

other person might obtain the vacancy on the same terms, by virtue of a proclamation warrant, so called because founded on a proclamation : If he, too, suffered the time to elapse, another person might obtain another proclamation warrant, and so on. The proclamation, I believe, is not on record in the land office.

By a regulation of the proprietary, if a person seized of a patented tract of land died intestate, without leaving heirs, the land was subject to an escheat warrant, and the person obtaining it was to pay for the land two thirds of the value. I know not whether or not this regulation is to be found on record. But our act of November 1781 provided for this warrant, as well as for a variety of other proceedings.

After the revolution, when the state succeeded to the rights of the proprietary, laws were passed, making some alterations, and particularly with respect to the time allowed for compounding. The warrant taken out on failure to compound still bears the name of a proclamation warrant : All the other warrants are in use. The rules prescribing the forms of them (if such rules there ever were) are perhaps not found on record. But, can it, at this time be said that there is no rule or known practice, or usage, concerning them ? The forms are actually in the office ; and indeed most of the usages and laws, as they are called, may also be found in the office, on searching the various decisions.

By the act of Nov. 1781, ch. 20, the land office was opened, and various rules prescribed. The chancellor is declared the judge to determine on all disputes ; and with respect to future surveys he was directed to determine according to the rules to be prescribed to certain officers by the governor and council, and with respect to former surveys he was directed to determine according to former rules. Here, then, the legislature has certainly created rules for the land office.

Say that those old or former rules were not on record ; the legislature, meaning something, must intend traditional rules, concerning which the chancellor was to decide, without appeal ; and therefore his decisions were not liable to be controverted or reversed in any manner by any other tribunal.

In the disputes coming before the chancellor, frequently there are points of law, independent of land office rules, which are brought into controversy. The chancellor, conscious that his power is invidious, has embraced every opportunity of referring an important litigated point of law to the general court, and every important litigated fact to the trial of a jury under the direction of the said court, reserving to himself the rightful power of determining on the rules, usage, and practice of the office.—In fact he has always done that in the land office which on similar occasions he has done in the