

**THE LAND SYSTEM  
IN MARYLAND,  
1720-1765**

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The Land System in Maryland, 1720-1765 by Clarence P. Gould

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A DISSERTATION

Submitted to the Board of University Studies of The Johns  
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for the degree of Doctor of Philosophy

1911

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BALTIMORE  
1913

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## PREFACE

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These four chapters form part of a larger work intended to cover the economic history of Maryland in the period designated. The research for the entire work is about finished, and several additional chapters are now complete; but it has seemed desirable to publish as a monograph the part relating to the Land System, and to present later the other factors in the colonial life of the eighteenth century.

The author is under obligations to Professors J. M. Vincent and Charles M. Andrews for aid and suggestion in the preparation of this work. He also wishes to acknowledge indebtedness to his mother for many of the arithmetical calculations.

C. P. G.

## THE LAND SYSTEM IN MARYLAND 1720-1765

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### CHAPTER I

#### THE GRANTING OF LAND

According to the terms of the charter of Maryland, Lord Baltimore was given the land "in free and common socage;" and was empowered to "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 . . . 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 . . . such . . . 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."

With such large powers over land, and with the experience of the earlier colonies concerning the unprofitableness of trade, it is easily seen why the proprietor, to reap his profit, turned toward the exploitation of the soil. Following the plan which had worked so successfully in Virginia, Lord Baltimore provided in his early conditions of plantation for the granting of land to those who would transport settlers into the colony. By each grant there was reserved to the proprietor a perpetual quit-rent, which, though originally payable in wheat, was fixed in 1671 at four shillings sterling per hundred acres. In 1683 transportation of settlers ceased to be the basis for the granting of lands, which were thereafter obtainable only on the payment of a purchase price, called caution money, of two hundred pounds of tobacco per hundred acres. This was raised in 1684 to two hundred

and forty pounds, which rate was doubled during the royal period. In 1717 the purchase price was changed to money at the rate of one penny for each pound of tobacco, making forty shillings sterling per hundred acres.

These terms remained unchanged during the continuance of the commutation law,<sup>1</sup> but after its expiration in 1733 an increase in the land rates again became very tempting to the proprietor. By the instructions to Edmund Jennings, judge of the land office, in that year, the purchase price was left at forty shillings sterling per hundred acres, but the quit-rent was raised from four shillings to ten shillings.<sup>2</sup> Under these terms the number of land grants showed a sharp decrease, so that in 1738 the four shilling quit-rent was restored, but the purchase price was advanced from £2 to £5 sterling per hundred acres. At the same time the land officials were informed that these were but minimum rates, and that higher rates should be demanded wherever, in the judgment of the governor, the secretary, and the judge of the land office, the desirability of the land would admit of it.<sup>3</sup> In practice, however, increased rates were seldom, if ever, demanded. After 1738 there was no further change in the land rates until the Revolution.

The proprietor, however, was not entirely pleased with this settlement. Charles, Lord Baltimore, satisfied with his experiment with a ten shilling quit-rent, seems never to have contemplated raising the rates again; but Frederick, who succeeded Charles in 1751, began almost at once a long series of efforts to increase his revenue from lands. Knowing that the population was rapidly increasing, and seeing that the Penns were obtaining higher rates from their lands, it is not strange that Frederick should have concluded that his charges were too low. In 1753 he appears to have given

<sup>1</sup> See p. 34 et seq.

<sup>2</sup> Land Office, Warrants, Liber EE, p. 306; John Kilty, *The Landholders' Assistant and Land-Office Guide*, p. 232.

<sup>3</sup> Lower House Journal, May 25, 1744; Land Office, Warrants, Liber LG No. A, p. 135. This instruction bears date "at London 15 Decr. 1738," but the precise date on which it reached the colony and went into force cannot be determined.