

his deputies involved some responsibility for their conduct and the correctness of their work. There is no (*r*) evidence, however, of a regular and distinct provision for the examination of Certificates until the year 1685 when the Office of Examiner was annexed in the person of Thomas Taillor to that of Deputy Surveyor General and his duties defined. Previous to this appointment, and at the period at which the Land Office received a new and distinct organization the Surveyor General's approbation is expressed at the bottom of the Certificates, which implies an examination. On this subject further remarks will hereafter occur.

There does not appear to have been for several years any rule requiring Certificates to lie a certain time in the office before they could be patented. The only object of regulations on that head being to give time for *Caveats* by those who might have some cause to alledge against the issuing of the grants, there could have been but small occasion for such a rule while all surveys were recent and their lines designated by visible boundaries, so that any trespass on elder tracts might with ease be avoided. Where any particular reason existed for stopping the issue of grants it was done by a special order from the Governor, as in the case of a surveyor concerning whose conduct some suspicion was entertained, and on whose certificates the Secretary was forbidden to issue Patents until further orders. But with such exceptions as these, grants were passed, as a matter of course, on the return of the Certificates unless *Caveats* were previously entered against it. As to these, they arose not from any particular regulation, but from the nature of the object, to which this proceeding and no other was adapted; for, until the Proprietary's title had been passed by Patent, interfering claims could not be brought before the courts of law, as on the contrary after Patent the (*s*) courts were the proper tribunals for decision. A person, therefore, apprized of a Survey or a Warrant affecting his rights, and representing the

(*r*) That is to say, no commission is found; but *Robert Jones* and *Clement Hill* had before this, in succession, been charged, as Deputy Surveyors General, with the examination of Certificates, for which particular purpose it seems likely that the office of Deputy Surveyor General was created. It was upon Mr. Hill's being appointed to a superiour station, that the Surveyor General moved in Council for the appointment of an *Examiner General* and the manner in which he described the duties proposed to be attached to that office shewed that they had never been defined.

(*s*) This is stated as a general rule, and at the present day it is a settled principle that the operations and jurisdiction of the Land Office cease in all respects, after Patent has been issued: but it must be owned that the Proprietary Government did not always respect this principle, Patents being often annulled without any judicial decision.