

caveator claims, the chancellor considers as done. A mistake of the officer which is apparent on the face of the papers ought not to affect the party. The equity of the case is clearly on his side, and the caveator has nothing to complain of. At the time of the caveator's obtaining his warrant, Z P had made his surveys; and, at the time of the caveator's making his survey, Z P had fully compounded;—and before Z P had made his surveys the caveator had done nothing to obtain a title.

It is thereupon adjudged and ordered, that the caveat of Nathan Prather be dismissed, and that no patent issue on the certificate of "Nathan's meadow enlarged," unless it be first corrected by excluding those parts which are contained in the certificates of "Lucky discovery" and "Prather's chance."

WILLIAM HOFFMAN	}	<i>Caveat in the Land-office agt. Joseph Walker's certificate of a tract of land called</i>
JOSEPH WALKER		

The defendant admits that his certificate comprehends part of the caveator's patented tract called "Grubby thicket." This being the case there can be no dispute in *this office*; it being an invariable rule that so long as a patent remains in force, no part of the land therein contained shall designedly be patented to another person.

The caveat is admitted and ruled good, and if the defendant thinks proper, he may have an order for correcting his certificate, by excluding such part thereof as is contained in the aforesaid tract of land called Grubby Thicket.

December 8th, 1797.

ANDREW, ISSACHAR, and MAHLON SCHOLFIELD	}	<i>In the Land-office, Dec. 23, 1797.</i>
THOMAS BEALL of George.		

Two certificates belonging to the defendant are caveated, viz. Prospect Valley, and the resurvey on Prospect Valley, called Mount Vernon. The said resurvey, it seems, was made agreeably to the ancient practice of this office, which allows a person, before patent, to take a warrant of resurvey on a certificate on which no composition money remains due. The ground of the caveat is that Prospect Valley, by running across the "Great Fall branch" an elder tract, contains in truth two separate unconnected tracts, contrary to an established rule. There is no doubt that Prospect Valley is, on