

two certificates, is he entitled by the laws and practice of the land office to two patents ?

*Answer.* I know not that I clearly understand the question. I can only say that a special warrant may be used as a common warrant, and two certificates may be returned under a common warrant. I suppose the question means a special warrant of vacant cultivation.

*8th Question.* Upon a warrant of resurvey, can the party by the rules of the land office return two certificates, one for the vacancy contiguous to the original, and the other for the vacancy separated by elder surveys ; and if he so does return them and pays the caution money in time for all the vacancy, and the certificate is caveated—is the party entitled by the rules and law of the land office to a patent for the land not contiguous to the original ?

*Answer.* Most assuredly not. Most wisely are different warrants instituted for different purposes. To secure the vacancy not contiguous, the party ought to have taken out either a common warrant or a special warrant. In no possible case can a warrant of resurvey be considered as a common warrant to affect land not contiguous to the tract or tracts to be resurveyed. It is perhaps worthy of consideration that on a survey under a common warrant, the owner could not, he was not allowed to comprehend more land than the quantity expressed by the warrant, and he paid for the land on taking out the warrant.

The warrant of resurvey was, at first, intended to give the party an opportunity of correcting his old patented tract or tracts, by leaving out &c. and inasmuch as it was the idea that his tract or tracts would be deficient, the warrant contained a liberty to add contiguous vacancy ; but on this warrant the party did not, as on the common warrant, pay for land—he had credit for two years for the vacancy added—this being the case, it is impossible that under the old government (or since) there shall have been a case where a warrant of resurvey has been construed as a common warrant, to affect land not contiguous.

*9th Question.* If a certificate on a warrant of resurvey is returned, in which vacant land is included not contiguous to the original, but separated by elder surveys, and the person returning the said certificate has paid the caution money for the land not contiguous to the original, and no patent has issued, and a man by a warrant taken out after the payment of the said caution money returns a certificate including the vacancy comprehended in the certificate of resurvey which is not contiguous to the original, and pays the caution money—

If the above facts appear to the judges of the land office, would not, by the laws of the land office, the former certifi-