

*Additional answers of Alexander Contee Hanson to the Defendant's first 6 interrogatories.*

1st. If there be no caveat, or known objection to a certificate of resurvey, the owner, of course, obtains in due time a patent. If there be a caveat, he cannot obtain a patent unless he can shew himself in some way entitled to the tract or tracts on which the warrant issued. As to the term "seized" I know not well what to say; and lawyers may differ as to its import. I give this answer in addition to my former answer; and it is suggested by an interrogatory on the part of the plaintiff.

2nd. The want of seizin or title to the land resurveyed I conceive is a good ground to vacate a resurvey. There has indeed been no decision that I recollect, in my time, where a caveat against a certificate of resurvey has been ruled good on the ground of no seizin or title in the owner. But possibly the register may recollect such a decision. I have understood that the question was settled under the proprietary government, and, upon principle, I am satisfied the decision was right. At least I consider it as an established rule that the owner, on caveat, must shew seizin or title, or lose the benefit of his resurvey.

3d. The fact stated, I conceive sufficient to preclude the owner of the certificate from a grant on the certificate.

4th. In this case, I am satisfied there has been a decision, and I have always considered it as a settled rule that whatever has been done under an improper warrant, or under the pretext of a warrant not authorising it, is to be held, on caveat, void; that is to say the younger certificate is on the same footing as if the elder certificate had never been made. To illustrate this I state a case—A takes out a special warrant, describing the land so as to designate his intent with respect to beginning: The land he surveys is divided into two distinct parts by an elder tract: Afterwards B surveys the part so cut off from the beginning. B shall obtain a patent, notwithstanding the land has been before surveyed.

5th. No. There is no such law or practice of the land office—Nor is it the absolute rule that the caveat shall be admitted. Circumstances have always governed me. If the caveator has no interest, I consider the interest of the state, and the rules of the office. If neither that interest is affected nor wholesome rules violated, such as that 2 distinct tracts shall not be contained in one patent, unless in particular cases &c. &c. I dismiss the caveat.

6th. No additional answer.

7th *Question.* Upon a special warrant, if there is vacancy not contiguous, and the party makes two surveys and returns