

CHAPTER XIV.

OF LEASES.

IT will be recollected that the proprietary was enabled by his charter to "assign, alien, grant, demise or enfeoff" lands "in fee simple or fee tail, or for term of life, lives, or years." His grants, passed in the land office, under the great seal of the province, were, in general, of a fee simple estate of inheritance with a reserved quit-rent, which constituted the patentees his *tenants*, and so they were invariably called. But as the vast quantity of land retained for his use, in manors and reserves, could not be cultivated on his own account, and as those lands were more likely to be improved than injured by clearing and cultivation, it was the policy of the proprietary to let them out by leases for terms of years, and various instructions and regulations occur upon that subject some of which appear in the documents already inserted. As this was a business with which the land office had in general not much to do, it is not necessary to be very particular about the forms attending it; but, as the lands which were found under lease at the time of our revolution became the object of distinct provisions in the succeeding acts of assembly, it has appeared requisite to take some notice of the subject of leases before we close our account of the ancient practice.

The early leases appear to have been given, like perpetual grants, under the great seal, and were called *lease patents*.—The following extracts and references will shew the form, and general substance of these instruments.

“ CECILIUS, &c. *To all persons, &c.*

“ Know ye that we for divers good causes and considerations us thereunto especially moving, and for the rents and covenants hereafter in this lease expressed, have demised sett, and to farm lett unto (John Bogue, now or late of the Resurrection manor, in Calvert county,) all that parcel of land, part of our manor of Patuxent, in the county aforesaid, beginning, &c. containing 500 acres, to have and to hold the same unto him the said John Bogue and his assigns, to the full end and term of eleven years, from the day of the date hereof to be compleat and ended. Yielding and paying therefore yearly unto us, &c. the rent of ten shillings sterling, &c. Provided that the said John Bogue, his heirs, executors, administrators or assignas, do within one year next ensuing the