court of chancery. There was indeed, no positive law directing him to refer either law or fact to another tribunal: But, he made these references under the idea that *usage* and *practice*, as well as propriety required them. But, it is impossible for him to conceive, when no law, usage, or practice, authorises any other tribunal to controul his determination respecting a law, usage, or practice of the land office, that such a power ought now, without the interference of the legislature, to be assumed—He avers that his determination ought to be considered as conclusive with respect to the law, usage, or practice of the land office.

He avails himself of a favourable opportunity to offer his remarks to the general court, and he does so from a full persuasion that it his duty to assert and maintain the privileges vested in him by the constitution and the laws. It would undoubtedly appear strange, if, on the trial of a caveat, he should determine against the known decision of the general court and court of appeals; preferring arrogantly his opinion to theirs; and yet, if he should do so, the injured party would be wholly without redress. For instance, the owner of a certificate dies, leaving a will, under which A B claims. The true construction of the will has been settled by the general court, on an ejectment brought by A B for a patented tract devised to him, as well as was devised to him the certificate land in question. The court of appeals affirms the judgment. In such a case A B gains the patented tract by the decision of the general court, and by the chancellor's decision may lose other land which he is just as much entitled to. He is wholly without redress; because there is no appeal from the chancellor, and because there is no written law directing the chancellor to adopt the decision of the general court: But there is no danger of his losing the land, because the chancellor, without the written law, is well apprised of the usage or practice of referring to judges of law those points which are proper for their decision, and of preferring the verdict of a jury, on oral testimony, to his own judgment, on defective depositions.

The chancellor likewise presumes to avail himself of this opportunity of remonstrating against any court of law deciding on equity. He begs to remark on the advantage of keeping all departments in the administration of justice distinct and separate. It is the province of a court of law to determine in whom is the legal title to a tract of land; but, he humbly conceives that so long as a patent or deed is unvacated by the court of chancery, no court of law ought to determine that the legal title shall not avail because it was acquired contrary to the rules of equity, or of the land office. From the nature of things, it is impossible, after a great length of time for a