

might be tested by it. The principal effect, however, of the contests here spoken of has been to make it somewhat difficult to ascertain with certainty all the branches of the proprietary's revenue, especially those accruing under feudal customs, which were often the subject of dispute; for the tenacity of the proprietary's officers seems to have kept pace with the enquiring disposition of the people, and they did not, in general, condescend to explain very minutely the grounds of his various privileges. The right to dispose of lands at such price, and with such reservations of rent, as he pleased, the proprietary continued to maintain, as well as his claim to surplus, escheat, and forfeited land, respecting all of which disputes had also occurred.

The connection between the proprietary's revenue system and the operations of the land office was extremely close, inasmuch that it is, in some views, difficult to distinguish the latter from those establishments which were deemed of a private nature, as having to do with the proprietary's private estate. What necessarily distinguished it, however, and kept it in some degree under governmental controul, was the circumstance of its being the depository of all original titles to land, and therefore an office in which all land holders, and the government as representing them, had a direct interest, while, in the mere fiscal establishments of the proprietary, the persons employed were, to all intents, private agents, and amenable only to his own authority. At every period there was, of course, some person or persons commissioned for the general receipt of the proprietary's rents and dues of all kinds. The style of that trust was sometimes *agent and receiver general*; on other occasions *chief agent in land affairs*; which last title, concurring with an actual controul over the business of the land office, and, for a certain space of time, the custody of the great seal, required for the perfecting of grants, almost destroyed the distinction which the legislative body of the province was justly anxious to maintain. In the famous contest of 1771 between governor Eden and the lower house of assembly, concerning the right of regulating the fees of the land office by ordinance or proclamation, instead of by law, the substance of a great deal of ingenious argument seems to have been, on the one side, that the proprietary had a right to dispose of his private estate as he thought proper, and to direct the forms to be observed in his grants, and the terms of those grants, including the fees ordained for the services of his agents or officers;—on the other side, that, if the proprietary had the power to ordain such exorbitant fees as might prevent land holders from inspecting the records, and obtaining necessary transcripts, or, in a word, deprive them of recourse to the fundamental