

understands has been more than once advanced, that there is nothing which can be considered as the law of the land office.

The lord proprietary of Maryland, as well as any other man, might surely determine on what terms he would grant his lands. He might surely, as well as any other man, instruct his agents with respect to the manner of granting his lands; and what are those terms and those directions may be a proper subject of enquiry, and when discovered, ought surely to govern. It has been already said that all the proprietary's proclamations and instructions are not to be found on record. But, notwithstanding that, the practice arising from these instructions is as well known as the common law of England, which certainly must have been at first committed to writing, long since lost. The practice of the land office I conceive is as well known as the practice of the courts of law in England, the original written laws for the regulation of which have also long since been lost.

No writing is found in the land office prescribing the forms of the different warrants which are framed for different purposes. Can any man, merely on that account, pretend that the forms and the substances of those warrants are not settled?

There are five warrants, viz. common, special, of resurvey, of proclamation and of escheat; and it has long since been established that when a man applies to the land office for a warrant, he must (to succeed) take that warrant which is adapted to his case. In some cases indeed any one of three warrants will answer his purpose, as may be seen by what follows.

By a common warrant only vacant uncultivated land can be taken; by a special warrant vacant cultivated land may be taken, and if the warrant contains a sufficient description of the land intended to be secured, it gives an incipient title against every person who has not before taken some method to secure the land. A warrant of resurvey authorises the owner to resurvey a tract or tracts of *which he is seized*, or to which he is entitled: to turn out such part thereof as is contained in elder tracts, and to add contiguous vacancy. Hence it appears that a piece of vacancy may be secured in three different ways, or under three different warrants.

Originally (although there is no written rule to be found) the common and special warrant were paid for by the acre, and the survey was not to comprehend more land than the warrant expressed. By the warrant of resurvey a credit was given to the owner for two years from the warrant's date, within which he was to make his survey.

If an owner of a warrant of resurvey, returning a certificate, did not compound for it within the time limited, any