

Since 1536, the bishop had been denied the power to appoint judicial and other officers, and could no longer grant pardons; writs no longer ran in his name, but ran in the name of the king; and offenses in the palatinate thereafter violated the peace, not of the bishop, but of the king.<sup>1</sup> But that abridgment was not to affect the privileges of Lord Baltimore in his distant domain. All these incidents of power were to be his. He was to be lord as of old, and throughout his dominion the internal administration of the province did in fact rest with him and his people to an unexampled degree, the control of the home government being confined almost entirely to the regulation of the commerce and external relations of the colony.<sup>2</sup> Naturally, however, the political organism, once it was successfully planted, developed in a way of its own; and it was a way that ultimately led far from the conditions designed in Lord Baltimore's grant.

The distribution of the land, a subject of foremost importance during the early history of an agricultural colony, and one with which the proceedings here recorded have much concern, was put at the disposal of the proprietary, who was empowered to distribute it in such estates as he might think proper and to erect manors with manorial courts and view of frankpledge. The operation of the statute *quia emptores*,<sup>3</sup> which prohibited subinfeudation, and under which Maryland tenants would have held directly of the crown, and their lands escheated to the crown, was as to all lands in the province suspended. Lord Baltimore and his successors were specifically empowered to provide such laws and such judges, magistrates, judicial tribunals, forms, and modes of proceeding as they might see fit, subject, however, to the requirement that the laws be consonant to reason and not repugnant or contrary, but (so far as conveniently might be) agreeable to the laws, statutes, customs, and rights of the kingdom of England. Another and more important qualification was in a provision that the freemen of the province, or the greater part of them, or their delegates or deputies, were to be called together for the framing of the laws, when and as often as need should require.

## 2. THE DISTRIBUTION OF THE LANDS

So long as it was necessary to offer inducements for settlers, the lands were distributed in amounts varying with the number of those brought over by the grantees; and as, at first, wheat was expected to be the staple product of the settlement, an annual rent in wheat, payable to the proprietary, was fixed and collected for each holding.<sup>4</sup> The terms and conditions were

<sup>1</sup> Lapsley, *op. cit.*, p. 197.

<sup>2</sup> McMahon, *op. cit.*, p. 231.

<sup>3</sup> 18 Edw. I, ch. 1 (1290).

<sup>4</sup> John Kilty, *The Landholder's Assistant* (Baltimore, 1808), pp. 29 *et seq.*; and see *post*, pp. 543, 592.