

Letter Bk.IV

very interesting Matter This to Your Ldp & which therefore I presume will determine Your Ldp after Advice of Council thereon either to assent or dissent to the Act. When a Bill of this kind was some time ago sent by the Lower to the Upper House the latter proposed as an Amendment "that previous to the Deeds being recorded the Alienation Fine should be paid," but this Amendment the Lower House would not adopt, & as the Gentlemen of the Upper House were convinced that no such Amendment would be now or hereafter admitted by the Lower House they thought it would be more for Your Ldp's Interest to take the Bill as it was offered than to lose it altogether. Of the general Utility of the Bill I was thoroughly satisfied & the only Doubt with me was whether the Chancery Court here could regularly take Cognizance of a Refusal to pay the Alienation Fine which might in many Cases be very small only a few Shillings or perhaps Pence which M^r Dulany was confident it might, however small the Sum should be & that the Chancery Court is in fact the only one that can take Cognizance thereof, the Alienation Fine reserved by the Patents being as he alledges not recoverable at Common Law. If this Doctrine is clear as I hope the Council Your Ldp may consult thereon will demonstrate then the Act will in every respect be desirable & advantageous, & the following Method may be pursued for the future, the Clerks of the Provincial & County Court must be required to return at the End of every half year upon Oath to the Agents Office an exact & particular List of all Conveyances by them recorded in the Course of the preceeding half year in such List specifying the Name of each Tract, the Quantity of Acres it contains the Names of the Parties conveying & receiving & Date of each Deed & in Case any Persons should when they give in their Deeds to be recorded refuse to pay the Alienation Fine the Clerk should let them know that he is to give immediate Information against them & that Measures will be thereupon taken by the Attorney General in the Chancery Court to compel them to make Payment, having communicated to Your Ldp all that occurs to me on the Subject of this Act I submit the same to Your Ldps Consideration in hopes you will advise thereon before you take any Resolution & that whatever Your Ldps Determination with respect to the Act may be Your Ldp will believe that in giving my Assent to it I was actuated by no other motive than a Desire to serve Your Ldp & if the Act is not entirely approved of I beg Your Ldp will not hesitate to give your Dissent to it. The Lower House of Assembly sent this Session to the Upper as I expected would be the Case another Bill for Regulating Ordinaries or Publick Houses by which the Lycence Fines were directed to be paid to the Publick Treasurers in order to be