

*Answer.* If asked whether such a case could exist, I would answer I knew of no such cases. The fact is, that I had, before the revolution, little opportunity of knowing proceedings in the land office, under the old government: the knowledge of former proceedings in the land office which I have since gained, has been from examination of the register, and of the records and papers in his possession.

*9th Question.* Has it not been the usage and practice of the land office, on the trial of a caveat, that the interest of the caveator should appear?

*10th Question.* On the hearing of a caveat, unless the caveator's interest in the land in dispute appears, has it not been the usage and practice of the land office to dismiss the caveat;

*Answer to the two preceding Questions.*

I positively say that there has been no such usage or practice:—that is to say, there is no rule under which a caveat must be dismissed merely because the caveator shews no interest. Where the caveator shews no interest, but shews a cause of caveat, the judge determines merely with attention to the interest of the state, or perhaps its officers.

*11th Question.* Has it ever been the practice of the land office, or was ever a certificate of resurvey vacated on the ground the person made the resurvey had no interest in the land resurveyed; or because the resurvey crossed elder tracts, when it appeared at the time of the resurvey, at the examination of the certificate, and at the payment of the money for the vacant land, no other person had obtained a warrant to affect the land included as vacancy? If so, in what instance?

*The Chancellor.* Not to be answered.

*12th Question.* Do you know of any usage or custom that directs the judge of the land office to vacate a certificate because a rule of the office has been violated, but the violation of which rule did not, and could not injure or impair the proprietary interest—and where is the same to be discovered?

*Answer.* I certainly do not know of such a rule; But I humbly protest against any general questions by which I may be entrapped. Suppose it alledged that the rule was laid down in such or such a particular case, or that a certificate was in such a case vacated merely on account of a violation of a rule, which did not injure or impair the proprietary's interest,—I might have been asked whether such a case existed.

*13th Question.* Was the interest of the proprietor injured or impaired by a resurvey having been made on a tract of land of which the person resurveying was not seized in fee, or was any other person's interest affected provided the whole