

or the equitable title becomes a legal one, by relation back to its origin. It has been stated heretofore that the title under a patent, when obtained, refers or relates back to the date of the certificate on which it is founded. This doctrine I understand to have been established by decisions in the late general court, and it appears to have been the ancient doctrine of the land office. It is true that, as a question, the land office has little to do with this matter; for it judges only of warrants and certificates; it grants patents, but does not annul or expound them, when granted. And therefore this is not mentioned as a rule of the office, but as a supposed principle of law applicable to questions of eldership, which may come into view in the land office, and sometimes influence its proceedings, but are not there decided. To return to the general effect of a patent, it is a *title*, so far as it enables a party to contend at law for the land which it conveys, and this is all that I shall venture to say upon the subject.

In adverting heretofore to resolutions of the general assembly, I promised to notice, in a future chapter, such of them as might relate to matters of general concern: but, several circumstances have concurred to prevent the full execution of what had been designed in this particular. I found the resolutions, on examination, so numerous, and relating to so great a variety of matters, that the space which I could have allotted for the purpose would have been insufficient for any considerable selection of them; and, another point was the difficulty of making any application of those authorities to my general subject of enquiry, namely, the established rules of the land office. It is needless for me to say that the rules of that office must bend to the authority of the legislature whenever, in cases of apparent hardship, or on any special ground of expediency, that authority is interposed. And, if it is also needless to state the fact, so universally known, that the legislature has granted particular relief in the greatest variety of instances, where the office itself was, under its prescribed limits of action, incompetent to afford any, it must be equally unnecessary to illustrate that fact by examples. There is, in short, no kind of relief, dispensation, or privilege, which the general assembly may not, in its discretion, rightfully extend, and few which it has not extended, to particular persons, on grounds appearing to merit its interference; and there can be no limit, even in reason and justice, to the exercise of this power, except that particular indulgences shall not destroy or affect any rights previously acquired under the laws, and the acknowledged rules of the office; which principle has I believe always been observed on those occasions. If, therefore, the legislature, for instance, by a resolution, directs a certificate to be received into the land office after the time