

I affirm that there is nothing in the ancient practice or in the forms, laws, or regulations, old or new, that gives the smallest countenance to this procedure. The fair accommodation of the people, and the policy of the state, I agree, ought to be consulted without regard to the interest of persons holding public offices; but neither of these can be promoted by this kind of brokerage in land warrant. If persons are enabled at a small expence to procure what will serve for a number of surveys, they set to work as many others as they can find customers for the parts into which they split the original warrant. It is the interest of the state to sell its vacant land: but it has always been a matter of public policy to impose such terms as may keep the community in a state of quiet and security, in respect to their landed possessions, until an object is discovered sufficient in itself, in point of value and certainty, to attract the attention of some individual, without his being prompted by professed discoverers to embark in the business of surveying. A man obtaining a warrant, or what is equivalent to a warrant, for little or nothing, is encouraged to make an attempt in a doubtful case: He fails;—but his neighbour is disturbed; and put to expence, or at least to trouble, for which he obtains no recompense; for, the judge of the land office, who awards costs against the litigious adversary, cannot also decree damages. I have ventured here upon a delicate subject, and shall not pursue it further. The pecuniary interest of the office is, and ought to be, out of the question; but the means of keeping intelligible, full, and satisfactory records of the application of warrants, and of preserving a regular channel of evidence, whereby to derive titles from their sources, is a matter of consequence to an officer who desires to perform faithfully and efficiently his duty to the public; and this is rendered not merely difficult but impracticable by the abuses that have been here described.

Agreeably, then, to the existing regulation, the propriety and expediency of which could be shewn by a variety of reasons not advanced here, a special warrant cannot be *divided in the office*, by several distinct locations: but, it is not certain that these warrants do not continue to be divided by the surveyors, as an idea seems to prevail that what is confessedly unlawful in itself may nevertheless be done by way of experiment, and prosecuted to effect, provided that no person is interested to question the proceeding: accordingly, an instance might be adduced of a person's caveating a certificate

positive directions of the proprietary, and the standing rules of the office, was to be paid before obtaining the warrant. Clerks of the old land office, (I do not speak of the very latest period) have been openly in partnership with great land mongers. A legitimate rule or authorised practice is therefore not to be inferred from a few cases of any sort, in opposition to the *general practice*, under the former government.