

PALATINE JURISDICTION IN NORTH AMERICA

Dr Noel Cox

Palatine jurisdiction, where some elements of royal authority are vested in a delegate, entrusted with what might be categorised as a form of mediæval provincial self-government, derives its name from the counts palatine. A county palatine was a county whose lord held particular rights, in lieu of the king or emperor, such as pardoning treasons and murders.

The first counts palatine dated from the times of the later Roman empire, when the decline in the strength of central authority led to the increased use of imperial vicegerents, who themselves became quasi-sovereign princes. These officials had administrative, judicial and military functions, the latter especially for the extensive frontier provinces. The notion of the palatine jurisdiction later spread from the lands of the empire to England, and beyond.

Under King William I there were four counties palatine in England; Chester, Durham, Kent, and Shropshire. Pembroke followed later (these latter three were only palatinates for a short time). Other palatine counties, which only retained their exceptional position for a short time, were the Isle of Ely, and Hexhamshire in Northumbria. In Ireland there were palatine districts, and the seven original earldoms of Scotland occupied positions somewhat analogous to that of the English palatine counties.

The duchies of Cornwall, Lancaster, the principalities of Wales, Scotland (not to be confused with the Kingdom of Scotland), and the county of Carrick, were others of the various independent jurisdictions at various times in the countries of the United Kingdom. There were also palatine jurisdictions further afield, including North America. Palatine provinces in that continent included Maryland in 1632, Maine in 1639 and Carolina in 1663. The latter two were defined in terms of the contemporary jurisdiction of the county palatine of Durham.

The Lord Proprietor of Maryland, Lord Baltimore, lost his political powers in 1691, but regained them in 1715. This was supplanted only in 1776, with the outbreak of the American Revolution. The flag of the State of Maryland comprises a banner of the arms of the Lords Baltimore, adopted in its present form in 1904.

The arms of Lord Baltimore are also used on the State Seal, as re-adopted in 1876 (Md. Ann. Code §13-302). The first and fourth quarters are the arms of Calvert, *paly of six, Or and Sable, a bend counterchanged*. The second and third quarters are the arms of Crossland. This were inherited by Cecil Calvert

from his grandmother Alicia, wife of Leonard Calvert, who was the father of George, first Lord Baltimore. These are *Argent and Gules, a cross botonné countersigned*. This is charged with a Greek cross, its arms terminating in trefoils, with the colouring transposed.

Above the shield is an earls coronet, for the Lords Baltimore, though barons in England, were earls or counts palatine in Maryland. A gilt helmet, full-faced, is above the coronet, and on the helmet are mounted the Calvert crest. There are two pennons, the dexter Or, the sinister Sable, issuing from a ducal coronet. The staffs are Gules.

The supporters are dexter, *a plowman, wearing a high-crowned broad-brimmed beaver hat, and bearing in his dexter hand a spade Proper*; and sinister, *a fisherman, wearing a knitted cap, and bearing in his sinister hand a fish Proper*.

The motto used is the Italian motto of the Calvert family, *Fatti ma schii parole femine*. Roughly translated, this means “manly deeds, womanly words”.

The territory now occupied by the State of Maine was in 1639 granted to Sir Ferdinando Gorges as proprietor. His son did little to develop the region, and in 1658 Massachusetts, itself a proprietary colony to 1684, asserted its jurisdiction over Maine. In 1677 Gorges’s grandson sold his rights to the colony and in 1691 it became part of Massachusetts.

In 1629 the land south of Virginia, which was called Carolina, was granted to Sir Robert Heath. Heath failed to make use of the land, and in 1663 King Charles II granted the Carolina territory to eight proprietors. They divided the territory into North and South Carolina, and established a constitution which included four houses of parliament and three orders of nobility. It was never put fully in operation and was finally abandoned in 1693.

The Carolinas did not prove a financial success to most of the proprietors, and in 1728 seven of them sold their grants to the Crown and the period of proprietor government came to an end. In 1744 the eighth proprietor exchanged his grant for a smaller strip of land in North Carolina. This survived until the American Revolution.

Other palatine, or proprietary governments were also found in North America. New York was held by James Duke of York from 1664 till it merged with the Crown in 1685 when he became King James II. New Jersey was a proprietary colony till 1702, Pennsylvania from 1681 to 1776. New Hampshire was a proprietary colony from 1635 to 1679. Georgia was held by trustees from 1732 to 1752.

Bibliography:

Hall, Clayton, *The Lords Baltimore and the Maryland Palatinate* (J Murphy & Co, Baltimore, 1902)

Shearer, Benjamin & Barbara, *State Names, Seals, Flags, and Symbols: A Historical Guide* (Greenwood Press, New York, 1987)



Maryland

Arms: first and forth quarters: *paly of six, Or and Sable, a bend counterchanged* (Calvert); second and third quarters: *Argent and Gules, a cross botonné countersigned*.

Crest: *two pennons, the dexter Or, the sinister Sable, with both staffs Gules, issuing from a ducal coronet Or*.

Supporters: *Dexter, a plowman, wearing a high-crowned broad-brimmed beaver hat, and bearing in his dexter hand a spade Proper; sinister, a fisherman, wearing a knitted cap, and bearing in his sinister hand a fish Proper*.

Motto: *Fatti ma schii parole femine*.