

ificate has already been patented to another, he cannot possibly do otherwise than decide in the caveator's favour. Besides, it appears more reasonable that the patentee should be quieted in the possession of that which the chancellor conceives has been granted to him, than to afford a chance to him whom the chancellor conceives to have no colour of right; who never was in possession of the thing he contends for, and who appears to have made his survey upon mere speculation.

The chancellor has given his opinion thus at large, because the principles of his determination are not obvious, and because he wished to lay down those principles for the purpose of preventing trouble and expence to land-holders in future.

It is therefore, this eighth day of January 1791, adjudged that the caveat of Basil Brooke against John B. Magruder's certificate of *the Meadows*, 119 $\frac{1}{4}$ acres, be ruled good.

JOSEPH BLOUNT }
 a } *Caveat in the Land office.*
 WM. PINDER. }

THE defendant is seized of a part of each of the tracts of land, called Bishopton, and Collins's lot; which tracts lie contiguous to each other, and which parts are supposed also contiguous to each other:—Being desirous of having his said parts included in one survey, and of adding some adjoining vacancy, he applies to the register of the E. shore for a warrant of resurvey, and obtains a warrant to resurvey "*a tract of land called Bishopton and Collins's lot.*" A certificate of resurvey is returned, and the surveyor certifies, that he has included the defendant's parts of Bishopton and Collins's lot, and has added adjoining vacancy: It appears, by the plat, that the said parts do not lie contiguous to each other, but that they are connected by the vacancy, or, in other words, that the whole survey contains only one body of land.

Against the said defendant's obtaining a patent on his certificate are stated several objections:

1. That there is no tract of land called *Bishopton and Collins's lot*; that from a warrant ought with certainty to appear the vacancy intended to be thereby taken, in order that no person may be deceived or prevented from applying for vacancy; that, the vacancy included in this certificate lies contiguous to a tract of land belonging to the caveator, and he has actually included it in a resurvey:—

2. That, even supposing the defendant's warrant to be construed, justly, a warrant to resurvey *a tract of land called Bishopton*, and also a tract of land called *Collins's lot*, inasmuch as the defendant is seized of only parts of these two tracts,