

only renews his hold upon the first certificate by another warrant, obtained on the same terms, his former payment is forfeited ; it being plainly the intention of the law to tax, for the benefit of the state those proclamation warrants which are taken merely for delay, or rather for maintaining an exclusive controul over lands, without fairly purchasing and settling them. The idea that these annual compositions for a new hold upon the land were intended in the nature of installments is contradicted by proceedings of the legislature which took place within two years after the act regulating the subject of proclamation warrants. I speak here of two resolutions, passed in the year 1797, by the first of which it was provided that the time prescribed by law for making return of certificates should, in respect to resurveys made under warrants theretofore issued to affect lands in Allegany county, be extended by an addition of six months, and that upon return of the certificates within the period so enlarged, the parties interested therein, or any of them, might enter into bond, with securities to be approved of by the treasurer, for the payment of the composition due thereon in three equal and annual installments, with interest from the time of return ; that, in default of returning certificates within the time thus extended, the lands should be liable to proclamation, as in other cases of failure to make return and to compound ; and that where the installments on such bonds were not regularly paid, *scire facias* should issue, for recovery, against the persons, lands, and chattels of the obligors, and the lands affected by such surveys be bound for payment of the composition : by the other a similar provision was made in respect to those surveys, before described, of which the certificates had been examined and returned to the office : the parties to install before the first of June then following. Here then the subject of installment was immediately under the consideration of the general assembly, and placed upon a footing which evidently shews that it had not been in contemplation to allow the payment of composition by installments of tenths upon successive proclamations. Those tenths are in fact an interest, or revenue, which the state draws from lands thus surveyed, and taken out of its immediate power, without being paid for. It is probable that cases of individual hardship may have occurred under this singular scheme of paying an annual premium for a privilege in many instances attended with no ultimate benefit ; but the law and its settled interpretation are such as I have stated them.

Deficiency found on resurvey cannot be applied *directly* to the payment of composition, except by being set off against the vacant land included in the particular resurvey in which such deficiency is declared. In other cases warrant may be