

frequently followed, with the result that the county court proceedings of Charles, Kent and Somerset are filled with papers affecting titles to land, prior to the date when recording became obligatory. In the case of Talbot County, however, land papers are recorded in separate libers, and have not been printed with these court minutes.

During the first two or three decades after the settlement, conveyances of land were usually made by assignment on the back of the original patent issued to the patentee, and not infrequently reassignments were made in the same way upon the same patent. The patent thus passed from hand to hand until some purchases decided for safety to make his ownership a matter of record by enrollment in one of the courts, or where only a part of the land patented was disposed of, and it was inadvisable for the former owner of the whole tract to part with the patent by assignment, and a new conveyance became necessary. The recording in court of transfers of land was not a custom brought by the settlers from England, for land deeds were recorded there in only a few isolated localities; but it was a device adopted by the settlers, made necessary by the frequent subdivision and sale of land granted by a single patent.

In Kent and Charles counties in the fifties and early sixties the usual form of land conveyance was by short paper of some fifteen or sixteen lines giving merely the name of the tract, its acreage and general location, but without describing in detail the metes and bounds. This is sometimes referred to by the recording clerk as a "bill of sale", but the same term was also often applied to a more lengthy deed running to as much as a hundred and fifty lines or more, which came into more general use in the next decade. We also find mortgages and leases recorded. The law provided that a special fee known as the alienation fee be paid to the Proprietary whenever land was conveyed from one person to another. The payment of these alienation fees was frequently recorded in the county courts.

There was of course a rapid increase in the number of land conveyances as the population increased and earlier settlers began to divide up their land and sell speculative holdings to new arrivals. The frequent delay of those entitled to land, due them under headright claims, to apply for patents, resulted in Governor Fendall, April 13, 1658, issuing a proclamation that thereafter all demands for land be entered within a month of the arrival of the headright (*Arch. Md. liv*, 127-128). The Kent records show occasional entries of headrights, although these were usually recorded at St. Mary's, where, except for a brief period, patents were always issued. An act passed in 1654, however, while the Parliamentary commissioners governed, permitted those who entered the Province but refused to take the oath of fidelity to the Proprietary, to claim their lands and enter rights in the court of the county where is was located, and to enter at the same time "a caveat" for it (*Arch. Md. i*, 348). At least seven such caveats entered under this act are recorded, six in Kent and one in Charles County (p. 94; *Arch. Md. liv*, 39, 52, 126, 127, 141, 163). Two instances are recorded of the sale and delivery of land with livery of seizin. In a Charles County deed, dated July 12, 1664, from Daniel Johnson to William Barton, Jr., it is recited that the land was "sould and delivered with turf and