

he complied with the Law, so farr as to have a Grant; Now Lib. H. D. May it please your Excell, your pet^r in due time prescribed by the Law had Erected & built the s^d Mill & some improvem^{ts} upon the s^d Land made, it being Seventy Acres allotted by the Law, but by meanes of the death of the late Gov^r Copley, and other Accidents since happening, that he neglected to procure a Lease for the same: Your pet^r therefore prays your Ex^{ncies} consideration of the same, and that Lease now may be Granted him, he having in all other Matters, relating thereto, complied with the Act of Assembly

And he shall pray &c^a

The s^d Petition was by Ord^r indorsed thus. Viz^t

By his Ex^{ncy} the Govern^r & Councill &c^a

March the 5th 1696.

Ordered that the within petition be Referred to M^r Attorney & Sollicito^r Gen^{ll} for them to make Report whether the Act of Assembly of this province does direct the Leases for Water Mills & the Land thervnto Adjacent, grantable by his Majesty, Whitehall and whether the same is proper to be done, seeing his Ma^{ty} holds no Land in the Countrey.

Signed p Ord^r

Hen: Denton C of Concil

The Report thereon follows Viz^t

To his Ex^{ncy} ffrancis Nicholson Esq^r Cap^t

Gen^{ll} & Govern^r of Maryland &c^a

In obedience to your Ex^{ncies} Commands to Us of the 5th of Whitehall March, 1695, to Report whether the Act of Assembly of this p. 332 province does direct the Leases for Water Mills & the Land adjacent grantable by his Ma^{ty} and whether the same is proper to be done, seeing his Ma^{ty} holds no Land in the Countrey &c^a We humbly say that the Act of Assembly doth direct the Lease to be made by his Ma^{ty} Govern^r or Commander in Chief, which We conceive is proper to be done, though his Ma^{ty} immediately holds no Land in the Countrey, because the Granting such Leases is not an Act of proprieto^rship, but of Govern^t (p bono publico) and Enables the Governm^t to Grant the Lease vpon performing the Conditions &c^a though the Mill were built on any other Mans Land; so that the Prop^{ty} of the Soyle could not make such Lease vnless he were Enabled therevnto by an Act of Assembly, and if an Act of Assembly may (as We conceive it may for a publick benefit) Enable the