

of the land office to issue warrants for the resurveying, *proclamating*, or escheating any land within any of the counties of their respective shores, meaning, without doubt, in respect to proclamating, those lands to which proclamation warrants were applicable by the known regulations of the land office under the former government, so far as those regulations were not affected either by the other provisions of this act or by the termination of the proprietary's authority, under which they had been instituted; and in what cases those warrants were applicable, under the presumed restrictions, seems to require some examination, in order that we may come in a regular way to the present design and effect of the warrants in question. Here it is that the essential difference between the former and the present warrants must be noticed. By recurrence to the proclamations of 1725, &c. it will be seen that lands became liable, under them, to be taken by secondary warrants (as they may be called for this occasion) not only because they were not paid for, but also because they were not patented. The reason of this arose out of the proprietary's right to quit rents on the lands comprehended in his grants. It is true that lands held on certificate might be made chargeable with those rents, and there are some proceedings or passages of a pretty early date affirmative of the proprietary's right to them from the time of the survey. I believe further that the rents were charged and exacted at all times, so far as was practicable, from the dates of the surveys, being paid as arrearages by those who acquired lands under proclamation warrants; but I believe also that this was not always practicable, and it was therefore an object with the proprietaries that people should take, or sue out, their patents. They did not often neglect to do this when they had paid for the land, nor do I know that land duly compounded on was even taken by a proclamation warrant: nevertheless it might be so taken for want of a patent, and in this consists one point of difference between the present and the former warrants. The present government has no interest, in the nature of rent, in the lands which its citizens take up. For purposes of taxation it has provided, by means of the annual returns, already spoken of, from the registers of the land office, for obtaining a knowledge of lands lying on certificate and ready for patent, but the state is, as to its own interest, indifferent whether a certificate be patented or not, and no certificate can be proclaimed after it is compounded on. This arises from the law of 1801, which declares, indeed, that certificates when compounded on shall be patented, but prescribes no limited time for the issuing of a patent, and directs that when certificates remain uncompounded on beyond a twelve-month from the date of the warrant, the land shall be subject