

rants: why the power given them in the same law, of finally ascertaining the value of escheat land, and of improvements, was not also placed under the eventual controul of the governor and council I cannot conjecture, except by supposing that it was overlooked, which might the more easily have been the case, as it was contained in a section subsequent to that which regulated the authorities of the executive. Be this as it may, the treasurers are, in their duties relative to land affairs, subjected to the direction of the governor and council only in the article which has been mentioned, comprising, I suppose, those orders which they give for proclamation warrants, on a payment of one tenth of the composition, under a subsequent act; and, on the subject of those titlings no instructions have been given.

In regard to the examiner general, the registers of the land office, and the surveyors, the power of instruction vested in the executive, extends to every part of their duties, the language of the act being that "the governor and council from time to time may make and establish such rules and orders for the direction of the treasurers in issuing their titlings and orders for warrants, and for the conduct of the examiner general and the registers in their respective offices, and for the behaviour of surveyors, as they shall think proper, and" that "such rules and orders shall be observed by the said officers respectively." It is a mark of the deep obscurity of the land office system that there has never been an attempt under this power to prescribe the duties of either examiners or registers, and that the main body of the instructions issued to surveyors is little more than a copy of those of the proprietary's board of revenue, which were themselves copied from others of too ancient a standing to be applicable to present circumstances. Accordingly, those instructions, which will be hereafter inserted, together with some additional ones, issued on the suggestion of the register, or of some (a) one member of the board who happened profession-

(a) I happen to have a knowledge of these facts, and should have to sustain a share of any reproach that was due to the executive on this score, having been a member of the council, with an interval of one year, from 1785 to 1794. The instructions for surveyors had been prepared before my time. I supposed them original, and often looked at them with a desire to comprehend the business to which they related, but, for want of some clue or key to the nature of the land office system, I could not profit by that inclination. When an additional rule was proposed by a member who knew something more than the rest about land affairs, his reasonings were heard without being understood, and the rule was adopted. As to the land office itself, to those who did not actually resort to it to take up land there was an impenetrable darkness. The high opinion justly entertained of the gentleman who held the office prevented any uneasiness or enquiry concerning the manner in which the business was executed, and his habitual discretion, as well as his perfect ability, from being, as it were, brought up in the office, to act without direction, prevented those