

of heirs (for cases of forfeiture had, as has been observed, gone into another channel) was to venture the expence of a warrant and survey, and afterwards if he thought proper, of the price, or, when regulations for that purpose had been prescribed, two thirds of the price, set upon the land; and his risk was considerable, for I perceive in none of the proprietary's acts any guarantee to the purchasers, or any provision for refunding, in case the title by escheat should not be maintainable, although instances occur of relief in particular cases of that sort, by warrants for an equal quantity of land or by a return of the purchase money. How it happened that the principles of the English law, which do not permit an entry upon land as escheat without a previous writ and regular process of condemnation, were disregarded in Maryland, even after the particular circumstances which first occasioned the omission of those forms had ceased, I cannot pretend to judge; but in that state the business was found at the termination of the proprietary government, and in the same way it has been continued, with the exception, which applies to the business of the land office generally, that it is now regulated by law, and with some important differences in the principle, or rule of escheat, and the assurance of title to the purchasers, which will be noticed when we come to the actual practice in land affairs. In the mean time the reader will find subjoined to this general account such documents, passages and examples as have appeared best calculated to illustrate the subject.

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 “ *Extract from the proprietary's instructions to William Talbot, Esq. secretary—dated the 8th of September 1670.*

“ Art. 3. That you take care to enquire after escheats of land and hereditaments escheated or forfeited to his lordship by any ways or means whatsoever, and the same to cause to be so entered upon record there, that all such patents of forfeited lands may evidently appear and be known at first sight to be escheated or forfeited, by prefixing some short memorandum or note thereof over the head or margent of the said patents upon record as aforesaid.

4. That you also cause the said escheated lands as aforesaid to be entered in another place of the records together by themselves in due order, mentioning the names of those lands, the quantity of acres they contain, together with their bounds and the county and place where they lie and the time of their escheat and forfeitures.

“ 5. That you cause the same to be likewise entered in every respective county court where such escheat lands shall happen to be siezed into his lordship's hands, and that you cause from time to time notice to be given to his lordship's sur-