

executive. They are officers charged and entrusted, *directly*, under the constitution and laws, with the care and administration of the land office, and the authority of the judges operates only upon cases in which there is, or may be, some dispute. In cases of actual dispute, the matter always comes before the judge in the form of a caveat, for every such dispute issues in the question whether a certificate, lying in the office, shall be admitted to patent or not. Where a case is merely doubtful in itself, or requires to be settled by the application of rules of law before it is acted upon in the office, the matter is presented to the judge by a petition: his order is given on the particular case, and the proceeding is conformable to it. I have however observed, in a former place, that the power of the judges may be construed to reach to any matter *requiring* a special direction, as not being embraced by any general instructions or rules, established by rightful authority. Among these, the late chancellor has considered the right and the mode of entering caveats, and has regulated them accordingly by *orders*, which, though not formally recorded, are minuted among the proceedings on caveat; are put up in the office for general information, and are there observed and obeyed. I presume that these orders, although they relate to caveats, which, from the moment of their being entered, are unquestionably under the sole direction of the judges, until finally disposed of, might be overruled by instructions from the executive: but it would be needless; as the judge, if he could not prevent the entry of a caveat, on an irregular application, might at least, dismiss such caveat immediately after it was entered; and it is, upon the whole, reasonable that the judge should regulate every thing that has relation to caveats. These remarks are made to explain the appearance of the two orders concerning the entry of caveats. They will be accompanied by some orders of a general nature respecting the *continuance* of caveats, which is a matter undoubtedly under the direction of the judges. These orders have spent their operation, but will serve as a specimen, to shew what may be done under special and extraordinary circumstances. As to particular orders, they are too numerous even to have admitted of a full examination. A selection of them would undoubtedly have been useful towards explaining the course of proceeding in trials in the land office; but the difficulty of making them intelligible when taken out of their places, and the impossibility of exhibiting any important case with all its attendant orders, returns, proofs, &c. have prevented me from publishing any thing but the final decrees, or rather a part of them, and the few orders abovementioned. An order of the governor and council, respecting location in special warrants, which will also appear at the end of this