

vacancy intended to be secured by Peter, and lying as aforesaid between Plain dealing and Addition to Flint's discovery, and having claimed as vacancy a part of that which is proved by Prigg's plat and deposition to have been intended to be, and to have been actually secured by Peter, more than 30 years ago, the question was, whether or not the chancellor could think otherwise than that the land in dispute was originally comprehended within some one or more of the tracts of land belonging to the caveator. If he does not allow the caveat in the present instance, he must totally disregard the directions of the act of Nov. 1781, ch. 20. sec. 12 : and the intention of the legislature must be entirely frustrated. Had Peter, indeed, at the time of taking up of Success, been allowed to insert *calls*, the matter would have been placed beyond all doubt. Not being allowed so to do, it was impossible for him to do otherwise than he did to include in his survey of Success all the vacancy bounded by his four other tracts, unless he had thought proper to run the lines of Success into his other tract, and compound for land already belonging to him. He might, it is true, have taken out a warrant of resurvey on the 4 tracts ; and that would have been the most eligible method : but this he was not obliged to do, nor can it be material to enquire wherefore he did not pursue that method. In short, the chancellor having no shadow of doubt that the land in dispute has been granted to the caveator ; and the act of assembly being no less obligatory than any other law framed for the purpose of prescribing to him his duty ; and equity and good conscience being, in his opinion, clearly in favour of the caveator, the decree could not have been otherwise than it was.

CHARLES BEATTY }
 a } *In the Land-office June 10, 1793.*
 ORENDORF. }

AS a great number of cases of this kind are brought before the chancellor ; as there is no written law, from which the nature and operation of a special warrant may be fully known ; as the usage of the land-office, and the decisions of its judges, in a great measure, constitute the law ; the chancellor conceives it highly proper, on this occasion, to deliver his opinion at large. It is essential to the welfare of the people that not only the laws which affect liberty and life, but those also, which relate to property, should, in some manner be recorded, and not depend on memory and tradition.

For the purpose of laying the foundation of a patent for vacant land only, there have been provided two kinds of war-