

land, was thought unequal, and detrimental to the proprietary's interest : It was objected to this privilege that some further act was necessary ; that is, some direction to the surveyor ; because, without direction as to the quantity of vacant land to be added he would not proceed to execute the warrant, whereas, on a special warrant he could act without further direction. This point appears to have been settled by the instructions of the board of revenue in 1768, by which the party lost his privilege under a warrant of resurvey unless he made a second location, by declaring his intention to the surveyor within eight months after the date of the warrant. Warrants of resurvey were therefore finally held, under this restriction, to bind all contiguous vacancy.

Escheat warrants had, in respect to vacancy, the general qualities of warrants of resurvey : they operated only on land which had been *both surveyed and patented* ; for, a right could not be deemed to revert or fall back to the proprietary where none had been granted, and a certificate unpatented vested no conclusive title in its owner. The person who first obtained this warrant had a preference, as it contained, in its body, a precise location.

Proclamation warrants could operate only on land which had been surveyed, but not patented :—they, also, had the usual privileges of warrants of resurvey, not of necessity, but because the proprietary for greater encouragement thought proper to attach those privileges to them. They could not be taken by or for the use of the person owning the certificate on which they were founded. All warrants were under the same rules as to the periods of execution, return, &c.

Common and special warrants were, by the long standing rules of the office, not to be exceeded : Where this was done, the certificate was void if done by the direction of the party ; if by the surveyor without direction, the certificate was to be amended. This rule, however, appears latterly not to have been strictly enforced, as, provision is made in the instructions of the board of revenue for the case of a warrant's being exceeded, by a direction that where it so happened a patent should not issue until the excess of the warrant was paid for. It is to be remarked that, with exception of the various conditional warrants, and warrants on credit, allowed at different periods to be issued, particularly for settling the frontier parts of the province, it was the system of the proprietary government that the caution on these warrants should be paid at the time of taking them out :—on warrants of resurvey, including those of escheat and proclamation, which were to affect an indeterminate quantity of vacant land, this could not be done, but the composition was to be paid on return of the certificates.