

In regard to the assignment and *splitting* of warrants, I have found no instructions that rescind those of the 12th of September, 1712, to Charles Carroll, Esq. well known by their prohibiting *calls*, and confining surveyors to course and distance after the first boundary. By these instructions it will be seen that the proprietary complained of the effect upon his interest, and the confusion occasioned by what he terms "*little petty assignments*," and directs that no warrant should for the future be *parcelled out* by assignment, but that a whole warrant might be assigned, or, after a survey made by virtue of part of it, the remainder might be assigned; which rule he further directs to be inserted in all warrants. It is not perceived that such a proviso was introduced into the form of warrants, and, if the rule was enforced at all it must be acknowledged not to have been observed in the latter period of the province, as a single warrant appears in many cases to have been used for several surveys. Nevertheless, the instructions of 1712 were in force; for, in all subsequent instructions relative to the operations of the land office there is an express confirmation of former ones so far as they are not repugnant to those of later date; and, although warrants continued to be split by assignments, as might well be expected when the persons in authority were, almost without exception, among the greatest takers up of land in the province, I do not find that the practice of exceeding the quantity of a common or special warrant was ever sanctioned, further than as a thing which might necessarily happen in some cases, and which the proprietary's agent, getting immediately paid for the excess, and knowing it to be of no advantage to let small slips of land remain vacant for the sake of a rule, did not think proper to question. Under the proprietary government therefore, notwithstanding the deviations that have been noticed, warrants were construed according to their plain import, that is, if a warrant was taken for 100 acres, it was not meant that 1000 might be surveyed, still less was it understood that this warrant might be parcelled out to ten persons, and a survey made for each of them of a greater quantity than the whole warrant expressed. As to assignments, independent of exceeding the quantity of the warrant, there must have been a difficulty in restraining them, as land warrant, by which I mean warrant for a determinate quantity of land, was the holder's property, acquired with his money, or was, in other words, so much money belonging to him in the proprietary's hands. The natural right of transferring property, in whole or in part, seemed to oppose any absolute regulation respecting assignments, and the rule laid down by the instructions already alluded to, if enforced at all, fell afterwards into neglect. Perhaps those instructions