

found its way into the Court of Chancery, and was submitted by the agreement of both parties to arbitration, but while awaiting the decision of the arbitrators Staplefort dug up an old bond for £100 which Balley had given him, and misrepresenting to the Governor that the amount of the bond was £2000, surreptitiously got out a *scire facias* against Balley for £2000, and had execution issued for this amount. On May 26, 1674, the case reached the Upper House on appeal, where Balley won on all points. This curious and long drawn-out case is well summarized in the proceedings of the Upper House of the Assembly (*Arch. Md. II*, 365-368, 379-380).

#### LAND

Deeds and mortgages, as well as other land papers, are found recorded in considerable numbers in the records of the Provincial Court. A purchaser had the choice of recording such papers either in the Provincial Court at St. Mary's or in the court of the county where the property was located. Where grantor and grantee both lived in the same county recording in a county court was usually employed, but where the grantee alone lived near the capital, or where the transaction was a large one, the Provincial Court was usually made use of. Down to the year 1679 the court minutes and deeds are to be found recorded together in the same books, but after this year separate record books were kept for court proceedings and land deeds.

Until the year 1663 there was no legal requirement that transfers of ownership of land be recorded, although this was quite often done, and change of ownership was usually effected by an assignment noted upon the back of the original patent, which passed from hand to hand. In 1663 an act was passed requiring recording, and this seems to have been generally observed, although the act was for some reason dissented to by the Lord Proprietary in 1668 and then became null and void (*Arch. Md. I*; 487-488). This was followed by a period of eight years until 1676 when such a law was finally revived, passed, and approved (*Arch. Md. II*; 544). In this eight year interval, although recording was not obligatory, papers relating to land transfers were, however, generally recorded.

In this volume we find recorded assignments of patents, lengthy deeds filled with legal verbosity, bills of sale for land much shorter than the preceding deeds, quit claim deeds, leases, mortgages, powers of attorney to convey land, and orders for resurveys. More than a hundred and thirty pages of this entire record thus relate to transfers of land. Much of great local interest is often to be found in these land records, and the transfer of ownership of several noted manors and other plantations is revealed.

The general supposition that much of the attention of the Maryland courts in the seventeenth century was taken up with land cases is not correct. Suits for debt outnumbered suits involving land by more than twenty to one. To avoid payment to the Proprietary as long as possible of fees and quit rents payable after a patent was issued, an increasingly large number of prospective patentees of land, whose rights to land had been entered and surveys made,