

never had taken nor would take the benefit of the said survey—having returned no certificate of it &c. and prayed therefore new warrant for the said quantity of 150 acres—which was granted.”

LIBER W. C. No. 4. folio 331.

The warrant is supposed to have been returned to the office as soon as it was expended by the above mentioned survey, the other 400 acres having been applied to preceding surveys. The practice which this case discloses of the return of warrants to the Land Office, when fully executed or applied, was not in use in the latter period of the proprietary government.

By the following case it appears that the relinquishment of a survey, even before a certificate was returned, was a privilege not always allowed as a matter of course.

“ 27th Nov. 1680.—George Robins represented that he made a survey of three hundred acres but had not returned his certificate, the land proving to be within the lines of Robert Smith; he therefore prayed that the certificate might be “ set aside” and liberty given him to renew his warrant for the said quantity of 300 acres. Whereupon it was ordered that the surveyor who laid out the land should appear on the next council day, and that upon his testifying on oath the truth of what was alledged the prayer of the petitioner should be granted—no further proceeding in the matter is discovered.”

Council Book, C. B. folio 103.

*Proceedings in case of lost certificate.*

“ The mayor, recorder, &c. of the city of St. Mary's, by their petition to the governor, state that Robert Coger, deceased, had in his life time a parcel of land surveyed for him, containing one hundred acres, which by his last will he devised to the corporation of St. Mary's for a public purpose, but that Charles Boteler, by whom the survey was made, has lost the certificate of the same—They therefore pray that he may be directed to return another certificate of survey; that the same may be entered upon record notwithstanding that it is not returned in time, and that patent may issue to the petitioners for the use intended, &c.”

“ The prayer of the petition is granted, but the order issued in consequence is of the nature of a warrant for a new survey.”

LIBER No. 19, fol. 613. October 7th, 1677.

“ Robert Smith by his petition sets forth, that in the year 1676, he had two surveys made for him, and certificates there-