

ally to have an acquaintance with the subject, are in so many particulars either impracticable, misconstrued, or disregarded, that the surveyors can hardly be said to act under instructions more than the registers, who follow former rules and precedents, where they find them applicable, without their being expressly sanctioned by the executive.

The officers, then, concerned in the land office establishment, except the surveyors, and with a slight exception also, which will presently be noticed, in the case of the registers, act without direct instruction other than what is contained in the laws, and as these do not provide for all the operations, and the modes and forms of proceeding, incident to the establishment, it is proper to enquire in reference at once to law and usage by what rules the officers are governed in the performance of their several functions. In regard to the treasurers this question presents no difficulties. Their duties are in a considerable degree original, and are all directed by acts of assembly. The substance, therefore, of those duties rests upon their own construction of the laws, and for the form they are presumed to adopt such precedents from the practice of the proprietary agents as they find convenient, and in other cases to devise rules of their own; which could not with the same propriety be done in offices of record, even where the ancient forms were evidently liable to objection. In regard to the issuing of titlings or orders for warrants, it is a proceeding derived from the former government, and used in all cases in which the payment of money was required previous to issuing of warrants, namely those of original warrants, common or special, for vacant land. The chief agent was the person who formerly received the caution money, and issued those orders, agreeably to which the register of the land office granted warrants, reciting the payment and filing the order: the course and form are at present the same, the treasurer standing in place of the agent. He keeps a separate account of the money received in this and other ways for vacant or escheat land and the improvements thereon, distinctions which an officer less expert might have occasionally made to the board, and which would, of course, have led to a disclosure of the rules and usages of the office. It is not meant by all this to say that any great inconvenience has been sustained by the want of those instructions to the registers of the land office, which the governor and council were authorised to give; for the laws prescribe the substance, and the ancient and well considered usages govern the forms, of proceedings in that office; besides which, the power of the chancellor, (and on the Eastern Shore, of the judge of the land office,) may very well reach to every case that can require a special direction. In regard to surveyors I do not scruple to affirm that instructions absolutely new, and adapted to the new state of things under the present government, were and are extremely requisite, and that the omission of them has been owing to that general want of information concerning land affairs which it is the aim of the present undertaking to remove.