

that he did not do it for the benefit, or at the instance of the owner of the certificate. This places the business upon a principle and footing, so far as it goes, altogether new. Nevertheless, as the warrant continues to bear the former name; as its general nature is the same, being a warrant founded on a right, by survey, remaining incomplete for want of a compliance with prescribed requisites;—as it has, by its descriptive appellation, been subject to certain rules or usages of office, and as the former rules of the land office have been virtually sanctioned and confirmed by the legislature until superceded by those which may be ordained by the governor and council, I have ventured in the former part of this compilation to say that it is not, any more than those of simple survey, of resurvey, or of escheat, original in its kind; and it is for this reason that I was so particular in tracing the rise of proclamation warrants.

CHAPTER VIII.

OF ESCHEATS.

IT has been mentioned in the former book that the system of escheat had been retained by the state government, but with some change in the rule, as well as in the incidents attached to it. As all other doctrines and customs of feudal origin seem to have been dissipated by the mere principle and spirit of our revolution, without being expressly abolished, this is presumed to have been kept up only through a kind of necessity; for, under any government, property is liable for want of heirs, or claimants, in the remotest or most questionable degree, to be left without an owner. Land within the limits of a state, not owned or claimed by any individual, or body corporate, must be the general property of the state or community, and those who administer the supreme power of that state must have the right of disposing of it, without which it would become an object of scramble and force, reconcilable only to a state of nature. The legislature of Maryland had therefore a right, under any name, and in any form, to provide for exercising, or disposing of, the public right to land left without legal owners. I have already stated that land in the predicament understood by the term escheat was the first description of *public land* (as we may now call all that became vested in the state by means of the revolution and its attendant acts) on which the assembly thought fit to exercise a right of ownership; in doing this, they may be