

ful owner of the land. This was often done, especially in the early periods, by a full recital of the surveys, patents, and conveyances through which the title was derived: in later times I find instances of a more doubtful manner of setting forth a title, such as a party's stating that he had "*just right*" to the land, but it is plain that no person applied for a warrant of resurvey without pretending to have *a better title than any one else* to the land in question, and it was with good reason that the government was careful to issue those warrants to none but the true proprietors, since, besides that a patent of confirmation was as now a regular consequence of a warrant of resurvey, the patents of the original tracts were formerly *vacated upon record*, by which, if such proceeding should be had upon a false title, the real owner would be, at least, subjected to the necessity of taking some legal course to re-establish his right. Of the cases which I shall here select to illustrate these remarks, the first may appear rather to contradict the principle above stated, as the warrant is issued to a person who had, in strictness, only a reversionary right, if so much; but the proviso in favour of the acknowledged owner remedies that irregularity. In the second a resurvey warrant is expressly vacated because the party was not seized in fee.

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May 28th, 1715.—“ Whereas Thomas Mudd of St. Maries county, by his humble petition to his lordship's agent, has set forth that there is a piece of land lying in Charles county, containing about six hundred and fifty acres, called Carnavan formerly taken up by John Piles, and from him descended to Joseph his son and heir at law, who conveyed the same to the said Thomas Mudd's father, who by his last will and testament in writing devised the said land unto one of his said sons called George Mudd and the heirs of his body: that the said George hath unfortunately become mad and utterly bereaved of his understanding, without any hopes or expectation of ever being reduced to his senses; and the said Thomas is credibly informed that some have laid common warrants on part of the said land, and do maliciously endeavour to obscure the bounds thereof, wherefore the said Thomas having a just title in reversion to the said land as being heir to his deceased father, as also for and on behalf of the said George, humbly prays a special warrant to resurvey the said land in order to ascertain the bounds thereof, with power to include the surplus (if any,) and that upon return of a certificate of such resurvey, and complying with his lordship's present conditions of plantation, he might have letters patent of confirmation for the