

tions. The Lord Proprietary, from time to time, withdrew large bodies of his lands from this market, which he declared should not be sold there until his farther pleasure was made known; and therefore to no part of such tracts, called *reserves*, could any title be acquired from the Land Office. (*g*) But these reservations were only restrictions upon the ordinary mode of selling; for the Lord Proprietary sold, leased, or gave away these reserves as well as other parts of his territory at his pleasure; of which there are a multitude of instances to be found among the records of the Land Office. And besides such regular and irregular grants, emanating from the Land Office, or direct from the Lord Proprietary himself, the Legislature, with his consent, appropriated to, or authorized the acquisition of land by individuals in various other peculiar modes. (*h*)

By the Revolution all lands which then belonged to the Lord Proprietary became absolutely vested in the state, and were so held for the public benefit; not however, as under the government of the Province, as the estate and for the private emolument of an individual, but for the use of the public; and so considered, the General Assembly, as 'the trustees of the public,' with a view to general convenience, made several reservations, which they declared should not be sold in the Land Office. (*i*) In England, it was formerly held, that the king, by virtue of his prerogative as sovereign, might give away or dispose of, at his pleasure, any of the public property. But of late this pernicious prerogative has been considerably curtailed; and, in some instances, the prodigal grants of the king have been totally annulled, and the property resumed by parliament for the public benefit. (*j*) In Maryland the right of disposing of the public property, in all extraordinary cases, has devolved on the General Assembly; the executive branch of the government having been expressly prohibited from exercising any prerogative by virtue of any law of England. But although the Legislature may correct mistakes or dispense with any of the rules of the Land Office, so as to enable a *bona fide* purchaser to obtain a patent for the land intended to be bought by him; or may dispose of the public lands, in any way, for a good and valuable consideration, either as rewards to public benefactors, as to the soldiers of the revolution, (*k*) or for the purpose of attaining some object of general utility. Yet I cannot concede,

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(*g*) Land Ho. Assis. 92; *Smith v. The State*, 2 H. & McH. 246.—(*h*) 1696, ch. 24, s. 7.—(*i*) Land Ho. Assis. 346.—(*j*) 4 Inst. 44; *Bac. Abr. tit. Prerogative*, F. 2; 1 *Plow. His. Ireland*, 177; *Smollett's His. Eng.* ch. 6.—(*k*) 1788, ch. 44, s. 20.