

obtained for it, and that warrant applied. For the purpose of the *application* here spoken of it is immaterial whether a warrant is in force or out of date. So far as money has been paid for primitive warrants, and the object is not in some way realized or made good, the claim subsists, and passes to assignees, heirs, or representatives, without limit. If the party desiring to apply unexecuted warrant offers what is sufficient for the whole composition due on a certificate, and there are no improvements returned, the transaction ends in the land office, without the certificate's being taken to the treasury. The warrants, or parts of warrants (for there is here no limit to assignments) are surrendered up and cancelled, and the application is made by endorsement on the certificate. If the application goes but in part towards the composition, the certificate is taken by the party to the treasurer, who receives what still remains due, and endorses his receipt. The preceding remarks are presumed to have shewn all that can be done with warrants not carried into execution, and also to contain all that remained to be said on the subject of composition.

The matter that next claims attention is the duty of surveyors in the execution of warrants ; but, of this I shall not speak much at large ; first, because I have already given a general account of those duties in stating the provisions of the laws on that head ; and secondly, because I am not sufficiently informed of the actual modes of proceeding adopted by those officers in cases where doubt or difficulty may arise, and should deem it unsafe to ground a set of absolute rules or maxims upon the letter of their instructions, which I have already stated to be in many points impracticable, and in others not duly observed. In general therefore I think it best to refer to the instructions themselves, which, though defective, are the authority from which the duties of surveyors are to be collected. One of the few articles of those instructions upon which I shall make any remark is that which directs what is to be done by a surveyor upon receipt of a common warrant ; to wit, that, besides the date of the warrant, the time of its being presented, the quantity it expresses, &c. he shall note, in a book to be kept for the purpose of those entries, the place at which the party obtaining such warrant locates the same. I will not suppose that this location must absolutely be made, or that, if made, it must necessarily be a precise one. A common warrant, however, cannot be executed without some direction to the surveyor concerning its location ; I presume therefore that a location of some kind is generally made upon depositing a common warrant with the surveyor, or at least, as soon as any entry of its receipt is made in his