

which a common warrant could affect, and the warrant in this case may, therefore, be regarded as possessing the qualities of a common warrant. In this view, the holder of this warrant might be entitled to a patent for the land included in this survey, but that it appears by the plat returned under the order of the 19th of June last, that nearly all the land included in his survey has been previously granted, and as the state will never knowingly grant the same land a second time, the *caveat* filed in this case must be ruled good.

THOS. S. ALEXANDER, for the Caveator.

NELSON BAKER AND GEORGE SMITH vs. HENRY NAYLOR.	}	LAND OFFICE, 18TH OF JANUARY, 1851.
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[PRACTICE IN THE LAND OFFICE.]

A CERTIFICATE of survey embraced several lots contiguous to each other, but upon a caveat it was admitted, that two of these lots belonged to another party, by the intervention of which, the contiguity of the others was destroyed. HELD—That the certificate may be corrected, so as to exclude from the survey certain lots separated from the others by this intervention.

[A certificate of survey granted to Henry Naylor, upon an escheat warrant, embraced seven contiguous soldiers lots in Alleghany county, numbered 1121, 1122, 1131, 1132, 1134, 1920 and 1923, and was caveated by Baker & Smith. It was admitted that Smith had title to lots 1132 and 1923, at the time of the issuing of the warrant, and that these two lots destroyed the contiguity of the others. Naylor then asked leave to have his certificate amended, so as to embrace lots 1121, 1122 and 1131. Upon this question the Chancellor delivered the following opinion and order.]

THE CHANCELLOR:

In this case it is manifest and is conceded, that the *caveat* of