

The duty of the examiner general is defined in very few words by the act of 1781, which directs his appointment: being simply, that he "shall examine, and pass or reject, any certificate delivered to him, agreeably to the former or future rules and directions, as the case may be." This follows the section in which it is directed that disputes in the land office arising on warrants issued on surveys made before the revolution, shall be decided by the chancellor according to the former rules, and those on new warrants or surveys according to the rules that may be established by the governor and council, and it has reference to that section, without which it would not be intelligible.—The examiner then when an old certificate or a certificate founded upon an old warrant was brought to him, was to act upon it as he supposed the examining officer of the proprietary would have done, and in respect to certificates founded on the warrants of the state, the old practice was to give way to the rules which might be prescribed by the executive. As far as I can learn, this distinction has been altogether nugatory; for, concerning the former practice of the examiner general, as to any particular principle to govern the passing or rejecting a certificate, further than what regarded its internal correctness and consistency, and its being apparently founded on a warrant in force, I do not find that any knowledge has been possessed in the examiner's office under the present government; and, as the duties of the examiner have not been regulated by the governor and council, he could only inform himself, by such means as might be within his reach, of the former rules and practice, and apply them indifferently to all cases, so far as there might be nothing in the acts of the state assembly to render them improper or inapplicable. Whether the practice in examining certificates has been derived from former precedents, or settled by the first examiner under the state government, according to his own idea of what was necessary to fulfil the design of his appointment, it is upon a footing that comprehends nothing whatever of principles, but merely secures the correctness of a certificate in respect to the agreement of its several statements, or component parts. The plot for example, must agree in the length and direction of its lines with the courses and distances expressed in the body of the certificate, and must contain within its area, according to the scale assumed, the quantity of land for which the certificate is returned, and the table of courses must be conformable to the rest; besides which, I presume that a certificate would not be passed if it appeared on the face of it to be founded on a warrant out of date; but I believe that nothing else is attended to, as it often happens that a certificate, passed and received into the office, is, at the expiration of