

individual, but for the use of the public; and so considered, the General Assembly, as "the trustees of the public," with a view to general convenience, made several reservations, which they declared should not be sold in the land office. *Land Ho. Assis.* 346. In England, it was formerly held, that the king, by virtue of his prerogative as sovereign, might give away or [dispose of, at his pleasure, any of the public property. But of late this pernicious prerogative has been considerably curtailed; and, in some instances, the prodigal grants of the king have been totally annulled, and the property resumed by Parliament for the public benefit. 4 *Iust.* 44; *Bac. Abr. tit. Prerogative, F, 2*; 1 *Plow. His. Ireland*, 177; *Smollett's His. Eng. ch. 6*. In Maryland the right of disposing of the public property, in all extraordinary cases, has devolved on the General Assembly; the executive branch of the government having been expressly prohibited from exercising any prerogative by virtue of any law of England. But although the Legislature may correct mistakes or dispense with any of the rules of the land office, so as to enable a *bona fide* purchaser to obtain a patent for the land intended to be bought by him; or may dispose of the public lands, in any way, for a good and valuable consideration, either as rewards to public benefactors, as to the soldiers of the Revolution, 1788, ch. 44, s. 20; or for the purpose of attaining some object of general utility. Yet I cannot concede, that they may, as the Lord Proprietary often did, give away the public lands, at pleasure, to their favorites, regardless of any benefit to the people. *Hepburn's Case, ante*, 97; 1745, ch. 9, s. 10; 1817, ch. 225; 1822, ch. 57; 1836, ch. 63. (d)

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(d) ROSS v. BLADEN.—The Judges of the Land Office to the Chancellor.—May it please your Excellency.—There having been a dispute in the land office of an uncommon and extraordinary nature, in which Thomas Bladen, Esq. and Doctor David Ross are the persons concerned, we take the liberty, in pursuance of his lordship's instructions, by which we are directed, in difficult and unprecedented cases, to desire your Excellency's advice and assistance, (*Land Ho. Assis.* 232, 234,) to submit to your Excellency, as Chancellor, a state of the case or matter depending before us together with our opinion, hoping you will be pleased to favor us with your Excellency's sentiments thereon.

On the 16th day of January, 1761, Doctor David Ross applied to us in usual form for warrants under the proclamation to resurvey, and be allowed the pre-emption of the following tracts of land, Wills' Town, Buck Lodge, Sugar Bottom, Turkey Flight, Prized, Lawrence, and Bigg Bottom, containing 2,254 acres, but as no certificates for those lands appeared to be returned or lodged in the office, which is essential to the issuing of a warrant under the proclamation, Mr. Ross petitioned for, and obtained special warrants to affect the lands aforesaid, having as your Excellency knows is usual, first paid the agent caution money for the same.

On the 16th day of May following, the undermentioned certificates were returned into the office, signed by Mr. Thomas Cressap, who was deputy surveyor of the county at the times these certificates respectively bear date,