

was settled under the proprietary government, and, upon principle, I am of opinion the decision was right.

3d *Question*. If the fact that the owner of a certificate of resurvey had no such original tract as entitled him to a resurvey, at any time before grant, is legally made known to the judge of the land office before grant issues on such certificate, is it or is it not sufficient to preclude the owner of such certificate from obtaining a grant upon the same?

Answer. The fact is, I conceive, sufficient to preclude the owner of the certificate from obtaining a grant on the same. [*See the last answer.*]

4th *Question*. If after the payment of the composition money upon such illegal certificate, and before patent, a warrant issues, and a certificate upon that warrant, including vacant lands before included in the first described illegal certificate, is regularly made, returned, and compounded on, will not the owner of that younger certificate be entitled to patent for the lands included therein upon the vacation of the elder illegal certificate.

Answer. Yes. It has always been by me considered as a settled rule that whatever has been done under an improper warrant is void;—that is to say, with respect to the younger certificate, matters were on the same footing as if the eldest had never been made.

5th *Question*. On the hearing of a caveat in the land office, if the certificate caveated is objectionable, and it should appear that the caveator has no interest in the land in question, is it the law of the land office that the caveat shall be dismissed notwithstanding the certificate caveated should appear to be defective?

Answer. No. *

6th *Question*. Have you always understood and considered these as the rules and regulations of the land office as well under the proprietary government as since the revolution?

Answer. I have understood then (I cannot say always) but ever since the points have been made and examined by me, to be rules under the proprietary government, and as such I consider them as rules under the present government. Most certainly, I consider them as rules to be observed by me in case, on caveat, the questions shall come before me. Some of the rules have, on caveats before me, been actually recognized;—others have not.

As to the 2d interrogatory, since I gave my answer, I have been referred to the case of Chapline and Reedy, in which I gave a decision which I conceive may be considered as a case in point.