

shore. It then gives a day of exclusive privilege or preemption to the owner of the certificate, "for" (obtaining) "*a proclamation to pay and compound on the same*" This does not mean complete payment and composition on the certificate, for in that case no *proclamation* as it is here called, would be necessary ; but it intends that the owner shall have one day in exclusion of other applicants, for obtaining a proclamation warrant on the terms before specified, that is, on paying one tenth of the composition due ; and so far as relates to the first instance of proclaiming a certificate this privilege of the owner is not disputable. But the practice has been for the owner, without making any return under his proclamation warrant, repeatedly to proclaim his original certificate, and in this case the day of preemption has also been allowed, but I think improperly ; for the law speaks of one day after the expiration of the *warrant* under which the survey or resurvey to be proclaimed shall have been returned : the party not having made a return under his proclamation warrant, the warrant referred to must be that under which the original survey or resurvey was made, and which in the second instance of proclaiming must have been a year past, instead of a day, out of force. The exclusive privilege then, in my judgment, does not attach to the owner of the old certificate, although he may like any other person proclaim it anew as soon as it is released from the operation of his former warrant. I have dwelt upon this point because every thing that regards preemption ought to be clearly understood, and to stand upon certain ground : but as the practice has been to allow the day of preemption in all cases, I think it proper also to state that it will so continue until the matter is regulated by competent authority. The point has been noticed here because it belongs to the subject proposed, to wit, the resources possessed by the holders of warrants, where they are not executed according to their tenor.

A further use to be made of warrants or parts of warrants remaining unexecuted is the applying them to the payment of composition due on certificates. The privileges allowed in this particular are considerable, but they are still under some restrictions. Warrant unexecuted will pay for composition, or rather for caution, due on vacant land surveyed and returned under common or special warrants, or warrants of resurvey ; and will serve for the final composition under a proclamation warrant, though not for the one tenth to be paid in the first instance. It will not pay for escheat land, nor, in any case, for improvements. The one tenth paid on taking out a proclamation warrant avails the party if he chuses in due time to make a return and pay the remaining nine tenths : but, if instead of this he lets his warrant run out of date, and