

quired, produce your book of entries, and shew him that entry or location, if such demand be made at your house, or any other place where your book of entries shall be." And by the nineteenth article of the same set of rules, it is declared, that "you are not, after the receipt of these instructions, to suffer any person to run out the lines of or execute any warrant for you, unless an assistant properly qualified; and to prevent all disputes about the priority of entries, or locations of land, no assistant shall presume to receive or enter the location of any warrant whatever, that power being solely vested in the surveyor." *Land Hol. Ass.* 435.

These regulations appear to have been taken almost *verbatim* from those given to surveyors on the 5th of December, 1768. *Land Hol. Ass.* 284. And yet it seems to be admitted, notwithstanding they have been so long in force, that there has been **260** hitherto no adjudication in the *land office, or none now to be found there on questions arising out of any state of things similar to that presented by these caveats.

It was contended, on the part of the Railroad Company, that an assistant surveyor is only prohibited from receiving and entering the description of the location of a common warrant; but that he may receive the warrant and execute it without its being first delivered into the hands of the surveyor.

But it is clear, that all common warrants must be first lodged with the principal surveyor of the county before his assistant can be permitted to execute them in any way whatever. The second article explicitly requires four things to be entered and noted in the surveyor's book in all such cases. First, the time of receiving the warrant; second, the quantity of acres included therein; third, the date thereof; and fourth, at what place the person who obtains it locates the same. The three first of these notations are peremptorily required in all cases; but the last, it is evident, from its nature, and the express language of the rule itself, can only be made "when any person desires to locate a warrant." The restriction imposed upon assistant surveyors, by the nineteenth article, in the clearest terms, embraces all four of these notations; it is declared, that "no assistant shall presume to receive or enter the location of any warrant whatever." The one book in which all these entries are directed to be made, is to be kept by the surveyor; he alone, therefore, can make them, and produce that book to all other holders of warrants, who may come to have them entered and located on lands to which they may wish to acquire a right of pre-emption from that date, by giving and entering a special description of them. The obvious and expressly declared intention of these regulations is, "to prevent all disputes about the priority of entries or locations of land." But this object could not be attained, if the principal and assistant were each allowed to receive entries and locations, each of which was to be consid-