

from the original patents, necessarily became more difficult, or at least more lengthy, and probably upon that account it was dropped in the office. By instructions heretofore inserted, the surveyors were authorised to resurvey parts of tracts upon the evidence of conveyances; and these are, of course, the evidence on which they must still act. Upon the whole, I suppose that the surveyors satisfy themselves that the titles exist, as set forth in the warrants, and that they are not bound to execute a warrant containing a palpable misrepresentation in this particular. In regard to parts of tracts there is certainly something amiss relative to the making good deficiency, as it can only have been intended to guaranty the quantities of the original tracts, and a part may be deficient of the quantity expressed in the deed without the whole tract's being so. This however is a subject upon which I do not think proper to enlarge; and being so imperfectly informed as I am concerning the real methods of proceeding of the surveyors in reference to the interest of the state, and indeed in the execution of their duties generally, further than may be inferred from their instructions, I shall here close this particular head of enquiry, although a multitude of points may arise, in the execution of warrants, which it would be proper to examine if I could with entire confidence state either what the practice is, or what, as the instructions now stand, it ought to be.

What concerns the return of certificates has been sufficiently explained. When a certificate is in the office it lies six months, after being compounded on, open to objection by caveat. A caveat, however, it is well to repeat here, may be entered before return; in which case, it is directed against a certain survey, made or supposed to be made under a given warrant; but caveats in this way are not common, because the party by such anticipation shortens the effectual duration of his caveat, which, in every case, is confined to a twelve-month from the time of entry; unless the judge of the office, under special circumstances, gives it a further continuance. In the case abovementioned a provisional entry is made by the register in the margin of the warrant; and no order, according to the general practice, is taken for trial until the return.

When a certificate is in the office, as before mentioned, a caveat is upon application, or on the ground of the previous memorandum, entered in form in the docket of the office, and endorsed on the certificate, which from that time becomes incapable of being patented, to any other person whatever, until the caveat is disposed of by the judge, or expires by law. It is not necessary, nor very common, to assign the particular cause of caveat at the time of entry, but it may be done, at the pleasure of the party.