

ing chapter, is what concerns the privileges and operation of the different kinds of warrants in respect of priority, preference, and location. The rise of precise location in special warrants of vacant cultivation is somewhat difficult to trace, from the insensible gradation to it from the loose or vague locations which these warrants originally contained : from the period, however, of the restoration of the government to the proprietary in 1715, special warrants appear to have been located in the office, with the same precision as they are at present, and with the same effect of binding the land therein specified from the operation of later warrants for the time that they were to continue in force.—The remarks that have been heretofore made upon the duration and renewal of warrants apply but to the early periods of the province, but the succeeding regulations in those and many other particulars may be traced in the instructions, &c. since inserted. The practice at large will be best explained by drawing it into a few general maxims, such as I believe were received and established in the latter period of the proprietary government.

It has been seen that there were five kinds of warrants exclusive of the warrant for surplus which had been discontinued : to wit, common warrants, special warrants of vacant cultivation, warrants of resurvey, escheat warrants, and warrants on the proclamation.

Common warrants could affect only such vacant land as was waste, uncultivated, and new in every respect : They could not, in strictness, affect land (though not cultivated or improved) which had ever been regularly surveyed : they received no location in the office, but were located by the surveyor, and bound the land from the date of such location.

Special warrants contained a location in the body of them, and therefore bound the land *instantly*, always supposing that the location was such as described the land intended in a manner (c) not to be easily mistaken, or applied equally to other land.

Warrants of resurvey were held also to contain a binding location in the body of them in respect to vacant land proposed to be added, though this doctrine, I learn from good authority, had been subject to doubt, and decided in various ways ; for, the privilege of binding, for a given term, from other surveys all the vacant land which might, by an extensive continuity, be deemed contiguous to the originals, while the party was not eventually obliged to take the whole of that

(c) I am not authorised to lay this down as an absolute rule, but it seems a natural and reasonable condition attending the privilege obtained by location, and from the general precision of locations under the former government I believe that such was the construction. It has been established by a decision under the present government.