

before the end of the time, was premature, and that the caveator being the first and only applicant after the time, is entitled to a preference. In so deciding, the chancellor by no means would have it understood that he supposes absolute verity to reside in either a warrant from the land office, or in the record thereof, made out (with great propriety) by the register.

at any time it shall be alledged that the date, or description of land, or any thing else contained in a warrant, hath been altered, the chancellor conceives that evidence may be admitted to support the allegation, and that if the allegation shall be thereby established, the warrant will be adjudged void, or amended, according to the circumstances of the case, and to the dictates of common sense and equity. In the present case it appears to the chancellor that a mistake was made by the register, in dating the warrant July 5th instead of June 26th. Whether or not that mistake could have been corrected, so as to prevent the warrant from continuing in force beyond the day when it ought to have expired, it is not material to examine. But certain it is, that, at the time of issuing the warrant, no individual citizen was legally interested in having the mistake corrected. None but the state, and Gilpin, had any kind of concern in the business; and, if a correction could have been made, the chancellor would certainly have been bound to take care that Gilpin should not suffer from the mistake. For instance, suppose the state's proper representative had, within the year, applied to the chancellor to correct the mistake, and Gilpin had not had notice thereof, so as to have his survey made, his certificate examined, and the land compounded on before the 27th of June 1795; can it be supposed that the chancellor would not have awarded a patent on a certificate of survey, made out and compounded on before the 6th of July following, there being only nine days difference between the actual and the proper date?—At the same time, the chancellor would not have it understood that, in no case, can a citizen suffer from the misconduct or mistake of an officer of the state. There is a plain material distinction between a case like the present, and a case in which a citizen, to effect his purpose, must procure something to be done within a limited time. For example—had Gilpin's warrant been dated, as it ought to have been, June 26, 1795, and he had immediately delivered it to the surveyor, from whose neglect, or mistaking July for June, a certificate was not made out, so that Gilpin could compound within the year. In such a case, Gilpin might inevitably have suffered from the misconduct, or mistake of the officer.

It has been said, very justly, by the caveator's counsel, that in the present instance, the caveator's case is within the express provisions of the law. Gilpin's warrant is dated July