diate children who may have died before the father: in short all the heirs, agreeably to the law of descents, existing at the death of the owner of the certificate, and noticing the subsequent death of either of these, and the fact of such last mentioned person's having died intestate or otherwise: and these particular statements must be accompanied by an express declaration that the persons described as heirs are the *only heirs* of the party in whose name the certificate stands, so far as the deponents know or believe. On the authenticity and validity of those proofs, and their effect in relation to the parties entitled, as well as the several interests of those parties, the judge is to determine, and to pass the title of the state accordingly. The ways in which this is done are too various to admit of being particularized, nor can I pretend to point out the exact circumstances under which patents may issue to executors, (*d*) administrators, or other persons, in trust &c. I shall only observe that it is a general maxim that there must be some means of conveying the state's title to vacant land which has been regularly surveyed and compounded on, and that where difficulties exist as to the persons really entitled, or their respective interests, the judge of the land office directs a patent to any uses, and under any trusts or limitations, that the case may require. In some instances the interests of different parties are specified; in others, patent is issued to the uses, generally, of a will therein recited; and where the validity of a will has been considered doubtful, patent has issued to the uses mentioned in such will *conditionally* that it was a valid one, and if not, to the heirs, as tenants in common. As to other, extreme, and perhaps irregular cases, it can answer no good purpose to notice them. There is perhaps no general rule of the office that has not been strained in particular instances, in favour of the principle of equity, the intention of parties, or a supposed necessity of disposing in some way of a certificate lying under perplexed and extraordinary circumstances. It is not, indeed, for a register of the land office (for I write in that character, and under a due sense of the fidelity in statement which it imposes on me) to determine absolutely upon what ought to be adduced as matter of precedent, and what ought not. But it seems idle to lay down particular rules, supported by general practice, and the most authentic testimony, and then to adduce particular cases in or-

(*d*) I take this occasion to mention what has by some means been omitted in its proper place; to wit, that common warrant not executed or located is by law among *assets* in the hands of an executor or administrator, for the payment of debts. Located warrant, and, *á fortiori*, warrant executed and certificates returned, are, on the contrary, (in what exact manner or degree I shall not venture to say) considered as pertaining to real estate and certificates compounded on, and ready for patent, are decidedly of that nature.