

der to shew how far they have been stretched or overlooked. To avoid, however, any imputation of concealment, I shall state a few of the strongest cases, from which it may be inferred that the records afford many others more or less questionable. A patent has, contrary to the rule that has been laid down, issued where the party had, in a resurvey, left out the only land originally mentioned in his warrant, other lands having been introduced by successive amendments. Patents have issued under warrants of escheat, and resurvey, on lands apparently different from those described in the warrants. Patents have issued where the certificate bore a date prior to that of the warrant,—and where an original did not appear on record. I speak here of single cases, and cannot undertake to judge whether the chancellor or register was overreached, or some consideration prevailed that does not now appear. But, contrary to an acknowledged principle, a patent has also been issued for the same land, and on the same certificate, on which a patent had already been passed, and was not vacated ; and this was done merely on the ground of a disagreement (in the courses) between the original patent and the certificate. I cite these cases to shew that in the great variety of circumstances to be found in the business of the land office, and the haste (owing to the importunity of the parties) with which it is sometimes transacted, it is possible for the most correct officers to overlook a rule, or to be mistaken in the circumstances of a particular case, and consequently that every thing that has been, in a single instance, done or permitted is not to be considered as matter of precedent.

When a patent is issued, the authority of the land office is understood to be at an end. The patent is recorded before it is delivered : the certificate remains in the office, with the assignments, if any, and the proofs, in case the patent has been ordered on petition, on which the order was founded, except that original papers, recorded in courts, and to which there are therefore permanent means of recurrence, may be withdrawn. The certificate is also recorded with its endorsements, and with the assignment, petition, and order, on which the patent may have been granted : and this, with the necessary entry in the margin of the warrant or warrants applied to the survey, terminates the matter.—Having brought the business of the land office, therefore, to its ultimate point, I shall close my undertaking with a few general remarks.

The legal effect of a patent is to transfer to the party in whose name it issues, either absolutely, or to the uses or trusts therein mentioned, all the right which the state possessed in the land which it describes, and no more. Consequently a patent does not avail against any prior and existing legal title, but it operates against any equitable title until it is vacated,