

L. H. J.  
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Settlement of the Province yet we cannot but be of Opinion, that after the Publication of the Conditions of Plantations, that which before was incertain and to be governed by what was reasonable having Regard to the Motives and Ends of the Grant was thereby ascertained and a permanent Interest vested in the Subject, in the Conditions and Terms thus published, which cannot be rescinded by the Proprietary at his Pleasure. If the Land Office was considered as a mere private Office we do not see with what Propriety the Law in the Year 1716 could pass to burthen the Public for transcribing and repairing the Records in that Office or to require that Bond with Security should be given for Preservation of the Records, and for the Supply of Materials to make up the Records of after Transactions, therein providing that for every Breach the Person particularly injured thereby might sue such Bond for recovering Damages; and that the Lower House of Assembly, or the Provincial Court might cause the Bond to be put in Suit for the securing the Public from all Charges and Expences that should be necessary for the putting and preserving the Records in Repair; and equally improper must have been the Supplementary Act passed in 1742. The Land Office, Sir, is the publick Repository of the first and most necessary Evidence of every Man's Title to his real Estate in this Province; The whole Records have been made up, so far as we can trace, at the Expence of the People. These Records have been considered as publick Records, kept under Securities appointed by Acts of Assembly; and Office Copies are constantly received and admitted as Evidence by the Courts of Justice. It very much concerns the Land-Holders in this Province, to know by what Tenure they hold their Estates; if they have no Right to recur to the Land Office Records and have Copies but at the Will of his Lordship or on the Terms his Lordship may be pleased to allow them, they indeed are in all Cases, where Copies are necessary to evidence their Titles, only Tenants at the Will of the Proprietor and those necessary Copies may be withheld till the Proprietor receives the Profit of another Sale.

The necessary Construction of the Proclamation with Regard to the other Officers, is in our Apprehension, an affirmative Allowance to receive the Quantums regulated by the late Inspection Law. When your Excellency authorised the Registers of the Land Office to receive the respective Quantums enumerated in your Instruction to them, and which were allowed and limited by the late Regulation, without an express Prohibition against receiving more; we fairly presume that, you meant an Allowance of so much, and as much more as they could extort. And when your Excellency by your Proclamation prohibited the Officers from taking other or greater fees than limited and allowed by the late Regulation, you certainly must have meant a Prohibition against taking more, and an implied Allowance of so much. Besides, so much by your Proclamation is