

payment for lands taken up under (o) *Conditional Warrants* : otherwise, they stood, as has been said, to the credit of the parties, and were transferred and applied as occasion required in more ways than it would be now either useful or practicable to describe.

The *letting fall* of Certificates and even of Patents was like the (p) other a practice arising out of the mere acquiescence of the Government, and became after some years extremely frequent. It had, in general, the same object as the surrender of Warrants, namely, the obtaining more eligible lands, but was often accompanied by specified reasons, such as errors committed in the surveys, interference with prior locations, &c. It did not cease even when a more regular proceeding for annulling erroneous surveys and grants had been provided in the establishment of courts of law and equity, but at length gave way to the system of *vacation* on record as practiced at the present time.

The Certificates of survey were in these early periods very inartificial in their structure, and were defective and not reciting the Warrants on which they were grounded, as were likewise the Warrants generally in not noticing the particular rights in which they originated. The Patents too exhibit in many instances the like want of reference to the Certificates. The omission of those requisites may partly be accounted for by the supposition already stated of auxiliary records, since destroyed by time, or transferred to the Proprietary's revenue agents, as many other documents arising in the Land Office are presumed to have been. In general the system of entry, with exception of a few of the earliest years, appears more remarkable for a verbose exactness than for deficiency in its forms.

The *Examination* of Certificates, previous to their being (q) recorded and patented was probably at first an implied duty of the Surveyor General, whose power of appointing

(o) *Conditional Warrants* were those granted on an engagement to make good rights within a limited time. At subsequent periods, when money was required for land, instead of *rights by transportation*, the Proprietaries thought proper occasionally to grant Warrants on credit.

(p) The surrender of Warrants previous to a survey was in fact but rare, but in letting fall their Certificates, the parties generally sunk also their Warrants, and rested upon the *rights* until they were prepared to make other surveys.

(q) It will surprize those who are in any degree acquainted with land affairs to find that during a long and important period of the Proprietary government Certificates were entered upon record immediately on being returned to the office, and previous to Patents being issued on them. For want of a knowledge of this fact, there has hitherto been a strong presumption in the office itself that every Certificate found upon record had been patented, although the Patents of many of them do not appear. How far the same presumption may have influenced judicial decisions, I am not informed.