

to be productive. But contemplated in another point of view, it is evident, that it must *be considered as the fountain and depository of the primitive muniments of title to all the **313** landed property in the State; *Cockey v. Smith*, 3 *H. & J.* 26; in which respect, the surveys returned to, and the patents recorded in it, together constitute domesday book, in which a more accurate description of all the lands of this State is to be found, than of the lands in the records of any other country whatever. *Land Ho. Ass.* 300.

Hence, instead of committing the affairs of this vastly important office, in the absence of the Lord Proprietary, to the care of a mere ministerial officer, called "The Clerk and Register of the Land Office," a council for lands was established, (1684,) to whom was assigned the duty of supervising the land office, and of determining upon all matters relating to land which might be brought before them, "by any of the inhabitants suing for acts of grace and favor therein;" according to a set of instructions specially describing their powers and duties; *Land Ho. Ass.* 108, 112; which powers and duties were, some years after, confided to a single person specially commissioned (1695,) for that purpose. *Land Ho. Ass.* 127. After which, by an order of the Lord Proprietary, (1721,) reciting, that the power of granting warrants for taking up waste, cultivated and uncultivated, and surplus land, and the finishing such warrants by making the grantees an estate of fee simple, had then chiefly centred in the deputy secretary; and that the hearing and determining differences arising between contending parties in land affairs, which had usually been heard and determined in the land office, must naturally fall under his cognizance; he was empowered to judge and determine in those affairs, "as far as he legally might, according to right, reason, and good conscience." *Land Ho. Ass.* 227. More than ten years after which, by a special and distinct commission, one person was appointed (1732,) to be Judge and register of the land office, with full power and authority to act, hear, judge, and determine in land affairs, according to right, reason, and good conscience, and the several instructions and orders which should from time to time, be given to him by the Proprietary. *Land Ho. Ass.* 231, 260, 268, 269. Accordingly, in the instructions soon after sent to the Chancellor, as well as in those given to the Judge and register of the land office, it was expressly declared, that he should be assisted in his determinations by the Chancellor. *Land Ho. Ass.* 232, 234. And it moreover appears, that there was, for some time, an appeal allowed, during the Provincial Government, from the Judge * of the land office to the Board of Revenue, and at other times, as to some matters, to the Chancellor. *Land Ho.* **314** *Ass.* 262, 273, 283; *Chancellor's Case*, *post*, *note r.*