

right to have it executed within a reasonable time after it is delivered for that purpose) this warrant must, for the same reason, be confined to the quantity which it expresses, and the privilege as to the rest will remain with the first warrant.

The privilege of warrants of resurvey extends, as I have frequently had occasion to observe, to all the vacant land contiguous to the original tracts or parts of tracts to be resurveyed, or rather to those which are actually resurveyed, for the practice admits of the surveyor's leaving out any part of the lands mentioned in the warrant, a reason being generally assigned for so doing; and the privilege, so far as it depended on the lands so left out, cannot be retained. With this reservation, the right to all adjoining vacancy is now held to be absolute, always supposing that it is not affected by prior locations, for, these even a warrant of resurvey cannot supercede. Warrants of escheat and of proclamation have, except as to amendment, exactly the same privileges as warrants of resurvey, for they are essentially of that nature. It is proper here to observe that, according to the form of an escheat warrant, it is not absolutely invalid if the land should be found to be escheat not by the death of the party therein named but of some other person, and at all events this circumstance is not to prevent its execution by the surveyor if the land itself be sufficiently described; but it is not for me to say how far the right acquired under a warrant in any degree defective might be sustained, on contest against a more perfect warrant, in favour of general expressions in the form. It must be acknowledged, however, that warrants of resurvey are generally issued in an imperfect form, in not reciting the dates &c. of the original grants; that this has been the practice for fifty or sixty years back, and that it has never to my knowledge been made a ground of objection to the resurvey. Frequently also, when parts of tracts are to be resurveyed, the quantities of those parts are not recited in the warrants. All this depends on the party, who may furnish the particulars so omitted, or direct searches for the dates and other circumstances of the originals, if he thinks proper. These omissions are supplied by the surveyor, by reference to the patents and other title papers, when he executes the warrant; and the blanks left in the record for that purpose are filled accordingly before patent of confirmation issues.

The exact practice of surveyors in ascertaining titles, previous to the execution of a warrant of resurvey or of escheat, I am not acquainted with. I presume however that they use all practicable means for that purpose. In former times titles were generally set forth at large in the petitions for warrants, and were accordingly recited in the warrants themselves. In more advanced periods the derivation of titles