

time, on pain of being thereafter debarred from obtaining their grants.—The special warrants here intended comprehend as well all kinds of warrants of resurvey as those original ones which were distinguished from *common* warrants only by being issued with locations. The penalty of the proclamation operates in respect to all escheat land and improvements not paid for within two years from its date; to all vacant land (with its improvements) added to former tracts, escheat or otherwise, upon resurveys; and to vacant cultivation, taken up, under primitive warrants, which by any means should not have been paid for at the time of taking these warrants, nor within two years as aforesaid. In all these cases of omission, and, notwithstanding full payment, if grants should not be taken out, the rights grounded upon the former warrant became void, the warrant itself annulled, and the discoverer had a preemptive right to the land. The second proclamation does nothing more than to invite attention to the other, except that it is more express upon the article of preemption. Both of these instruments, however, are inaccurate and confused, in their design as well as in their language. In the first one we find the object of it to be “the better establishing a more regular method of proceeding in relation to escheat and special warrants in the land office.” This evidently supposes a permanent regulation, to operate on escheat and special warrants thereafter to be issued as well as those already out, and yet by the letter of the proclamation future warrants and surveys were not within the scope of its operation. The same may be said of that of 1732 which speaks only of the forfeiture of those (incipient) rights which were then actually obtained; but a literal interpretation is what these instruments will not in any manner bear; for, the first, for example, requires a compliance with its directions within two years from the date, and the second enforces that compliance when it is five years too late for the purpose. The second Proclamation, moreover, dwells exclusively upon warrants of resurvey; whereas, by the recital which it makes of the former one, certificates returned under original special warrants are equally in contemplation, supposing them to contain land not paid for at the time of taking the warrants, or improvements thereon, if so paid for. These Proclamations must therefore not be construed too strictly; but, in conjunction with the instructions under which they were issued, and with the subsequent proclamation of 1733, must be understood to establish a rule, that persons not compounding on their surveys and taking out patents within two years from the date of the warrants should be subjected to the loss of their rights, in favour of the first discoverer; for the proclamation of 1725 was issued in obedience to express instructions from the