

Calvert
Papers
No. 486
1752

It Appears by the Preamble there is some doubt whether the Lands in Question were not escheated to L^d Baltimore: In w^{ch} case it was but decency as well as justice to have Apprised the Lord Proprietor of y^e State of his title, & to have alledged such reasons as they thought expedient to prevail upon him to give up or to sell his right for the Benefit of the Publick; In w^{ch} Case I am sure His Lordsh^{ps} Guardians w^d have advised him to Condescend to any reasonable petition. Instead of that they have of themselves destroyed his title, sold his Lands for their own price & even stripped him of the Quit Rent w^{ch} had been reserved to him by another act not above 6 years before. As the Trustees therefore are ignorant of the state of his Lordsh^{ps} right, & as they cant Judge whether the price settled is a proper equivalent for his right, As y^e Quit is taken away, & Possibly the whole right of Escheat for y^e future absolutely extinguished by this Act of Assembly I don't see How the Trustees for my Lord can pass this Act.

I Think further If the Trustees were satisfied this was a reasonable Bill it ought to be rejected for the sake of the Precedent.

C. Pratt 13. May 1752.

Serj.^{ts} [?] Inn

[The opinion in Pratt's handwriting ends here. The objections made by him to two of the above acts, viz. those relating to the punishment of slaves and the title to lots in Princess Anne, were met by supplemental acts passed in November, 1753. See pages 381, 382, 373, 374]

Note. . . . The late Lord Baltimore dyed the latter end of April 1751 and after his Lordships death but before any Notice had arrived of that event in the Province Viz.^t in June 1751 The above with several other Acts of Assembly were passed by the Legislature there which had occasioned a Doubt as to the Validity of the several Acts passed under these Circes—whether they are to be Considered as Valid and Effectual notwithstanding they were passed after his Lordships death tho before it was known in the Province or whether they are upon that Account to be deemed Null & Void

The Assent given by the Governor to these Laws is on behalf of the Lord Proprietary as appears by the Subscription at the foot of the Acts of Assembly herewith left and the force of these Acts is generally Suspended for a Limited time in Order to give the Lord Prop.^{ty} an Opportunity of Signifying his Assent or Dissent after the expiration of which time the Acts are in full force without further ceremony.

Amongst the Acts of Assembly passed in this Province there is an Act passed in June 1715. Entitled "An Act to Confirm and make Valid in Law all manner of Process and Proceedings in the several Courts of this Province from the Demise of her late Majesty, Queen Ann of Pious memory, to the end of this present Sessions of As-