

sequent act of the same session, ch. 88, sec. 3, authorized to sell reserved lands, giving a preference to settlers? or is that preference to be given to the settlers on manors only?

Qu. 4. Admitting that there was fraud in obtaining the said purchase, and certificate to D, and admitting that A B and C are, notwithstanding, not entitled to patents, inasmuch as there was no fraud in the *sale itself* and no imposition on the state, is the said D entitled to a patent?

As there is no appeal from a decree in the land office; as the dispute above stated is extremely interesting to the caveators; as they have expressed a wish for the opinion of the general court; and as the chancellor, on all points of law, considers himself bound by the decision of that tribunal: he takes the liberty of requesting the judges to favour him with their opinion as speedily as their engagements and convenience will admit.

On considering the above case, we are of opinion, that as the power of determining the preference allowed by the act of 1784 to settlers on the reserve was vested in the intendant only, or in persons of his appointment, and no appeal or revision is given or intimated in the act, and the intendant having fully executed his power by the sale and contract with D; A B and C could acquire no interest by any contract with the agent afterwards.

TH: JOHNSON,
R. GOLDSBOROUGH.
J. TY: CHASE.

22 October, 1790.

Note.—The adjudication is not seen, but is presumed to have been conformable to the above opinion.

BASIL BROOKE
a
JOHN B. MAGRUDER. } *Caveat in the Land office.*

THE certificate and patent of a tract of land, called "Addition to Dickinson's choice," patented long ago, and now held by the caveator, has the 24th course expressed thus, "*S. 89 E. 312 ps. to the end of the 81st line of "Brooke grove,"* and then expresses several courses with certain distances, reversing as many courses and distances, or lines, of "Brooke grove"—It appears however, from a view of the certificates and plats, that the said course or line of the "Addition, &c." to reach the end of the 31st line of "Brooke grove," must run many degrees different from what is expressed, and the courses and distances afterwards expressed do not reverse any