ance in any case would be inconsistent with the principles of justice, it has followed that there could be no allowance without proof of the original running of some one or more of the lines, whereby the allowance for all may be ascertained. It would then be strange if the chancellor knowing, or rather concluding from what is brought before him, that the grantee of an ancient patent could not establish his title before a jury, should, notwithstanding, admit a caveat on the principle that his title is good. The consequence of his so doing would be the keeping for ever vacant that land which a person has endeavoured to obtain in the usual way, and upon the usual terms, and which cannot be proved to have been before granted; the consequence, too, would be a diminution of the property of the state. So far for general principles. In the present instance we must believe it to have been the intent of the taker up of "Well done" to include the land now surveyed for George Scott: but there is equal reason to believe, that this intent has been frustrated by some error or mistake. For it requires an allowance of $2\frac{1}{2}$ degrees for about 29 years, to make the lines of "Well done" reach any part of the other tracts which it is alledged to have joined; and it appears that no allowance whatever will make the lines of "Well done" correspond with *their* lines. If the lines which are intended to reach another tract of land be too short, must not the consequence be this, that although the following lines may have the same length and direction with those of the other tract, there must be a slip or slipe between the two tracts?—In short, as there is in this case no proof whatever of the original running of "Well done;" and as the present running leaves out the land comprehended in Scott's certificate, the chancellor cannot do otherwise than dismiss the caveat and leave the parties, if they shall think proper to a contention at law.

The chancellor has delivered his opinion at large; because he considers this as a remarkable case, relative to variation, and because he wishes the principles on which he has determined it, to be well understood. On the same principles he has decided several other cases, which have come before him; and he deems it of importance that the constructions of the tribunal, which, alone, is appointed to expound a law be as well known as the law itself.

June 3d. 1793.

The chancellor having received an application from Charles Beatty for the rehearing of the caveat of Robert Peter against two certificates, returned in the name of the said Beatty, and the said application being made on the supposed