

any arrangement satisfactory to all parties, during the twenty-six years that the proprietary government remained suspended. How soon the original claims and principles respecting surplus lands were revived after the restoration of that government does not clearly appear.—At all times however there was such a thing recognized as surplusage in grants, though lessened by the effect of the land laws, and warrants are perceived until a late period to have been issued for the resurveying of lands for the purpose, among other things, of ascertaining the surplus according to the existing regulations; still there was, as might be expected, a backwardness in the land holders in that particular, and the proprietary issued various proclamations calling on all persons who held surplus land to make resurveys, and pay for the excess of their grants. It was under a proclamation of this kind, dated the 14th of June 1733, that the warrants heretofore spoken of, giving to the first discoverers the privilege of making resurveys on the lands of others, and appropriating to themselves the surplusage, appear to have taken rise:—The first warrant grounded on this proclamation was issued to Mark Herbert on the 12th of January 1735, and the last to Nicholas Lowe on the 12th of July 1738; the intermediate number of them being considerable. These were the warrants which, as I have heretofore observed, created such confusion in the province, and the short period of their duration shews that the dissatisfaction occasioned by them was such, as the proprietary found it inconvenient to encounter; and although some of these warrants must have resulted in patents, for the surplusage, I have been informed that the claimants under such patents did not succeed at law where their titles were contested.—This however is a matter which it is not within my province or design to investigate, as my enquiries extend no further than to the operations of the land office, with exception of this short lived expedient of the proprietary to obtain payment for surplusage where the owners of the patented tracts including it would not themselves make resurveys, and excepting also those instances in which the government, prior to the revolution of 1689, ordered lands to be resurveyed for the discovery of surplus, there was no efficient method of obliging people to account for the excess of their grants. Repeated proclamations were the only resource of the proprietary, and through the apparent fairness of his claim, the idea entertained of his power, and the various inducements that have always existed for making resurveys, his views and interest were occasionally gratified in relation to surplus land. The principle, though subject as has been remarked, to contest at law, continued to obtain in the land office, and warrants of resurvey generally contained