

antiquity, as must often have been the case with tracts sunk in resurveys.

The opinion which is understood to have been given by the late general court, that patented lands take their age from the date of the certificate, is countenanced by all that I observe in the ancient practice upon that subject, and although a patent should be vacated it does not perhaps follow that the effect once given to the certificate is withdrawn—At present the original patents are not vacated on resurveys, and consequently their age is left without dispute. Patents of confirmation also do not issue until the originals are patented, which they frequently are not when the warrants are taken out—These changes took place before the termination of the proprietary government, for nothing absolutely new has been introduced into the practice under the present one in these respects, but the usages above described were of so long standing as to require the notice that has been taken of them.

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#### ASSIGNMENT AND RENEWAL OF WARRANTS OF RESURVEY.

It does not appear that warrants of this kind could ever have been considered as conferring a right to take up vacant land, without the circumstance of contiguity, or some direct reference, to the land ordered to be resurveyed; and it follows that assignments of resurvey warrants cannot have been frequent; for, with the warrant, it would appear necessary to transfer the object on which it was to operate.—Warrants of resurvey were not only *special* in respect to location, but they had also a more special and adherent relation than original warrants to the persons to whom they were granted; for, any man possessed of *land rights*, might have a warrant located adjoining a given tract; but supposing the design to resurvey the same tract, none but the person owning, or entitled to, that land could have the warrant, or at least could avail himself of it.—Warrants of resurvey, therefore, were not assigned and bartered like primitive warrants; but the privilege of transferring them does not appear to have been withheld or contested. The ingenuity of land mongers, and the occasional pliability of the proprietary's officers, have concurred to produce particular cases tending to confound the original distinctions between the different kinds of warrants; but, it may be said with certainty that it never was the *practice* of the land office to authorize or permit the using a warrant of resurvey as a common or general warrant, further, than that by an abuse of the original license and intention, in regard to adjoining vacancy a person