

Dissent:

I Because if this Bill passes into a Law it will discourage Sales in Writing, for since according to the Course of the Common Law, personal Property is transferrable by parol, and will continue to be so this Bill notwithstanding, and a bona fide Sale in Writing may be defeated by the prior registering of a posterior Sale, Vendees will hereafter for their greater Safety, be induced to prefer parol to written Sales: and therefore

II Because this Bill by urging contracting Parties to parol Dealings (which are in general the most exceptionable) tends to promote Frauds, Injuries and Law Suits; and while it appears designed to shut out some Mischief, opens a very wide Door to many others.

III Because as there is no Precedent of a similar Statute in England, and it is highly probable, that the Wisdom of a Nation, so long experienced in all the Variety and Extent of Commerce, would if it was equitable have passed such a Law, a strong Presumption thence arises against this Innovation, as of dangerous or at least of doubtful Tendency.

IV Because if this Bill is expedient, it must be as much so to every Part of the Province, as to the four Counties therein named, and above all to the trading City of New York.

Where the Reasons are the same, the Law ought to be the same; but this Bill creates a Disparity, where there ~~are~~ no local Circumstances to make a Difference; and by unnecessarily subjecting People of the same Colony to various Rates, is partial and unequal, and is regardless of the Benefits flowing from a uniformity of Legislation.

V Because this Bill reposes too great a Confidence in the Clerks of Towns and Precincts, who, as they are chosen annually by the Inhabitants of scant Districts, have but little to do, and are generally obscure, illiterate and indigent Persons of the lowest Class. And so important ^{as} the forming and keeping a Register concerning Property, & the Rights of judging when Entries are to be made to discharge Contracts, ought to be committed, ^{rather} to the Clerk of the County, or some other public, ~~known~~ ^{known} Office of known, fixed Residence, who may be presumed to act upon higher Principles,

and

and have more Skill, and be better able to
answer for his conduct. and
lastly because the Bill is ambiguously penned;
and for the Execution of its own Design, exposes
perhaps to needless Trouble and Expence, by
sending Registry-Searches, ^{necessary} in all the Towns and
Precincts of a County & two of these ^{Counties} being very large,
and one of them near fifty Miles long and above
one and twenty Miles wide, the Inconvenience of
so many Registry-Officers must be very apparent.

Wm. Smith

W. Smith's Report for his
Deport to the B. de Sales
B. de

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Quire of letter Paper, not paper

Wm. Smith

W. Weston

1 G 4320 D 40944

1805 February 26

Mr. Smith Esq



WILLIAM SMITH

1697 — 1769

JUSTICE OF THE SUPREME COURT OF THE PROVINCE OF NEW YORK.

From an Original Miniature by Wollaston.

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