

## MARYLAND MANORIAL COURTS

To complete the cross section of the judicial system of Maryland in the seventeenth century it has been thought advisable to reprint the proceedings of the court baron and court leet of St. Clement's Manor, the only Maryland *manorial court* record which is known to have survived. This has been previously twice printed, but both the publications in which it appeared have long been out of print. The old manuscript, obviously an original, now reproduced, is doubtless only a fragment, as there are the minutes of but five court sessions to be found in the fourteen-year period, 1659-1672, over which it extends.

St. Clement's Manor was granted to Thomas Gerard, November 3, 1639. It lay on the island of that name in St. Mary's County, and when first patented contained 1,030 acres. It was resurveyed for Gerard in 1642 and sufficient land added to bring the acreage up to 6,000; and it was resurveyed again in 1678, with additions increasing its size to 11,400 acres, for Justinian Gerard, who had inherited it under his father's will, and it was then possibly the largest non-proprietary manor in the Province. The patent contained the authority, usual at that time in such grants, for the lord of the manor to hold court leet and court baron. Thomas Gerard (1600-1673) was a Roman Catholic surgeon and planter of prominence, and a member of the Governor's Council and of the Assembly. He became involved, however, in the Fendall "rebellion" of 1660, and in November of that year was banished by Gov. Philip Calvert and his estates confiscated, but received a qualified pardon, February 28, 1660/1 (*Arch. Md.* iii, 396, 407-408; xli, 414, 427-429). His later years seem to have been spent in Virginia where he died.

This old record presents the classical picture of that relic of feudalism transplanted to American soil, an English manorial court. We have mention of the lord of the manor and the steward, the bailiff, the constable, the freeholders, the leaseholders, and the jury, or "jury and homage" as it is here styled. The names of the *resiants*, apparently those persons who lived on the manor but were neither freeholders nor leaseholders, were also recorded, as were also the names of the "essoines", that is those who were excused for their absence from court. It is not possible here to discuss the functions of such a court as this, or its origin. The interested reader is referred to John (Hemsley) Johnson's *Old Maryland Manors* (*Johns Hopkins University Studies*, 1883), where this St. Clement's court record was first printed, for a brief review of such courts, and to a more thorough recent study of the manorial system as it existed on Maryland soil by Charles M. Andrews, which is to be found in his *Colonial Period of American History* (ii, pp. 292-298). The St. Clement's court records have also been reprinted in the two editions of Thomas' *Chronicles of Colonial Maryland*, (see 1900 edit. pp. 128-142).