

should be allowed for every *extraordinary* or *special* Warrant, double the fee of an *ordinary* Warrant. But, although in the early times some Warrants were directed to be executed *in any part of the Province* not already surveyed or reserved, and others in particular situations, sometimes as precisely described as they are at present, there was not the exact distinction that now prevails in that matter, for the lands intended in either case were then supposed to be uncultivated, whereas it is now for the purpose of affecting land that cannot be taken by a common Warrant on account of its not being *waste* or *uncultivated* that special Warrants are taken. It was about the time of the act just mentioned, that is to say, at the commencement of Cromwell's Protectorship, that the people of Maryland began to make locations for the purpose of guarding the lands they had in view from the operations of younger Warrants until they should find it convenient to make their surveys; and at the same time arose a practice connected with this, of marking trees preparatory to actual survey, and, of entering what were called *Caveats* in the office for the lands which the parties had in view.— These, which were irregular proceedings, occasioned by the circumstances of the Province at that juncture, are not proper evidence of the established (v) practice of the Land Office, but they are noticed in order to shew the rise of *location* in Warrants, which ingredient now gives them a particular character and efficacy, and on the precision of which frequently depends all the benefit aimed at in obtaining such Warrants. It is proper to observe that locations, at the time we are speaking of, were not always made at the choice of the parties, but sometimes by that of the government, in pursuance of a principle to be found in the 9th article of the Conditions of Plantation of 1648, and the 7th of those of 1649, but which must necessarily have prevailed in the earliest surveys, since the safety of the colonists consisted in the compactness of their settlement, which must therefore have been an object of public concern and regulation. The following passages, references &c. are inserted by way of example of the several points of practice embraced in this recital.

DURATION AND RENEWAL OF WARRANTS.

“ 1st December, 1648.—Warrant to Surveyor to lay out 100 acres for Lieutenant William Evans and John Jarboe in Bretton's Bay—*ret. by the 16th March next.*”

LIBER A. B. and H. fol. 12.

(v) There are instances however of permission from the Surveyor General to mark trees previous to actual survey after these causes had ceased.