

jury under the direction of the court, to determine safely that a patent was obtained contrary to equity, as well as against the rules of the land office. He could mention cases where there have been awards by himself with *strict propriety*, patents, which on examination by a court and jury 20 years hence, will appear contrary to the rules of the office, and against equity. They have been awarded on a compromise between the parties, recommended by himself, not appearing on record, and where the agreement is not reduced to writing.

I entreat the honourable court to pardon the freedom I take in exceeding the bounds allowed to a witness, and in speaking as chancellor and witness combined.

I trust that either the information I have given by my answers will be satisfactory, or that it will be concluded that no other information can be properly obtained from me. When requested to appear as a witness, I supposed that I should be examined only respecting the settled rules of the land office, and that no other object was in view but to obtain information respecting the law, usages, or practice in the said office. I ought indeed to have reflected on the nature of each question, and the result of my answer, before I answered it. When I asked leave to retire, in order that I might better answer the interrogatories proposed, it had struck me that probably several of the interrogatories were improper to be answered at all, and that I had improperly given answers already. It must strike the court that if I were obliged to answer every interrogatory the counsel might propose, it would be in their power to obtain my opinion on points not relevant to the cause, but of importance in cases depending in the land office or elsewhere, and that I might commit myself by premature opinions. I recollect that whilst I was before the court, the chief justice suggested, as I understood, that it ought to be at the chancellor's discretion to answer or not answer interrogatories proposed to him. This idea was certainly just, and becoming the chief justice, and it ought to have struck me before. It cannot surely be in the power of parties or their counsel, by summoning a judge of any court whatever as a witness, to draw from him his legal opinion on points of importance to causes depending before him. Perhaps I have already answered too fully to the interrogatories proposed:—But, now, being fully on my guard, which I was not when I appeared before the court in a most unusual situation on Saturday last, I beg leave to suggest to the court that a witness, in every case whatever, is bound to depose only as to matters of fact. What has heretofore been settled as a rule in the land office, or what decision, heretofore, has been given in that office, may be properly consider-