lines of the sixteenth and last Sheet of the said Will AND he further made Oath that immediately preceding the Execution of the said Will the same was examined by this Deponent and George William Killett Potter Esquire one of the Executors therein named, with the Draft thereof from which it had been copied, by one of them reading one part thereof aloud in the presence and hearing of the other and of the said Testator and he the said George William Killett Potter then made such Alterations therein as were necessary to make the same conform to the said Draft and such other alterations as were then dictated by the said deceased AND also added to the said Will the Date thereof. AND having now viewed and perused the said Will and

carefully observed the several Interlineations Obliterations and Words written on Erasures and otherwise in addition to the said Will hereinbefore recited he the Deponent saith that the same were all made and written either previous to the Examination of the said Will as aforesaid or by the said George William Killett Potter at the time of such Examination and in particular that the Interlineation of the said Word Sixteenth forming part of the Date of the said Will in the sixteenth and last Sheet thereof was then written by the said George William Killett Potter previous to the Execution of the said Will by the said deceased and in conformity with his wishes and directions AND he further made Oath that from his recollection of the said word "Sixteenth" forming part of the Date of the said Will having been interlined as aforesaid on the day of the Execution thereof and previous to such Execution taking place he is enabled to depose and does depose that the said Will was executed on the sixteenth of July One thousand eight hundred and twenty nine being the Day on which it purports by the said Date to have been so executed.

On the Tenth day of January
1835 the said Charles
Collingridge was duly sworn /s/ Charles Collingridge
to the truth of this Affidavit

Before me

/s/ C. Cooke

/s/ [Another signature, not clear,
possibly "Thomas Crullwell".]

CHAPTER XXI

ESTHER RYCROFT HARFORD: HER LEGACIES

The will of Henry Harford's second wife, his widow, Esther Rycroft Harford, reveals much about the status of upper class women, as do the many other documents in this book.

Only women of the gentry had much to bequeath, of course, or went to the expense of having a will drawn up and registered.

Esther Harford, as noted before, died at Down Place, May 17, 1853 at the age of 78.

The text of her will follows:

WILL OF ESTHER RYECROFT HARFORD

Public Record Office, London.
Ref.: Prob. 11/2174:

WILL OF ESTHER RYECROFT HARFORD*

I, ESTHER HARFORD, of Down Place in the parish of Bray in the County of Berks., Widow, hereby revoking all wills by me of any time heretofore made to Declare this to be my last Will and Testament in manner following, that is to say I give and bequeath to Louisa Ann Harford one of the daughters of my late husband by a former marriage if she shall be living at the time of my decease the sum of twenty pounds and I also give and bequeath to Frances Harford another daughter of my late husband by a former marriage if she shall be living at the time of my decease, the sum of twenty pounds, the above legacies to be considered as tokens of my regard and affection for them. I give and bequeath to my Grand Daughter, Fanny Emily Bowyer if she shall be living at the time of my decease, the sum of fifty pounds. I give and bequeath to my maid servant, Esther Willis, if she shall be living with me at the time of my decease the sum of nineteen guineas over and above any wages that may be due to her. I give and bequeath to Frederick Paul Harford the son of my late husband by a former marriage as head of the family, all the family Diamonds consisting of necklace, earrings, and sprig which I leave him in token of my gratitude for his having allowed me the use of his furniture at Down Place AND I also give and bequeath to the said Frederick Paul Harford all and whatsoever articles of furniture there may be at Down Place belonging to me at the time of my decease and which I may have added at any time during my residence there. I give and bequeath to my son Charles Harford my large Diamond ring together with all various spirituous liquors, ale and beer of which I may die possessed. I give and bequeath to my sister Elizabeth Askew if she shall be living at the time of my

*London, Public Record Office, Ref. Prob. 11/2174. The will is dated 9 March 1849 and was proved 16 June 1853.

decease, my Diamond ring with [two indecipherable words] together with the sum of twenty pounds. I give and bequeath to my son George Harford the sum of eight hundred pounds AND as to all the REST AND RESIDUE of my property and effects of whatsoever nature or kind the same may consist at the time of my decease, I give and bequeath the same (after payment thereof of all my Debts funeral and testamentary expenses the foregoing legacies and the legacies hereafter given to my Executors) to be equally divided between my Daughter Esther Fitzmaurice and my son Charles Harford. I request that should I die at no great Distance from Down Place, I may be buried in the family vault in Bray Church my funeral to be as private and as little expensive as security will permit, AND lastly, I do hereby appoint my Step-son, the said Frederick Paul Harford, my son Charles Harford and Charles Henry Moore of Sirolus (?) Far Fields, Esquire EXECUTORS of this my last Will and Testament. AND I give and bequeath to each of them my said Executors the sum of fifty pounds for their trouble and I request that all the foregoing legacies may be paid within six calendar months after my Decease in Witness Whereof I the said Esther Harford have to this my last Will and Testament set my hand this ninth day of March one thousand eight hundred and forty nine—

/s/ ESTHER HARFORD

Signed and Declared by the said Esther Harford the testatrix as and for her last Will and Testament in the presense of us both present at the same time who in her presense at her request and in the presense [sic] of each other have hereunto subscribed our names as witnesses this ninth Day of March one thousand eight hundred and forty nine /s/ John Stead, Butler to Mrs. Askew of Wimpole Street /s/ Charles Lawes, Footman to Mrs. Askew of Wimpole Street.

PROVED at London 16th June 1853 before the Judge by the oaths of Frederick Paul Harford, Esquire, Charles Harford, Esquire, her son and Charles Henry

Moore Esquire the Executors to whom Admon was granted they having been first sworn to wit the said Frederick Paul Harford and Charles Henry Moore before the Worshipful John Elliott Pasley Robertson and the said Charles Harford before the Worshipful Robert Joseph Phillimore respectively, Doctors of Law and Surrogates Duly to administer.

CHAPTER XXII

THE DESCENDANTS OF THE CALVERTS

Charles Browning, named for his grandfather the fifth Baron of Baltimore, was born to Louisa Calvert Browning and John Browning, July 29, 1765 at Hackethorn in Lincolnshire. The Brownings had come to this location to be near a clergyman, the Reverend John Willis, who was known for his treatment of mental disorders. The reason for this was that both before and after her marriage Louisa Browning was "in a low and melancholy way."¹ She dropped deeper into her depressions, and mentally withdrew following the birth of her son, having only a few lucid intervals from that time until her death. Her "physician," the Reverend Willis, seemed to have no success in mitigating her illness. (Nor was he to benefit King George III later when called upon to treat what appeared to be insanity afflicting the king.)²

When his uncle, Frederick, Lord Baltimore died in 1771, Charles Browning was only six years old. His father salvaged what he could from the prolonged litigation over the proprietorship of Maryland. Eventually he obtained about £25,000 from the Calvert estate. John Browning died in 1792, leaving his wife in the care of their son.

Only after Charles was grown and married, in the year 1795, did he learn that he, not Henry Harford, might be regarded as the legal heir to the province of Maryland. For some time he did not have the leisure to investigate the matter, being sent to Scotland for six years with the Cambridgeshire Fencible Cavalry. A part of this time was spent on special duty in Ireland. At length, however, his regiment was disbanded and Charles Browning returned to England.³

NOTE: John Browning received thousands of pounds from the estate of Frederick Calvert. One wonders where this substantial fortune went in a relatively few years.

Children were born to the Brownings with an almost annual regularity and numbered six by 1804. Having only a small income, and this growing family, Browning "began to turn my attention to try to increase my income, which I began to do by doing the duties of an officer in the Temple, of which my mother was then entitled to one sixth. I also bought a situation under the appointment of the Dean and Chapter of Westminster, of High Baliff of Westminster. I sold the latter to advantage in 1806, and the form I gave up, being much in town . . ."4 N

Through talks with a friend, Robert Smith, about America and about Maryland in particular, Browning began to believe that there was considerable substance to his claim to the former province and its miles of Calvert family lands. Obtaining a copy of his grandfather's will, Browning grew even more certain that he was indeed, the heir in law to money that Maryland owed the Calvert descendants.⁵

Oddly enough, for the Brownings and Harfords had opposed one another, Charles Browning even applied to Henry Harford for assistance in gathering documentation to support his claim. Harford replied that all his papers had been left with the commissioners in England, who had sat upon the claims commission some thirty years before. Though delayed by the illnesses of both his wife and his mother, Browning set sail for Maryland, October 1, 1819.⁶

Once there, it took him many months to obtain a hearing. While he waited he gathered together a great deal of material relating to land ownership practices in Maryland under the Calverts. In 1820 Browning presented his case to the General Assembly and received a polite hearing. This, however, was all that he received.

Browning stayed in Maryland for years, writing in 1821 his *Appeal to the Citizens of Maryland*, and in 1825 his *Granting of Lands in Maryland*. The General Assembly eventually politely heard him again, but

gave him no encouragement to continue to press for the sums he believed the state owed him.⁷

Browning later left America to live in France. From that country he wrote a series of bitter letters regarding the treatment he had been given in Maryland. He believed himself robbed of his legal inheritance of many miles of American land.

Maryland had substantially contributed to his livelihood, however, for his father had realized some thousands of pounds by relinquishing claims upon the proprietorship to Henry Harford by way of the Estate Act of 1781.

Four generations of the Harford family followed Maryland's last Proprietor. In the three generations that came immediately after Henry Harford, the Harford line produced but one son a generation. In each of these three generations the son joined the British military service and attained a respectable rank.

Frederick Paul Harford

Frederick Paul Harford, Henry Harford's eldest son, served in the Scots Fusilier Guards. He retired with the rank of Captain. His wife was the second daughter of Reverend R. Fitzwilliam Halifax. The couple lived at Down Place and had a son and two daughters.

Captain Harford served the county of Berkshire as a Justice of the Peace and Deputy Lieutenant of the county. He died by his own hand on February 21, 1860, at the age of 58 and was buried in the churchyard of the parish church, St. Michael's and All Angels, at Bray.

His wife, Elizabeth Louisa Harford, seven years his junior, lived on for another sixteen years. She died at 66 years of age and was buried beside her husband.⁸

Frederick Henry Harford

The Proprietor's grandson, Frederick Henry Harford, like his father, also chose to live much of the time

at Down Place. He also served in the military, being for some years an officer in the Scots Fusilier Guards. He retired from the Guards with the rank of Colonel.

Colonel Harford married Florence Helen Isabel, youngest daughter of the Honorable Lawrence Parsons. Once again a Harford marriage produced a son and a daughter. The daughter, Violet Evelyn Harford, married the twelfth Earl of Stair on October 20, 1904.⁹ This marriage indicates that the Harford family had maintained their high social status.

The Proprietor's grandson came into contact with an agent from Maryland in the 1880s. The meetings at this time were the only instances during the past two hundred years, prior to this study, that there was such contact between Harfords and Marylanders. The meeting of Frederick Henry Harford and representatives of the Maryland Historical Society came about due to a casual note made by writer and researcher Colonel A. W. McDonald. McDonald had been sent to London in March of 1860 to seek papers relating to the original legal boundary lines of Virginia.

In his report Colonel McDonald mentioned the fact that he had sought an unnamed "representative of the Calvert family," and found the man in prison for debt at Queens Bench Prison. The poor man had been there for twelve years and prior to that had served another eight years in Fleet prison. The man told McDonald that he had not seen the original charter to Maryland among the other family papers and believed it lost. The identity of this man has not been ascertained.

Somehow Colonel McDonald's remark about seeing this prisoner and his remark about "other family papers," and further, a sighting by the colonel of a chest in the British Museum marked "Calvert Papers," came to the eyes of members of the Maryland Historical Society. Colonel McDonald's report stirred the interest of the Society members but the Civil War intervened at this point. It was not until the mid-1880s that the matter came up again. A letter was written to the British Museum by representatives of the Mary-

land Historical Society to inquire about the chest of Calvert papers. The Museum replied that no such chest could be located and that it must have been there temporarily pending possible purchase by the Museum.

The Society then contacted Henry Harford's grandson, Colonel Frederick Henry Harford, at Down Place near Windsor. He had some family papers, Colonel Harford admitted, stored in a chest housed in his orangery there. The Society managed to have the papers rescued from their damp resting place and held in the offices of Colonel Harford's attorney in London.

Next the Society chose Mr. Mendes Cohen as chairman of a committee to determine the authenticity of the papers and the possibility of acquiring them. His work was greatly assisted by a monetary grant made by Mr. T. Harrison Garrett to aid the project. The Society was relieved to have gotten the chest into safekeeping when, to the anguish of committee members, they heard that still another chest of papers had been casually buried in a field adjoining Down Place! Correspondence with London revealed that these papers had been buried to get them out of the way. This was too much for the Society, something must be done quickly, members resolved. Mr. Garrett, interested in the project, spared the Society his employee, J. W. M. Lee, who was also Librarian to the Society, to go to England to see about retrieving the historic papers. The fact that priceless Maryland documents were being scattered about in damp English country houses and even fields seemed an extreme example of British eccentricity to Society members.

The acquisition of early papers relating to Maryland was made more important due to the fact that early in Maryland's history, in 1643, the records of the first ten years of settlement at St. Mary's City and records of the first meetings of the Maryland Assembly had been lost when Richard Ingle swooped down upon the small capital and took control. Due to the destruction of

these records substantial gaps existed in the record of the first settlement of the Calvert colony.

Once in London, Mr. Lee immediately contacted Colonel Harford's attorneys and examined the papers they held. It took him but little time to realize that he had found a most valuable assortment of early papers relating to the settlement of Maryland. Now he yearned to recover, as well, the buried chest and with that in mind journeyed to Windsor by train, taking that opportunity to view Windsor Castle on the way. He then traveled by hired carriage to Down Place. There he was entertained by Colonel Harford and the colonel's wife but was disappointed to learn that no trace of the buried chest of papers could be found. The gardener who had buried it was no longer in Colonel Harford's employ and it seemed the papers were lost.

In spite of not being able to secure the second chest, the Society members were happy to be able to ship at least one collection of papers to Maryland. In June of 1888 the precious documents were safely secured in the vaults of the Maryland Historical Society in Baltimore. Later, as members of the Society examined the papers they were delighted to find that they had purchased around a thousand documents in all! Some of these dated back to 1633, the year prior to the founding of St. Mary's City. Selections from these papers were later published, following a formal presentation of the collection to the Society in December 1888.¹⁰

Jubilant as the Marylanders were over this great gain, there remained the tantalizing, painful thought of the lost chest of papers. In pursuit of this lost historical treasure, Mr. Julian LeRoy White set off for England in July of 1889. A member of the Maryland Historical Society, he was determined to attempt the discovery of the second chest. He visited Colonel Harford at Down Place. Mr. White, further, managed to locate the old gardener who was reported to have buried the missing chest. Colonel Harford's former servant was brought to Down Place and asked to point out the spot where the chest was buried. Then, with a

gang of laborers hired for the purpose, White set about digging up the Colonel's garden. The men dug on and all about the spot indicated, without the least success. In his letter to the Society, White stated that *nothing* had been found at all, and pointed out that this was in itself most unlikely. An old chest would have left some trace and, also, old parchments are not easily rotted. Therefore, Mr. White seemed to feel that there was a possibility that the chest of papers had never been buried at all, but had been disposed of by the gardener. Naturally the old servant did not admit to this.¹¹

So the story seemed to end in the empty English earth of Colonel Harford's garden. And yet, only about five years later, more Calvert papers were to be heard of, via a most unlikely train of circumstances.

A man in Lincoln, Nebraska wrote to the Maryland Historical Society early in 1894, asking if that society would be interested in some very early papers relating to the settlement of Maryland! Mr. Cohen still headed the committee for the recovery of Calvert papers. One can imagine Mr. Cohen's face as he held the letter from Nebraska in his hands. Certainly his expression must have revealed excitement, puzzlement, and doubt.

Further correspondence revealed that a Mr. John Roland Phillips of Lincoln, Nebraska, had in fact inherited what seemed to be authentic documents relating to early Maryland. (Oddly, the papers had originally come into Mr. Phillips' hands at just about the time negotiations were going on in England to recover the chest of papers from Colonel Harford, for it was with the death of Phillip's father, in 1887, that the papers came to John Phillips.)

It seemed that the senior Phillips had served in England in several military campaigns, had indeed, written a book on his experiences in England. It may well have been that during this time he obtained the papers. His son could not shed light on how his father had acquired them.¹²

Examining them, Society members determined that these were extremely valuable papers of a very early date, again as early as 1633.¹³ Were these the papers missing from Colonel Harford's garden? To date this question has not been answered but it does seem possible. In any case, the Society gladly purchased the papers from Mr. Phillips and again published selections for the use of those interested in Maryland history.

The affair of the Calvert Papers gave us a brief look at the life of Henry Harford's descendant, Colonel Frederick Henry Harford. He was found to be a genial man who kindly entertained the representatives of the Maryland Historical Society who had traveled to Down Place to seek him out. He and his wife lived in considerable style by the Thames at Down Place. Many servants were employed to maintain the old Harford home and to serve the family.

Interest in the Harfords then apparently lapsed for another hundred years until this study began in the 1970s.

Colonel Harford died at the age of 85, on August 12, 1926 and his son inherited Down Place.

Frederick Reginald Harford

The great-grandson of Maryland's last Proprietor, in the family tradition joined the Scots Guards. He married a member of the gentry of Europe, Maude Isabel, the elder daughter of T. F. Lardelli of the Malt House, Hurley, Berkshire. Frederick Reginald Harford retired from the Guards with the rank of major.¹⁴

In 1932, Frederick Reginald Harford broke the long residence of Harfords at Down Place and sold the old mansion with its remaining 39¹/₂ acres of land. He moved his wife and two daughters to a more modern and luxurious home, "Broadfield," in Buckinghamshire.¹⁵

Today the great-great-granddaughters of Maryland's last Proprietor, Florence M. and Pamela V. Harford, live near Broadfield in a modern home sur-



(Author's photograph)

Florence M. Harford and Pamela V. Harford, the great-great-granddaughters of Maryland's last Proprietor in the garden of their Buckinghamshire home, in the summer of 1974.

rounded by a large and pleasant English garden. Neither lady has rested on her family laurels, though their background is well represented in the pages of *Debret's*, preferring to carry on the family tradition of service to England. During World War II both were active in the war effort.¹⁶

From the time of Henry Harford to the present day his direct descendants have maintained their social status and financial standing. This was due in part to the Calvert family fortune and in part to their own considerable abilities.

¹Charles Browning, *An Appeal to the Citizens of Maryland* (Baltimore: n.p., 1821), p. 5.

²John Brooke, *King George III* (New York: McGraw-Hill Book Co., 1972), p. 371; also Browning, pp. 5-8.

³Browning, pp. 5-8.

⁴*Ibid.*, p. 10.

⁵*Ibid.*, p. 12.

⁶*Ibid.*, p. 11.

⁷Copies of both of Browning's books may be found in the library of the Maryland Historical Society, and in the Library of Congress.

⁸Death Certificate, Frederick Paul Harford. Personal papers of the Misses Harford, Buckinghamshire, England. Cause of death is given as suicide while temporarily insane. Gravestone in churchyard of the parish church at Bray. See Appendix H.

⁹*Burke's Genealogy and Heraldic History of the Landed Gentry*, 1937 edition, p. 1055.

¹⁰*The Calvert Papers*, Vol. I, Fund Publication 28, 1889; Vol. II, Fund Publication 34, 1894; Vol. III, Fund Publication 35, 1899 (Baltimore: Maryland Historical Society), prefaces. The story of the acquisition of the Calvert Papers is told in the prefaces of the three volumes of items selected for publication from the Calvert Papers collection.

¹¹*The Calvert Papers*, Vols. II, and III, prefaces.

¹²Manuscripts Div., Maryland Historical Society, Calvert Papers, vertical file, To Maryland Historical Society, Baltimore, from John Roland Phillips, of Lincoln, Nebraska, Oct. 9, 1889.

¹³*Ibid.*

¹⁴*Burke's*, p. 1055.

¹⁵*Ibid.*

¹⁶*Ibid.*

CHAPTER XXIII

SITES IN ENGLAND ASSOCIATED WITH THE PROPRIETARY FAMILY OF MARYLAND

Two hundred years have passed since Maryland became a state and so deposed Henry Harford, Esquire, her last Proprietor. Nearly 350 years have passed since the idea of planting an English colony in America took form in the mind of George Calvert, first Lord Baltimore. Yet, many buildings and sites associated with the proprietary family may still be found in England today, for though the lengths of time mentioned above seem long to Americans, they are but yesterday to the English.

Kiplin Hall

As it has for three and a half centuries, Kiplin Hall stands today in its gardens surrounded by Yorkshire fields. True, since George Calvert re-built his old home in the early seventeenth century, there have been several large additions, yet the main building still stands. The first Lord Baltimore incorporated a portion of the solid walls of his old family home in the core of this main block. When he completed his building at Kiplin around 1625, he had evolved a strong, rather tall, structure Jacobean in style.* It is believed to have been built from plans designed by Inigo Jones.† Traces of an imposing avenue remain to the east of Kiplin Hall.

Upon entering the building one finds tall doors leading to a small flagged vestibule. Next one may enter a large room paneled in age-darkened oak. On the western wall of this room is a great fireplace which once warmed the "hall," and around the room are hung portraits of persons associated with Kiplin, for example Lady Charlotte Fitzroy, natural daughter of

*Nikolaus Pevsner, *The Buildings of England* (Harmondsworth, Middlesex, G.B.: Penguin Books, Ltd., 1966), pp. 38, 208.

†G. Bernard Wood, *Historic Homes of Yorkshire*, (London: Oliver & Body, 1957), p.

Charles II and of her husband, Edward Henry, 1st Earl of Litchfield. (These were the parents of Benedict Leonard Calvert's wife, also named Charlotte.)*

To the left of the entrance door is a room used as a dining room and named the Canaletto Room for the paintings by that artist that hang there.†

Within and without one can see the central block of George Calvert's building of Kiplin Hall. Around a central core there are four towers with ogee caps and eight gables. These are rather lost in additions made by later owners, yet if one observes closely, the original structure may be detected.*

The Calvert family kept Kiplin Hall after the establishment of their American colony in Maryland. In fact, it was not until after the death of the fourth Baron that Kiplin passed out of the direct line of descent of Calvert family members.

The widow of Benedict Leonard Calvert (Charlotte, granddaughter of Charles II) traveled to Europe. There she met and married a gentleman, Christopher Crowe. When they returned to England, Crowe was delighted with Kiplin. He arranged with its owner, his stepson, Charles Calvert (II), to purchase the old mansion with much of its acreage in 1722 for 7,000 pounds.†

One may see Crowe, in a portrait of that interesting man painted by Canaletto, wearing a turban and scarlet cloak. Crowe brought the Canalettos to Kiplin.‡

For a century Crowes enjoyed Kiplin, then passed it on, by the marriage of a daughter, to the Carpenter family. Sarah Crowe married George (Carpenter), Earl of Tyrconnel, who added the great library wing to

*Observed by Vera Rollo, during the summer of 1974.

†G. Bernard Wood, p. 79.

*James W. Foster, "George Calvert: His Yorkshire Boyhood," *Maryland Historical Magazine*, Vol. 55, No. 4 (December, 1960), p. 262.

†G. Bernard Wood, pp. 79-81.

‡Ibid.

the south side of Kiplin Hall in the nineteenth century.**

Kiplin remained a private home occupied in turn by relatives of the Carpenter family, by Walter Cecil Talbot, and by the last private owners, Mrs. Christopher Turnor and Miss Bridget Talbot. Since large houses of this ilk were increasingly unsuitable as private residences in the twentieth century, Kiplin went on the market and there was speculation that it might be pulled down. During pre-World War II years it was used as a school, and later, during the war, by the Royal Air Force.

Following the war, its roof crumbling, its acres threatened, the old mansion was rescued by a group of public-spirited persons, known today as the Trustees of Kiplin Hall.* The Trustees engaged Mr. H. T. Prime as curator and began the battle of halting the deterioration of Kiplin Hall in order to make it available to persons interested in British and American history. In the summer of 1975 a new roof was placed on the building, just in time to preserve the fabric of the structure, through the financial assistance of a member of the Maryland Historical Society.

Kiplin Hall may be visited by appointment. Plans are, as soon as possible, to open the Hall at regular times. It is located about 40 miles north-northwest of the city of York, and lies east of the town of Catterick.

Epsom and Woodcote Park

From Yorkshire one might journey southward, seeking Calvert family locales, passing London, traveling into Surrey, and the town of Epsom. Epsom little resembles the rural village that once existed there, for it has been enveloped by the twentieth-century sprawl of the London suburbs. Still, one can still view the old

**Ibid.

*Trustees of Kipling Hall, 1974: Captain Hugh Chetwynd-Talbot, M.B.E.; Lt. Colonel Maurice J. B. Burnett, D.S.O., DL; Mrs. Janet Adams; Hon. Mrs. Lavender Garnier; Margaret, Lady Beresford-Peirse; and Chief-Superintendent George Thompson.

parish church, St. Martin's, and the churchyard where members of the Calvert family are laid to rest.

St. Martin's Parish Church resembles a Gothic structure and is made of brick with a curious facing of broken flintstone.⁺ By the church, the last Baron of Baltimore, Frederick Calvert, sixth Lord Baltimore, was interred in the late eighteenth century.⁺⁺

About a mile south of Epsom is Woodcote Park. This estate came into the Calvert family in 1691, willed to Cecil, Lord Baltimore, by Mrs. Elizabeth Evelyn, a relation.[#] Cecil Calvert having died in 1675, the property came to his heir Charles Calvert (I), third Lord Baltimore.

For generations Woodcote Park remained a Calvert home until it was sold, as mentioned above, by Frederick, sixth Baron, around 1768.

Charles Calvert (II), before Frederick's time, added a great deal of embellishment to the mansion and enjoyed entertaining there. Nearby was another large property, "Durdans," used by Frederick, Prince of Wales, between 1737 and 1747. As we have mentioned, the fifth Lord Baltimore and the Prince had a long and close association.

Woodcote Park showed four floors above ground level, the first encased in stone, the upper three floors stuccoed. Twin staircases mounted and met at an entrance on the second story. From the center portion of the building wings extended out, providing an imposing frontage.

Inside the mansion was a large room, a "hall," with corinthian columns supporting a frieze. There were five principal apartments; many of the rooms boasting ornately decorated ceilings of considerable artistic merit. There was a splendid library, profusely ornamented with gilding on a blue ground, and graced by a

⁺Gordon Home, *Epsom, Its History and Surroundings* (Epsom and London, 1901, republished, York: S. R. Publications, Ltd., 1971), p. 65.

⁺⁺"An Inhabitant," *History of Epsom* (Epsom: W. Dorling, also by J. Hearne, London, 1825), p. 22.

[#]Gordon Home, p. 81.

ceiling painted by Verrio. That artist did, as well, the ceiling of the family chapel at Woodcote Park. All in all, during its tenure by the Calverts it was an impressive residence.*

Once disposed of by Frederick the mansion and its lands passed through several hands until, in 1913, it was sold to the Royal Automobile Club for use as a country club. After World War I the work of converting the estate into a club was completed. Club members for many years enjoyed golf, tennis, croquet, squash, and swimming, and their handsome clubhouse until, August 1, 1934, a disastrous fire destroyed the old building with its beautiful ceilings and other elaborate decorative details.

Today a new building, opened in 1936, stands on the site, its facade an exact replica of the former Calvert home. The interior has been modernized, of course, and with its lighting and air conditioning would appear strange indeed to its former owners, yet it is now admirably suited to the needs of the R.A.C. members in the twentieth century.†

London

In spite of the damage done to the city by the bombing raids of World War II, and in spite of the building projects in London, there are still many sites there that Henry Harford might find familiar.

His street is there, "New Cavendish Street in the Parish of Saint Marylebone in the County of Middlesex." Nearby is another street that also figured in his life, Berners Street, the home of Louisa, daughter of Peter Pigou, Esquire, who was to be his first wife.

Many of the great public buildings of London, Harford would find familiar. True, large towers of glass and steel are rising there, yet the British are zealously preserving many of the old landmarks. London goes to sleep at night and is quiet, unlike many American

*Gordon Home, p. 80.

†Royal Automobile Club, *Jubilee Book*, ed., Dudley Noble (London: R.A.C., 1947), pp. 65-73.

cities which continue to rumble and hum. How quiet a city it must have been in Harford's day! The same parks are there, as well, that existed in his time. Today more of these are open to the public, no longer reserved for the pleasure of owners of the surrounding houses. These green and pleasant plots which Harford enjoyed two hundred years ago, are still in use.

Eton and Windsor

At Eton College, only a footbridge apart from the city of Windsor, one can see college buildings that Harford once knew. He did not wear the frock coat and top hat worn today by "Eton boys," for these were adopted later, upon the death of the friend of the college, King George III.* Yet Harford did tread these same Etonian streets and enjoyed the same river and its meadows.

When Harford attended Eton the grey mass of Windsor Castle loomed, as it does now, above Eton. King George III enjoyed living at Windsor and during his reign made it a royal home. The castle is still used by the royal family as a residence. It is open to the public and is a most rewarding place to visit. Extensive royal parks surround the castle, but are used now more for the pleasure of the public than as private royal hunting grounds. The green acreage around the castle provides a welcome open space for royalty and commoner alike. In Windsor town itself, one can find streets and several buildings dating back to the eighteenth century, ones that Henry Harford must have known.

Down Place

Down Place, Henry Harford's country home near Windsor, remained a Harford home until the 1930's. The last Proprietor's great-grandson, Frederick Reginald Harford, sold it at that time to Colonel and Mrs. George Davies. When the writer visited Down Place in the summer of 1974, Mrs. Davies was still living in an apartment in one wing of the old mansion.

*Christopher Hollis, *Eton: A History*, (London: Hollis and Carter, 1960), p. 180.



(Author's 1974 photograph.)

An old building often passed by Maryland's young Proprietor as he walked the main street of Eton.

She remarked that she and her husband had sold Down Place and its remaining acreage, to a motion picture company. This company, via a series of mergers, is now known as the Bray Film Services, with studios located at Down Place.

The film company has put Down Place to utilitarian use. Dressing rooms are installed in former servants' quarters, while the stables and barns shelter film-making equipment. Offices now fill the tall rooms of the mansion, with only a graceful cornice here and there remaining to hint at former grandeur. Behind the old Harford home looms the bulk of a sound stage.

Down Place may be seen by appointment only. Seemingly, there is little there now to reward one in search of a Maryland Proprietor, yet the Thames is still there by the lawn, a peaceful stream. There are still open fields about the house. At the rear of the mansion tall, carved oak doors open into a high, flagstoned entry room. In odd corners other carvings and stonework remain from Harford's time.

Visiting Down Place proved to be most rewarding for the writer, since via a casual remark made by Mrs. Davies, she was able to locate and to meet the last direct descendants of the Proprietor to bear the Harford name.

The Town of Bray

Henry Harford often visited the town of Bray, near Down Place. He attended church there with his family. Inside the parish church, in its vestibule, one can see a framed document commemorating the names of members who donated funds for "re-pewing" the church. One of the names is that of Harford's second wife, Esther Harford, with the date, "4 Feb. 1839."

Though not visible today due to the installation of an organ, there are, on a wall of the parish church at Bray, two markers that read:

Sacred to the memory of Hester [sic], wife of the late Henry Harford, Esq^r, of Down Place, who departed this life May 17th 1853, aged 78 years.

Sacred to the memory of Henry Harford, Esq^r, of Down Place, Berks., who departed this life on the 8th of December, 1834, in the 76th year of his age.*

Both Henry Harford and his wife Esther were buried in the Bray Church cemetery, according to old parish registers, yet the exact location is not certain.⁺ Esther Harford mentioned "the family vault," in her will (Appendix E). There are many old grave markers and tombs whose inscriptions are completely worn away by wind and rain.

Perhaps Harford lies near his son who is buried in the churchyard of Bray Church near a roadway that provides access to homes called, "Berkeley's-Vicarage," located on the river behind Bray Church. Here one may find a well-preserved stone that reads:

In Memory of Frederick Paul Harford of Down Place, Berks.

Formerly an officer of the Scots
Fusilier Guards who died February
21, 1860. Aged 57 years.

and

Also of

Eliza Louisa
Wife of the Above
Who died July 28, 1876. Aged 66.

*Charles Kerry, *The History and Antiquities of the Hundred of Bray* (London: authr. 1861), p.46.

⁺Berkshire County Record Office, Reading. Bray Church Burial Registers: D/P23/1/11 Burials 1813-1837, and 1850-1860.

The village of Bray has buildings and roadways that existed in Harford's day. Several old cottages and the village inn remain. Giant trees shade the narrow streets of the town and only now are the fields being taken over by modern housing and a new roadway. Two hundred years have changed Bray, of course, but in many ways it remains the charming country town that Harford knew.

Often members of the Harford family called for their carriages and journeyed to Bray to attend church and social functions. Many a Harford squire called for his coach and drove to meet his friends at the inn. The town has long been a favorite spot, too, for romantic hide-a-ways, being close to Windsor and not very far from London. Further back in its history Normans use the present parish church site as a place of worship. During the Roman occupation of Briton, Bray was used by Romans as traces of buildings attest. Indeed, the same Roman connection is true of Down Place, near Bray.*

Petworth House

Following her marriage to the Hon. William Frederick Wyndham, fourth son of the first Earl of Egremont, Frances Mary Harford lived near Petworth House in Sussex, at the village of Bignor. She must have visited Petworth House and walked to the same huge tree that tops a hill today, near an ornamental lake on the grounds of the mansion.

Petworth House is an all-but-royal residence, with murals on the ceilings, gorgeous paneling, and an outstanding art collection. The chapel has a most unique "drapery" and other exquisite work done by artists in wood carving. Carving, sculpture, and paintings adorn Petworth House. The house is regularly opened to visitors and is a most interesting place to see.

*Nan Birney, *Bray: Today and Yesterday* (Maidenhead and Trowbridge: Thames Valley Press, 1973), pp. 13-17, also, Charles Kerry, p. 153.

From the Petworth House Archives came valuable clues as to the life and death of Henry Harford's sister, as well as new information about the length of his stay in America. Surely, it seemed to the writer, there would be in the Petworth House Archives letters from Henry Harford, yet none came to light.

One can only speculate as to whether Harford journeyed to Petworth House and nearby areas, visiting his sister and viewing the lovely cathedral town of Chichester a few miles away. One may stroll the pathway that tops parts of the old city wall, visit the Cathedral, and walk the narrow streets of this ancient city as perhaps Maryland's last Proprietor did nearly 200 years ago.

Oxford

Henry Harford knew well many of the buildings, streets, and river meadows that one may see in Oxford today. The city is larger now, but still it lies cupped in the Oxfordshire hills, and is still laced by rivers flowing from the Berkshires eastward toward London. It is a small city of great charm with cobbled sidewalks and narrow streets overhung by tall houses.

Students still race through the streets, black robes flapping, though there are girl students among them now. Automobiles now move along Oxford's streets, yet scarcely faster than horses and carriages once moved. After examinations, friends of students still meet them at the door of the college with bottles of wine to celebrate the completion of the examination.

Exeter College of Oxford University was attended by Maryland's last Proprietor. It boasts a beautiful and lofty dining hall of great age where Henry Harford dined. There is a lovely Chapel which he attended, and he must often have strolled the uniquely green English turf of the College courtyard.

The buildings of the University which existed in his day are there to be admired, by the visitor.

NOTE: Future researchers may gain personal access to the Petworth House Archives, or the collection may be catalogued and the results published at some future date. This may reveal possible Henry Harford and Mary Frances Harford Wyndham letters.

Exeter and Exmouth

On a raw, grey, Sunday afternoon, during a holiday in the summer of 1973, the writer entered Exeter Cathedral while on a holiday in England. She stood by a vault containing the remains of "Bishop James Berkeley, 1377," and waited for her daughter to complete a methodical circuit of the various plaques and monuments in the great cathedral. Idly the writer looked at a wall plaque, near where she happened to be standing, and read the inscription: "Louisa the wife of Henry Harford, Esq^r d. at Exmouth Nov. 1st, 1803, aged 34 years." Surely this could not be the same Henry Harford the writer had been studying for several years now, the coincidence was too unlikely. Still, she jotted down the inscription on a scrap of paper and once back in Maryland found that the dates did match!

The following year the writer returned to Exeter Cathedral to find, not only records of Henry Harford's first wife being interred at the Cathedral, but connections with other relatives of Louisa Pigou Harford.* These connections were of such note that Louisa had been buried with considerable pomp at the great cathedral.

Research revealed that she had been visiting nearby Exmouth for her health, for the mild salt air of the little fishing village was believed to be beneficial to persons suffering respiratory ailments.

Again, the writer hoped that in some collection of local papers that letters or documents might be found to reveal more about Henry Harford, but save for the scant details of Louisa's stay and demise at Exmouth, no correspondence was discovered. Surely Harford must have written to his wife, perhaps he accompanied her to Exmouth in person, or came occasionally to visit her there. We can but speculate, and know only the

*J. W. Hewett, B.A., *A Complete Monumentarium of the Cathedral Church of St. Peter, Exeter*, Vol. I. (Exeter: Exeter Diocesan Architectural Society, 3 vols., 1849), p. 24. *Gentleman's Magazine*, Vol. LXXIII (November, 1803).

poignant fact that Louisa died shortly after the birth of her son, "at Exmouth, aged 34 years."

Other Sites

In England and Ireland there are several other sites associated with the colonial period of Maryland's history. In England, for example, one may visit the Isle of Wight, departure point for the *Ark* and the *Dove* bound for Maryland. In Ireland one might seek out the Baltimore estates.

So rooted are we in the history of both England and Ireland that the American traveler reaches these islands with a sense of homecoming. For the Marylander, in particular, it is a most worthwhile journey.



(Author's 1974 photograph.)

Side view of Kiplin Hall.

CHAPTER XXIV

SOME DISCOVERIES AND CONCLUSIONS

Epilogue

In researching the Calvert and Harford families, in examining the legal basis of the inheritance of the Proprietorship of Maryland, we have found answers to some of the questions we asked. Harford did become the legally recognized Proprietor of Maryland. He was not, as hitherto believed, simply foisted upon Maryland entirely by his father's circumvention of British law, but rather gained a clear title by adding his own efforts, in 1780 and 1781, to the machinations of his late father. The legal heirs did unquestionably relinquish all claim to the proprietorship, as evidenced by the Estate Act of 1781, an important new source of information regarding the transfer of Maryland's proprietorship. Charles Browning's claims in the early nineteenth century mentioned some sort of agreement but it was not made clear to us that it was such an entirely legal and solid relinquishment. Harford's carrying forward the battle for legal possession of the proprietorship gives us a different picture of him than that furnished by previous mentions of his life in the literature. Henry Harford was no mere puppet whose strings were operated first by his father and later by his father's executors; rather Harford himself displayed considerable resolution and ability in gaining his ends.

Studying the proprietorship during the closing years of English colonial rule in Maryland, we have found that, though several factors were involved, one of the most important reasons for Harford's lack of success in Maryland following the Revolution lay in the climate of hostility engendered by the proprietorship of Harford's father, the dissolute Frederick Calvert. Prior to this study, Harford's rebuff in the light of precedents set in nearby Virginia and Pennsylvania seemed inexplicable. Even though it ended in failure, we learned that Harford exhibited both courage and tenacity in his Maryland journey in search of reparations.

Giving us yet another insight into Harford's character is the way in which he, on a scale far larger than previously known, gained thousands of pounds of compensation from the government of Great Britain. Again, in these able and persistent claims Harford's abilities are revealed. And here again, documentation found in the course of this study has helped fill gaps in the record.

An analysis of the money gained by Harford from his father's estate and from the government of Britain has been shown above as amounting to about £190,400. Harford's will revealed that he died worth only £60,000. His estate was diminished due to amounts disbursed prior to his death, for the most part in settlements made in favor of his eldest son and seven other children. Then, too, Henry Harford lived well in England for nearly fifty years following his American journey, and maintained two large and luxurious residences.

As for Harford the man, the study has been less successful than expected because of the lack of personal letters and journals. It was hoped that a body of these would come to light but this has not yet occurred. From the documentation that has been found, however, we have learned a great deal about the last Proprietor of Maryland. We now see that he possessed character, intelligence, and strength of purpose as evidenced by his completion of his education at Eton and Oxford in a reasonable time. His acquisition of a full and legal right to the proprietorship of Maryland also revealed ability and determination. He demonstrated staying power again in his dogged pursuit of recompense, both in Maryland and in England.

Enough evidence has come to light in the course of this examination of the life of Henry Harford to show him a man of conservative investment habits, and a patriarch who made full and careful provision for his family. Very much a devoted family man, he married twice, and fathered five children in each marriage. Of his ten children, eight survived him. All eight were well provided for in his will and via various marriage settlements.

Harford had considerable social standing, we have seen, for his standing as the natural son of a nobleman, his life style, and his marriages to women high on the social scale all give evidence of this. Unofficially he was known as "Sir Henry Harford," and his will is so registered in London, though no official record of knighthood is extant. Harford's sister, Frances Mary, shared in this social standing. Once retrieved from her teen-age elopement, she was later granted an annulment and made a brilliant second marriage.

New light has been thrown on the relations between Maryland revolutionaries, the proprietorship, and Loyalists, prior to, during, and following the American Revolution, by this study of Harford's life. We understand a little more of that important and complex period of Maryland's history. Further, we have corrected errors, ranging from Harford's date of birth to his date of death (1758-1834), which have entered into the scant record previously available on his life and times. The discovery of new documentation has allowed us to fill in the gaps in the literature with regard to Maryland's last Proprietor, a man amazingly neglected by historians. Finally, we have shown Harford to be more of a man than previous mention of him would have led us to believe, a man of considerable character and ability in his own right.

This study into the Calvert family's Proprietorship of Maryland has brought to light many documents that have clarified events and relationships in Maryland, 1634-1834. That is, from the settlement of the Maryland colony until the death in 1834, 200 years later, of Maryland's last Proprietor, Henry Harford.

It is also true that study into the Proprietorship has thrown considerable light on social mores, legal techniques, the status of women, and social ranking and privileges 1634-1834.

Perhaps the greatest achievement of the study will be

in making possible further research into history of Maryland in this most interesting period of two hundred years. Names, documents, places named in this study may well act as a springboard for future research, further studies.

APPENDIX A

**THE GOVERNORS OF
MARYLAND**

THE COLONIAL GOVERNORS OF MARYLAND

- 1633-1647 Leonard Calvert
 1647-1649 Thomas Greene
 1649-1652 William Stone
 1652 Parliamentary Commissioners
 1652-1654 William Stone
 1654-1657 William Fuller and Council
 (Appointed by the Parliamentary Commissioners)
 1657-1660 Josias Fendall (Appointed by Lord Baltimore)
 1660-1661 Philip Calvert
 1661-1676 Charles Calvert
 1676 Cecilius Calvert Since Cecilius Calvert was a minor, the actual governing was done by first the Deputy Governor Jesse Wharton, and later, by Deputy Governor Thomas Notley.
 1676-1679 Thomas Notley
 1679-1684 Charles Calvert returned as Governor. He now was the Proprietor of Maryland and held the title of the Third Lord Baltimore.
 1684-1688 Benedict Leonard Calvert. He was only a young child at the time and the actual governing was done for him by a Council of Deputy Governors.
 1688-1689 William Joseph, President of the Council of Deputies
 1689-1690 John Coode, Leader of Protestant Associators
 1690-1692 Nehemiah Blackiston
 In 1692 the English crown sent Royal Governors to Maryland. Charles Calvert, the Third Lord Baltimore, who was Proprietor at that time, lost the right to appoint Governors. He did retain the legal right to Maryland and certain benefits and profits from the Province.

ROYAL GOVERNORS

- | | |
|----------------------|-----------|
| Sir Lionel Copley | 1692-1693 |
| Sir Thomas Lawrence | 1693 |
| Sir Edmund Andros | 1693 |
| Nicholas Greenberry | |
| President of Council | 1693-1694 |
| Sir Edmund Andros | 1694 |
| Sir Thomas Lawrence | |
| President of Council | 1694 |

Francis Nicholson	1694-1699
Nathaniel Blackiston	1699-1702
Thomas Tench President of Council	1702-1704
John Seymour	1704-1709
Edward Lloyd President of Council	1709-1714
John Hart	1714-1715

PROPRIETARY GOVERNORS

(In 1715 the right to appoint Governors of Maryland was returned to the Calvert family, Proprietors of Maryland.)

1715-1720	John Hart
1720	Thomas Brooke, President of Council
1720-1727	Charles Calvert
1727-1731	Benedict Leonard Calvert
1731-1732	Samuel Ogle
1732-1733	Charles Calvert, Lord Proprietor
1733-1742	Samuel Ogle
1742-1747	Thomas Bladen
1747-1752	Samuel Ogle
1752-1753	Benjamin Tasker, President of Council
1753-1769	Horatio Sharpe
1769-1776	Robert Eden

GOVERNORS OF THE STATE OF MARYLAND

Elected Under the Constitution of 1776 by the Legislature for One Year:

Thomas Johnson	1777-1779
Thomas Sim Lee	1779-1782
William Paca	1782-1785
William Smallwood	1785-1788
John Eager Howard	1788-1791
George Plater ¹	1791-1792
John H. Stone	1794-1797
John Henry	1797-1798
Benjamin Ogle	1798-1801
John Francis Mercer	1801-1803
Robert Bowie	1803-1806
Robert Wright ²	1806-1809
Edward Lloyd	1809-1811
Robert Bowie	1811-1812
Levin Winder	1812-1816

Charles Ridgely of Hampton	1816-1819
Charles Goldsborough	1819-
Samuel Sprigg	1819-1822
Samuel Stevens, Jr.	1822-1826
Joseph Kent	1826-1829
Daniel Martin ³	1829-1831
Thomas King Carroll	1830-1831
George Howard	1831-1833
James Thomas	1833-1836
Thomas W. Veazey	1836-1839

Elected by the People for Three Years Under the Constitution of 1776 as a- mended in 1838:

William Grason	1839-1842
Francis Thomas	1842-1845

Thomas G. Pratt	1845-1848	John Lee Carroll	1876-1880
Philip Francis Thomas	1848-1851	William T. Hamilton	1880-1884
Enoch Louis Lowe	1851-1854	Robert M. McLane ⁶	1884-1885
		Henry Lloyd	1885-1888
Elected Under the Constitution of 1851 by the People for Four Years:		Elihu E. Jackson	1888-1892
Thomas Watkins Ligon	1854-1858	Frank Brown	1892-1896
Thomas Holliday Hicks	1858-1862	Lloyd Lowndes	1896-1900
Augustus W. Bradford	1862-1866	John Walter Smith	1900-1904
		Edwin Warfield	1904-1908
Elected Under the Constitution of 1864 by the People for Four Years:		Austin L. Crothers	1908-1912
Thomas Swann	1866-1869	Phillips Lee Goldsborough	1912-1916
		Emerson C. Harrington	1916-1920
Elected Under the Constitution of 1867 by the People for Four Years:		Albert C. Ritchie ⁷	1920-1935
Oden Bowie ⁴	1869-1872	Harry W. Nice	1935-1939
William Pinkney Whyte ⁵	1872-1874	Herbert R. O'Connor ⁸	1939-1947
James Black Groome	1874-1876	William Preston Lane, Jr.	1947-1951
		Theodore R. McKeldin	1951-1959
		J. Millard Tawes	1959-1967
		Spiro T. Agnew ⁹	1967-1969
		Marvin Mandel ¹⁰	1969-1979
		Harry R. Hughes	1979-1987
		William Donald Schaefer	1987-

- 1 James Brice of Annapolis, a member of the Governor's Council, became Acting Governor upon the death of Governor Plater on February 10, 1792. He served until April 2 of the same year when he was succeeded by Thomas Sim Lee.
- 2 Governor Wright resigned on May 6, 1809. James Butcher, a member of the Governor's Council, became Acting Governor and served for one month, or until June 5, 1809, when his successor, Edward Lloyd, qualified.
- 3 Governor Martin died in office on July 11, 1831. George Howard, a member of the Governor's Council, succeeded him. Governor Howard was subsequently elected by the Legislature for a one-year term in January, 1832.
- 4 Governor Bowie served three years by special provision of the Constitution.
- 5 Governor Whyte resigned on March 4, 1874. Governor Groome was elected and assumed office on the same day. Because of a family business disagreement, Governor Whyte changed the spelling of his surname to distinguish his branch of the family.
- 6 Governor McLane resigned on March 27, 1885. Henry Lloyd, as President of the Senate, succeeded him as Acting Governor until January, 1886, when the Legislature elected him to complete the remainder of Governor McLane's term which expired in January, 1888.
- 7 Because of a 1922 constitutional amendment which provided for quadrennial elections, the Governor elected in 1923 served for three years. Thereafter gubernatorial terms began in odd years.
- 8 Governor O'Connor resigned on January 3, 1947 to accept a seat in the United States Senate. William Preston Lane, Jr. was elected by the Legislature to fill the unexpired term. Governor Lane was inaugurated on January 3, 1947 for the remainder of Governor O'Connor's term and on January 8, 1947 for the full four-year term.
- 9 Governor Agnew, having been elected Vice President of the United States at the general election of November 5, 1968, resigned on January 7, 1969. Marvin Mandel, then the Speaker of the House of Delegates, was elected on the same day to fill the balance of Governor Agnew's unexpired term.
- 10 Governor Mandel was elected by the people in November of 1970 for a full four-year term. He was inaugurated for this term in January, 1971.

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Vera Foster Rollo was born in North Carolina in 1924, the daughter of Joseph M. and Hilda A. Prevette. Her father was an attorney, her mother an artist and vocalist.

Interested in writing since childhood, Vera Rollo studied, wrote, learned. After graduation from High School in Salisbury, North Carolina, in 1941, she went to Florida to be with her mother. She worked in offices at the Morrison Field Air Force Base during World War II.

In 1943 she learned to fly light aircraft and by 1945 had earned her commercial and flight instructor certificates. For several years she taught flying in Florida and in Maryland, continuing to write. She found that she was adept at writing factual articles about flying. Most magazines dealing with flying published her articles in the 1940s.

She married Eric Foster in 1949. The children of this marriage were Michael and Sally. By this time she was employed by a national aviation magazine as feature writer and columnist.

After moving to Maryland, she founded the Maryland Historical Press and published textbooks for use in schools and libraries on Maryland subjects: *Your Maryland: A History, A Geography of Maryland, Maryland's Government, Henry Harford: Last Proprietor of Maryland*, and others. Divorced at this time, she later married again. She earned her BA and MA from the University of Maryland, spending time in England on research.

In 1977 she accepted a position as assistant professor at Wilmington College in New Castle, Delaware. She became aware that textbooks were scarce to serve colleges in the field of aviation and wrote *Aviation Law* and *Aviation Insurance*. Single again now, she returned to Maryland to operate her publishing house and to continue her writing and editorial work.

Today, Vera Rollo is a Ph.D. Candidate, University of Maryland, and continues to write, publish and to fly.

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NOTE: Names not given in this index are those of attorneys who witnessed wills, or "straw figures" involved in legal maneuvers. These men did not seem related to the account of Maryland's proprietorship except in a most peripheral way. Also missing, the names of the Sixth Lord Baltimore's mistresses and children by them. These names might be followed for further historical data but were not closely linked to the proprietary of Maryland and so were omitted. The names of some servants were omitted for the same reason.