

ther has laid it down, not as a legitimate principle, I presume, for his subsequent reasoning shews that he does not intend it in that sense, but as a current and tolerated practice, that a person possessed of one acre of land warrant may upon that authority make a survey of any extent whatever; admitting at the same time that if such person's right should be questioned, or come in competition with a right acquired under an entire warrant, &c. it would stand on insecure ground. This is, perhaps, the best footing upon which the chancellor could place the matter, unless he undertook to controul and regulate it by his decisions; but it is not the footing upon which it ought to stand. I have stated, as a general rule in the ancient practice, that warrants were not to be exceeded. I am supported in this position by various authorities, and among the rest, by the instructions to surveyors, which directed as they do even at present, that a warrant should "*by no means*" be exceeded, except it were for the purpose of taking in all the vacancy lying between patented or surveyed lands. This shews that the privilege of surveying any quantity of vacant land whatever, even under an entire warrant, was not and is not recognized: for the present instructions are, in this article, copied verbatim from the former ones. I have stated that a survey, if it had exceeded the warrant, was to be annulled, or, if done without the direction of the party, to be corrected. In order that I may not seem to lay down mere dogmas, in a matter which subsequent practice has made so questionable, I will mention explicitly that this rule, in the positive form in which I have given it, is drawn from a small collection of notes concerning the practice of the land office, found in a book of precedents, &c. in the hand-writing of the late Thomas Jennings, esq. who had in his youth been a clerk in the land office. They refer, necessarily, to a late period of the provincial government: I have considered them, therefore, when corroborated, or not contradicted, by the records, as good authority relative to the practice, so far as they go. But, it has been acknowledged, on more certain, and I suppose later authority, viz. the instructions of 1768, that cases were contemplated in which a warrant might be exceeded, and patent still permitted to issue. In short, it never was, I believe, in the power of the proprietary government, consistent with its views in respect to the sale of vacant land, to prevent warrants from being in some degree exceeded; but the privilege of exceeding them at pleasure was never recognized. How then should it be understood at the present day, when no law or regulation sanctions it, that a person getting hold of the smallest particle of a warrant may proceed as if he had the most express authority for making a large survey? But,