

And the surveyor further says, 'I certify, as surveyor of Allegany county, that I have carefully surveyed for and in the name of him, the said *William W. Hoyer*, all that tract or parcel of land lying and being in Allegany county aforesaid. Beginning about twelve feet south from an ancient elm tree, standing on the bank of the Potomac river,' &c. Thus going on to describe the lands which had been so specially located in the surveyor's book, by courses and distances, to be held by the name of *River's Bend*, which courses, distances, and quantity of the tract, called *River's Bend*, on comparison, appear to be precisely the same as those of the tract of land, called *Clara Fisher*; which conclusively shews, that those two names do not designate different tracts, but identically the same lands.

22d January, 1830.—BLAND, Chancellor.—These cross-caveats standing ready for hearing, and the solicitors of the parties having been fully heard, the proceedings were read and considered.

By the second article of the rules and orders of the 15th of April, 1782, for the direction of surveyors, it is declared, that 'upon receipt of any common warrant you are to note down in a book, to be kept by you for that purpose, the time of your receiving it, the quantity of acres included therein, the date thereof, and at what place, the person who obtains it, locates the same; and, when any other person desires to locate a warrant on land which some other person has already entered a warrant to affect, you shall, if required, 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.' (a)

These regulations appear to have been taken almost verbatim from those given to surveyors on the 5th of December, 1768. (b) And yet it seems to be admitted, notwithstanding they have been so long in force, that there has been hitherto no adjudication in the

---

(a) Land Hol. Ass. 435.—(b) Land Hol. Ass. 284.