

3d *Question*. If it appeared to the judges of the land office, on such caveat as is mentioned in the second question, that the person claiming under the second certificate had paid up the caution money and complied with other requisites, would he by the general usage and practice of the land office be entitled to patent for the vacancy, on vacating the first certificate?

*Answer*. Yes.

4th. If the first certificate alluded to in the second question was vacated, would or would not the party claiming under the said certificate be entitled to receive as much land warrant as would be equal to the amount of the caution money paid?

*Answer*. Yes.

5th *Question*. When did the proprietary order pass directing that certificates returned to the land office should lie a certain time in the office before they were patented, to afford an opportunity of filing caveats? and what was the time they were so to lie? Was it, or was it not before that order, customary to grant patents upon a certificate examined, passed, and compounded upon as soon as it came into the office, if applied for?

*Answer*. The instruction was given in written rules by the board of revenue of the proprietary in the year 1768, for certificates laying in the office three months. It generally, was not the rule, he thinks, to issue patents immediately on the certificates being returned, but to lay some short time, though in some cases they might have issued. This, however, his age and short acquaintance with the office at that time enables him to say little about.

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Having obtained the indulgence of the court to answer the interrogatories at leisure, I have revised the answers given before I left court, and have in some respects added to them, conceiving that it was the intention of the counsel to obtain the fullest information in the power of the chancellor and the register to give them, the chancellor, after finishing his answers, communicated them to the register, who has fully concurred with him. Perhaps, indeed, that gentleman, whose intelligence, correctness, and integrity are well known, might have given all the information which is contained in the answers of the chancellor. The concurring testimony of both, it is to be supposed will be considered as satisfactory evidence of the laws, or usages, or practices, of the land office, so far as they declare laws and practices to exist.

The chancellor considers himself justified and even called upon by his duty, to endeavor to refute a position which he