ed and instructed to decide on location, it has not been deemed obligatory on him to do so in every case, but that he has been supposed at liberty, where constructions of law, and doubts as to fact, might arise, to refer questions of location to a court of law. This practice has been recognized and established in a variety of cases, in some of which the reasons for it are amply set forth. It has been considered that the chancellor, by admitting a caveat on the ground of the land's being included in a former patent, would not only undertake to decide that the course and termination of particular lines were clearly as contended by the caveator, but would put it out of the defendant's power to have the matter tried by a jury under the direction of a court of law: It has also been deemed, by the successive chancellors, improper to decide on a point of law which might afterwards, in any way, come before the judges of law, or to decide on a strongly contested and important fact;—on the ground that, on an ejectment being brought against the caveator by the person caveated, when the latter had obtained his patent, there would be matter proper for the consideration of both judges and jury, and that, if the result should be favourable to the caveator the patent would be of no avail. Another consideration has been the difficulty which the chancellor (supposing him the proper and sole judge of location) would find in deciding as to the running of particular tracts; and inasmuch as it appeared that the admission of a caveat would put an end to the dispute, without appeal, leaving the defendant no foundation for his title in an ejectment, and that the dismissal of a caveat, and allowing a patent, would put the parties in a condition to have the title tried by the proper and established tribunals, it seems to have been the general rule that, unless the caveator, who alledges that the land is contained in his grant, can support his allegation beyond a reasonable doubt, the matter shall be referred to a decision at law. If the chancellor was however clearly of opinion in favour of the caveator, he admitted the caveat notwithstanding all these considerations; but where the pretensions of a caveator rested on the ground aforesaid, of land originally included in his grant having been thrown out by the variation of the compass, the late chancellor has constantly refused to admit the plea without it was supported by some proof of the original runnings. This rule, and his reasons for it, are laid down in several adjudications, in which he observes that the legislature has established no principle relative to allowance for variation, or whereby to ascertain the original runnings in all cases; that it does not appear whether the chancellor is to fix the ratio in the land office; that although it be true that there is a continual variation changing the lines of every tract every year, and although it seems rea-